Sophisticated Behavior and Speakership Elections:
The Elections of 1849 and 1855–56

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I. Introduction

The formation of enduring policy coalitions is one of the most important topics in the study of democratic government. Understanding how groups of individuals who disagree about public policy nonetheless join together in common cause is important both positively and normatively. Understanding why some coalitions form and not others can help provide leverage in explaining why some policies are enacted and not others. In addition, successful coalition formation helps to manage conflict in a complex society. Therefore understanding why some regimes, and not others, are able to form enduring coalitions helps us to understand how best to design democratic institutions so that its citizens can reap the benefits of stability.

In this age of tightly scripted national nominating conventions, it is easy to forget that during the first half of American history the formation of enduring policy coalitions at the national level was taken for granted by no one. And, in this age in which the organization of the House of Representatives follows immediately, and uncontroversially, from the November elections to the January convening of

Congress, it is also easy to forget that the organization of the House—more precisely, the election of the Speaker—was a critical moment in the regular re-formation of national coalitions.

The empirical topic of this paper is the struggle over the election of the Speaker in the two decades preceding the Civil War. It was a time when the two major parties, the Democrats and Whigs, sought to create cohesive national organizations dedicated to particular visions of economic development. Yet these parties were coalitions of factions that disagreed strongly about an important cross-cutting issue of the day, slavery. The biennial election of the Speaker provided a highly visible moment when the durability of these partisan coalitions was tested. Here we focus on two cases where the test was so severe that a majority of the House decided to allow a Speaker to be elected who did not enjoy majority support in the chamber—in the 31st and 34th Congresses (1849 and 1855–56, respectively).

In framing our analysis of these two Congresses, we suggest that the election of the House Speaker, and perhaps partisan organization of legislatures more generally, shares an important characteristic with sophisticated voting. Sophisticated voting typically refers to the willingness of a legislator to vote against his or her more preferred alternative at an intermediate stage of a voting agenda, in order to avoid a highly undesirable outcome at the final stage. In the purely partisan election of a Speaker—such as almost all modern elections—this requires members of the "out" faction of the party to suppress the desire to support one of their own when the roll is called, in order to avoid an even worse outcome, which might include the organization of the House by the opposition, or the failure to organize at all.

Most treatments of sophisticated voting proceed assuming that legislative actors care only about policy, and that they determine their voting strategies based on estimates of policy outcomes. A small literature has emerged to explore the question of why some legislators, but not others, hew to the logic of sophisticated voting. The best-known of this literature is Denzau, Riker, and Shepsle (1985), who argue that the willingness of legislators to follow the sophisticated logic depends on the electoral consequences of following the logic.[1] Legislators act in both a policy and an electoral environment. Although legislators themselves may be sophisticated (in the common use of the word) actors, the voters to whom they appeal for electoral support are not. Therefore legislators who would have a harder time explaining their *vote* than explaining the *policy outcome* will vote sincerely, even to the clear detriment of desired policy.

We argue that the logic of the Second Party System led the congressional wings of the national parties to develop mechanisms to minimize the conflict between Fahrquharson and Fenno, that is, to minimize the divisive pull of slavery on the system, and to maximize attention on the "economic dimension." In the first half of the Second Party System the primary mechanism was the secret ballot for Speaker, which kept House members who came from anti-slavery constituencies from having to take a public stance in favor of his party's pro-slavery speakership candidate (or vice versa). When outside political pressure led the House to make the vote for Speaker public, the parties shifted to a two-part strategy: First, nominate a "slavery moderate" to minimize position-taking tensions. Second, hope that the speakership choice remains a low-salience event.

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1. For other treatments, see Bianco (1994) and Jenkins and Munger (1999).

The two cases we focus on are instances when the second half of this two-part strategy broke down, due to the heightened salience of slavery that worked its way into the electorate and into the attention of the press. In both Congresses, no party had a majority. And in each Congress the balance of power was held by a party with an extreme view on slavery. This heightened the awareness among the public of the speakership choice, making it virtually impossible for numerically-small minority elements of the two major party caucuses to support the regular party candidates, lest they invite the wrath of their constituents who cared most about slavery.

The remainder of this paper is organized as follows. In Section II we discuss in some more detail the connection between sophisticated behavior and speakership elections. In Section III we summarize speakership selection during the Second Party System. In Section IV we focus on the two particular cases of our analysis, the 31st and 34th Congress's speakership elections. In Section V we conclude with some comments about further directions of this research.

II. Sophisticated Behavior and Speakership Elections

The notion that politicians behave in a strategic or sophisticated way has been a standard element of the rational choice paradigm for quite some time. As utility-maximizing actors, politicians will sometimes alter their voting behavior and change voting agendas to increase the likelihood of achieving their most-preferred outcomes.

Sophisticated *voting* refers to the way that actors (voters) react to a given binary voting agenda. A sophisticated voter is anticipatory (or forward-looking), in that he or she focuses on outcomes at the end of the game tree, rather than alternatives at any intermediate stage in the agenda.

As a result, sophisticated voters will often vote for alternatives early in the agenda that they do not immediately prefer in order to "follow the path" to their most preferred outcome (Farquharson 1969; McKelvey and Niemi 1978). Sophisticated *agenda setting* refers to the manipulation of alternatives under consideration by the agenda setter prior to the voting stage. The placement of alternatives within the agenda—whether early or late, and in consideration against other alternatives in given stages—will have an impact on the eventual outcome achieved *when voters vote sincerely*, that is, when voters select their most preferred alternative at *each* stage of the agenda. Moreover, the decision regarding which choices will be actual *alternatives* also falls within the rubric of agenda setting. An issue that could potentially beat all other issues is moot until it is actually placed on the agenda (Levine and Plott 1977; Plott and Levine 1978).[2]

Applying this binary-choice logic to the case at hand, our contention is that speakership elections generally—and particularly during the Second Party System—are determined by a form of sophisticated agenda control. During periods of two-party government, party institutions, and the party leaders who manage them, serve as effective agenda setters. Decisions regarding whom the party's speakership candidate will be are traditionally made in caucus, prior to the speakership election. Party members are allowed to fight it out behind closed doors until a candidate is selected, after which *all* members are expected to fall in line behind the given nominee. Thus, speakership elections usually boil down to a choice of two candidates along a basic partisan dimension,[3] with voters selecting their

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2. See Ordeshook (1986) for a more extensive review of the literatures on agenda setting and sophisticated voting. Manipulation of the issue space itself may also be considered under the rubric of sophisticated voting, although the term "heresthetics" tends to be applied to this practice (Riker 1986).

3. This is similar to Poole and Rosenthal's (1997, pp. 35, 46) explanation for the their low-dimensionality results in Congressional roll-call voting. They argue that majority party leaders manipulate the voting

party's nominee and the winner emerging (rather deterministically) from the majority coalition on the first ballot.

Speakership elections during the Second Party System were a case in point. Both the Whigs and Democrats used a caucus system to select candidates, and in cases when one party had a clear advantage, speakership elections were decided on the first ballot.[4] One reason for the efficiency of the selection process had to do with the makeup of the two parties. Both the Whigs and Democrats were interregional coalitions with members from both the North and South (Potter 1976; Martis 1989). Thus an issue like slavery, which could drive a wedge between such sectional alliances, was a very real danger to the health of each party. As such, both Democratic and Whig party leaders prevented slavery from being a criterion in the selection of a speakership candidate by emphasizing the need to choose policy moderates in caucus. Consequently, speakership elections would be decided along a basic partisan dimension. This was but one way in which parties served as "solutions" to various collective action and collective choice problems during the early- to mid-19th Century.[5]

At times, however, the speakership selection process did not run smoothly. This was especially apparent in the latter part of the Second Party System, when the slavery issue altered partisan dynamics. Third parties emerged—first the Free Soilers in the late 1840s, then the Know Nothings in the middle 1850s—to threaten the "two-party equilibrium" that had developed in speakership elections.

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agenda to include only those issues that separate their party members from the opposing party's members.

4. When one party did not have a clear advantage, disputes often spilled over onto the floor, and speakership elections required additional ballots. These cases are detailed in the following section.

5. See Aldrich (1995) for other examples.

Sometimes this meant the creation of a multidimensional speakership race (in the 1849 election), and other times a three-party battle along a single dimension (the 1855-56 election). Regardless, the rise of viable third parties ushered instability into the standard sophisticated agenda setting process that had worked so well for so long.

However, a question arises. Since the muddled dynamics of these multi-party periods were apparent to all, sophisticated behavior was still an option that could have been exercised to cut through the instability. For example, it is commonly observed that any attempts at agenda manipulation can be overcome through sophisticated voting (Enelow and Koehler 1980; Enelow 1981). Given that so much was to be lost by not organizing, with regard to both time and policy costs, it seems odd that lengthy speakership races would be observed. And yet, two very lengthy speakership elections—63 ballots in 1849, and 133 ballots in 1855-56—transpired. Were members unable to recognize the costs of a lengthy speakership battle, and thereby unable to evaluate the alternatives (i.e., candidates) in a sophisticated manner?

We think not. A number of accounts suggest that members of 19th Century Congress were as rational as members are today (Stewart 1989; Bianco, Spence, and Wilkerson 1996; Jenkins and Sala 1998). A more likely explanation would be that members were unable to behave in a sophisticated manner because of electoral considerations. This situation is described by Denzau, Riker, and Shepsle (1985, p. 1118):

> Result-oriented strategic calculation and sophisticated behavior in the legislative arena
> may require actions that run contrary to the nominal preferences of important
> constituents. Although helpful in producing a final result desired by constituents, a

strategic vote, for example on some particular amendment, may nevertheless entail

behaving in a manner that directly conflicts with the wishes of constituents on the

amendment in question. Such actions will need to be explained by the legislator. But

can he explain those actions?

This constituent-based explanation is especially relevant to the 1849 and 1855-56 speakership

elections, contests that were quite salient and covered extensively in the press. Members of each major

party, as well as members from the minor parties, understood that sophisticated voting would produce a

much quicker outcome, but was it worth it? A majority-rule outcome in a three-party battle required

that members from one of those parties choose a candidate of an opposing party. For members of

third parties (like the Free Soilers in 1849) or burgeoning parties (like the Republicans and Know

Nothings in 1855–56), such a solution could mean partisan destruction. For members of major parties,

such a solution could mean electoral fallout in the resulting congressional elections. Either way, *some*

members would have needed to run the risk of losing the "trust" of their constituents (Bianco 1994).

Based on the evidence from the 1849 and 1855-56 elections, members appear to have felt that

the position-taking benefits associated with "saving electoral face" exceeded the time and policy costs

associated with an unorganized House. Inevitably, what was accomplished—voting "correctly" on an

important issue (the speakership)—appears to have been much more visible to constituents than what

was not accomplished—an organized House and passage of policy outputs—because in 1849 and

1855-56 *a majority never did agree on a speakership candidate.* Both speakership elections were

eventually decided by a change in the voting rules, from majority rule to plurality rule, which had the

effect of forcing the third-highest ranking candidate out of the race. Thus, the House was organized without any members having to take a position-taking hit.

A more thorough analysis of speakership selection in the Second Party System generally, and the 1849 and 1855-56 cases in particular, appears in the following two sections.

III. Speakership Selection in the Second Party System

Two major factors help frame speakership selection in the Second Party System. First, as the system evolved, the two major parties were crafted as inter-regional "holding companies" of local parties that agreed to agree on commercial development and agreed to disagree on slavery (Nichols 1967; Aldrich 1995; Poole and Rosenthal 1997). Second, the speakership was the political center of the House, continuing a role that had been carved out by Henry Clay when he was Speaker in the 1810s and 1820s (Stewart 1998; Jenkins 1998; Jenkins and Stewart 1997).

Combining these two factors, the biennial selection of the Speaker became an important moment in the ongoing development of the party system. *Within* the parties, especially the majority party, speakership selection was an opportunity to renegotiate power sharing between the regions. *Between* the parties, the biennial choice of Speaker re-grouped the opposing political forces, integrated new members into the ongoing national policy struggle,[6] thus renewing the commercial lines of ideological combat on which the Second Party System rested.

Party organization of Congress during the Second Party System was tenuous, owing to the bargains struck to create it in the first place. The necessity to organize the House anew every two years

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6. In every House during the 1840s and 1850s, the proportion of new members always exceeded 50%. In 1843 (28th Congress) it was 74.9% (Fiorina, Rohde, and Wissel 1975, Table 1.)

provided an *opportunity* to formalize intra-party power sharing and inter-party conflict in the House, but there was nothing about this process that *guaranteed* the smooth continuation of Second Party System power relations for another biennium. Indeed, it was the fact that these power relationships had to be re-negotiated every two years that provided the "outs" with an opportunity to undermine the party system under the right circumstances.

What were those "right circumstances?" Most obviously the greatest strains on the ability of the parties to organize the House along the Second Party System logic occurred when the numerical balance between the parties was the closest. A close balance made the small scattering of "third party" members and slavery activists in both major parties pivotal in the House's organizational struggles. A variety of outcomes were theoretically, and practically, possible.

Table 1 provides a basic overview of the politics surrounding the choice of Speaker during the Second Party System, from the 19th Congress (1825–1827) to the 34th (1855–1857). This period witnessed seventeen speakership selections—sixteen at the start of a Congress and one in the middle of the 23rd Congress to replace Speaker Andrew Stevenson, who was appointed U.S. ambassador to England. Turning our attention to the sixteen instances of speakership selection at the beginning of a Congress, we see that whenever the largest party held more than 52% of the House seats, that party could install one of its own as Speaker in a single ballot. Whenever the largest party held less than 52% of the House seats, balloting for Speaker went into at least a second round. Viewed another way, all of the multi-ballot speakership battles of this party system, with one exception, occurred when the largest party in the House had a tenuous hold on its majority status—or was a minority party to begin with.

The only exception was in the second session of the 23rd Congress, when six Jacksonians (proto-Democrats) contested to replace Stevenson.

Although the Second Party System was built around ideological battles over commercial development, the imprint of slavery and other regional issues is readily apparent in the listing of Speakers in Table 1. Of the seventeen speakerships, thirteen were held by individuals from the middle stretch of congressional districts that included the traditional border states, plus the lower reaches of Indiana. (This is also 8 of 11 individuals to hold the speakership.) Along the geographic north-south axis of the U.S., Speakers were chosen from near the median of the nation.

The logic of picking a regional moderate as Speaker gained special power once the House moved to *viva voce* voting for Speaker in the 26th Congress (1839). Prior to that, the House elected Speakers via secret ballot. Even though slavery had already become a salient public issue during the era of secret balloting, the Speakers who were elected—such as Taylor (N.Y.), Stevenson (Va.), Bell (Tenn.), and Polk (Tenn.)—tended to hold strong views on the issue that reflected their home regions. Strong pro- or anti-slavery views did not interfere with their election, so long as they possessed the other leadership qualities needed to advance the majority party's shared agenda, including fairness in dealing with the party's factions and exercising a firm control over the House floor, so that the majority party could achieve the many policy goals they did agree on. In the era of secret ballots, Speakers with strong regional opinions were often elected with only a scattering of defections, suggesting strong support among co-partisans who disagreed with them on slavery. Even when the caucus could not initially agree on a single candidate, the disagreement was typically worked out within a couple of ballots.

Each of the Speakers elected via the secret ballot during the Second Party System expressed strong regional views, North and South. Following the rise of a public ballot for Speaker, which began with the 26th Congress and the election of Robert M.T. Hunter, things changed. Now, with one's vote for Speaker public knowledge, there was a greater premium on the parties settling on an actual regional moderate (not just a north/south geographic median), and by-and-large that is what happened.

This pattern can be illustrated by examining the spatial location of Speakers along the dimension of preferences most closely correlated with region. Using W-NOMINATE scores for this exercise, the first dimension was most strongly correlated with region for the 19th–21st (1825–1831) and the 33rd–34th Congresses (1853–1857); the second dimension was most strongly correlated with region for the 23rd–30st Congresses (1833–1849); both the first and second dimensions were equally correlated with region in the 22nd (1831–1833) and 31st (1849–1851) Congresses; and the third dimension was the regional dimension in the 32nd Congress (1851–1853).[7]

Keeping in mind that the Speaker rarely voted, in order to illustrate the pattern of regional moderation, we need to look back to the Congress preceding a Speaker's election, to see where he stood on the contemporary regional issues of the day. Table 2 reports the Speaker's W-NOMINATE

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7. The Pearson correlation coefficients between the first two dimensional scores and a dummy variable indicating being a southern representative are as follows:

								Congress									
Dim:	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32[a]	33	34
1st	.74	.68	.62	.60	.49	.06	.05	.03	.02	.32	.31	.38	.34	.60	.30	.56	.76
2nd	.13	.12	.33	.19	.52	.66	.64	.84	.83	.80	.80	.82	.86	.70	.21	.13	.06

[a]3rd dimension correlation = .52

score along the regional dimension in the Congress *preceding* his election to the speakership. The

table also reports the W-NOMINATE median and quantile cutoffs for the Speaker's party along the

regional dimension.

As a general rule, when voting for Speaker was handled through a secret ballot (Speakers

Taylor through Polk), the victorious candidate was a regional extremist. Also as a general rule, once

balloting became public, all of the victorious Speaker candidates were regional moderates.[8]

The one clear exception to the general pattern was the first Speaker who was elected via public

ballot, Robert M.T. Hunter (Va.). But even here the exception proves the rule. Hunter was not the

first choice among either of the parties for Speaker in 1839. Following the logic that had guided secret

ballot contests, the two parties settled upon candidates with strong southern sentiments—John W.

Jones (D-Va.) and John Bell (W-Tenn.)—who were also strong partisan. The strong regional opinions

of both men were unpalatable to Unionist southerners and to northerners. The regional fracturing of the

two parties gave an opening to southern Whigs, who rallied around Hunter, a veteran House member

with "confused party loyalties" (Leintz 1978, p. 77). Along the major commercial ideological

dimension, Hunter was nearly the perfect median voter (Stewart 1999, pp. 18–20). The end result is

that although the Democrats held a nominal majority in the 26th Congress, they lost hold of the

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8. The cases of Bell (23rd Congress, 1834) and Boyd (32nd Congress, 1851) are ambiguous, since they are "inliers" on one of the two dimension and "outliers" on the other. In the case of Bell, the first dimension in the 22nd Congress is much more highly correlated with the regional dimensions on either side of the Congress, therefore it is likely that Bell was a regional outlier at the time of his election—a judgement shared by contemporaries. Likewise Boyd was an outlier on the first dimension in the 31st Congress, which was most highly correlated with the partisan (commercial) dimension in the 30th, so that it is also likely that Boyd was a regional moderate among Democrats—which is also a judgment shared by his contemporaries. (Boyd, like the southern Speaker who preceded him, Howell Cobb, refused to sign Calhoun's "Southern Address," which alienated him from southern firebreathers.)

Speakership when Hunter was elected through a coalition of Whigs and a few Southern Democrats who were allies of Calhoun.

This fiasco led the Democrats to understand the importance of settling regional differences within the caucus, lest the fight for the Speaker erupt on the floor. This realization guided Speakership choice for the next decade, as the majority party generally nominated regional moderates (defined as being within the party's interquartile range of W-NOMINATE scores) and imposed that choice on the first ballot.

Even though the rise of the public ballot for Speaker put a premium on finding a moderate on the slavery issue, the process still provided opportunities for party members to take positions on slavery. This is illustrated in Table 3, which describes the regional support for the top vote-getter of each party during this period. In particular, Table 3 reports the fraction of northerners and southerners who supported each party's principal speakership vote-getter in each Congress. When a Congress experienced multiple ballots to choose a Speaker, the first and last ballots are analyzed.

In most cases, one or both of the parties experienced a regional division in their voting for Speaker. One interesting detail in this pattern, which is not entirely surprising, is that when there were regional differences, southerners were usually more likely to defect—even when the party's candidate was a (moderate) southerner. The only notable exception to this was in the 34th Congress (1857–58), when the party system was in full collapse. Finally, the Whigs were regionally divided more than the Democrats, with southern Whigs more likely to rebel against their party's regular candidate.

Close study of Table 3 provides a transition to the next topic we address in this paper. Although the southern wings of both parties were often in rebellion against the party regulars in the

balloting for Speaker, a majority of southern Democrats never abandoned their party, and a majority of

southern Whigs remained loyal until the party itself began breaking up in the mid-1850s. Conversely,

while northerners were generally more loyal to their party's nominee, they were not uniformly so. This

intra-regional variation is the topic of the two cases we examine in the next section—the speakership

elections of 1849 and 1854–1855.

IV. Position-Taking on Speakership Votes

Previously we argued that the vote to organize the House shares many characteristics associated with

sophisticated voting. In particular, some House members face the temptation of opposing their party's

Speakership nominee, either for policy or electoral reasons, resulting in stalemate.

In this section we provide a more detailed examination of this problem by exploring the

balloting for Speaker in two instances when neither party held a strong majority of seats and therefore

the prospect of stalemate was real. These were the speakership battles of the 31st and 34th

Congresses (1849 and 1855–1856).

The Speakership battle of 1849

The case. The Speakership battle of 1849 followed the election of 1848, the first national election in

which slavery proved to be a major theme. The offering of David Wilmot's (D-Penn.) proviso in

August 1846, toward the start of the Mexican War, can be viewed as the moment that framed

subsequent events. The Wilmot Proviso, which never passed, put the House on record as opposing the

expansion of slavery in the newly-acquired territories. The conclusion of the war in February 1848

brought the issue of slavery expansion to a head, as the question of the organization of these lands

began to be pressed upon Congress. Most urgently, the citizens of California were writing a

Constitution which in the end prohibited slavery. Without a matching slave state to enter alongside it, the

admission of California promised to upset the "balance rule" (Weingast 1996, 1998), which had given

the South a veto in the Senate over legislation that restricted slavery nationally.

Agitation over slavery had its effects on the rhetoric of national politicians. John C. Calhoun led

a caucus of congressional southern Whigs in December 1848, intent upon forming a southern party.

Ultimately the movement broke down, but the caucus meetings led to Calhoun's original "Address to

the Southern People," which rehearsed northern injustices visited upon southern rights and slavery. The

tone of the Address implied that any southerner who did not resist northern aggression, to the point of

secession, was a traitor (Holt 1999, chap. 12). On the other side of the issue, anti-slavery forces

expressed frustration with the slavery stances of both parties, which had emphasized compromise on

slavery in various "unionist" formulations.

Part of this frustration had been precipitated by the first convention of the Free Soil Party in

1848, which consisted of disgruntled "Conscience" Whigs, "Barnburner" Democrats, and members of

the abolitionist Liberty Party. The Free Soil Party nominated for president the chief Barnburner, New

York's Martin Van Buren. Van Buren only carried about 12% of the national vote, but he received

roughly a quarter of the vote in New York, Massachusetts, and Wisconsin. Van Buren denied the

Democratic nominee, Lewis Cass (Mich.), a plurality in New York, throwing the election to the Whig,

Zachary Taylor (Tenn.).

Van Buren's showing not only affected the presidential election, but the congressional election,

as well. Figure 1a plots out the fraction of the vote received by Democrats, Whigs, and other party

congressional candidates nationally from 1840 to 1858. In the congressional elections of 1848–1849, the share of the congressional vote *not* won by either the Whigs or the Democrats increased from 6% in 1846–1847 to 12% in 1848–1849.[9] Virtually all of this increase is directly attributable to the success of Free Soil congressional candidates.[10]

The election result was fateful for the organization of the House, as is illustrated in Figure 1b, which plots out the fraction of seats held by Democrats, Whigs and other party members from the 27th to the 36th Congresses (elections of 1840 to 1859). The preceding Congress, the 30th, had seen a narrow Whig majority, but the Whigs had united behind John Winthrop (Mass.), leading to his election on the third ballot.[11] The aggregate party balance at the beginning of the 31st Congress was not much different from the 30th. However, the election of nine members on the Free Soil ticket, most of whom replaced Whigs, led to neither major party having a majority; the Democrats held a slight plurality of roughly five seats.[12]

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9. Recall that during this period there was no single national election day. Congressional elections were held over the course of nearly a year in the various states.

10. The election results in Figure 1 are based on Dubin (1998).

11. In the 30th Congress the Whigs united behind Winthrop while the Democrats failed to unite behind their nominee, Linn Boyd (Ky.)—half the party voted for Boyd while the other half split their ballots among ten other candidates. Winthrop failed to be elected on the first ballot, however, when four Whigs—two northern and two southern—voted for other candidates. The two southerners, both unionists (John W. Jones, Ga., and Patrick W. Tompkins, Miss.), were induced to abstain on the second and third ballots. Winthrop failed election on the second ballot when John G. Chapman (Md.), who was strongly anti-slavery, abstained. However, Chapman was induced to vote for Winthrop on the third ballot, sealing his election. (Leintz 1978).

12. Six of the 31st Congress Free Soilers were rookies who replaced Whigs. Two members from Ohio, Joshua Giddings and Joseph Root, had served in the 30th Congress as Whigs; Amos Tuck, from Massachusetts, had served in the 30th Congress as an Independent.

Party labels of members of Congress during this era are not always known with certainty. For the purposes of this paper, we rely on the labels provided by Martis (1989).

Hopes for a speedy organization of the House were further dashed when the parties caucused

to decide on their nominees for Speaker.[13] First, after some speculation that Free Soil supporters might

caucus with one of the two major parties—especially those like Giddings who had long-established

careers in the major parties—the Free Soilers decided to caucus separately and support Wilmot for

Speaker.[14] Second, the Democrats caucused, choosing to nominate Howell Cobb (Ga.).[15] However,

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13. Accounts of the various opening caucus proceedings can be found in *NYJC* (Dec. 3, 1849, Dec. 4, 1849); *NYEP* (Dec. 4, 1849); *RE* (Nov. 30, 1849, Dec. 4, 1849, Dec. 7, 1849); *AA* (Dec. 3, 1849). On the speakership battle more broadly see Holt (1999, 461–472), Hamilton (1951, 243–53), and Smith (1988, 106–107).

14. The *Richmond Enquirer* (Dec. 7, 1849) reported that 12 to 15 Free Soil sympathizers had held three informal conversations at the National Hotel prior to the convening of the House. A pledge by these members was made "of entire fidelity to the principle of opposition to the extension of slavery under our Constitution, [and] will in no contingency support any many for Speaker of the House who will not pledge himself to cordial and effectual co-opperation with them on this principle." This pledge was subscribed to by Preston King (NY), David Wilmot (Penn.), Walter Booth (Conn.), and Charles Durkee (Wisc.), who had previously been Democrats, and by Amos Tuck (N.H.), Charles Allen (Mass.), Joshua Giddings (Ohio), Joseph Root (Ohio), John W. Howe (Penn.), and William Sprague (Mich.), who had previously been associated with the Whigs. Sprague later switched his allegiance back to Winthrop. The *New York Evening Post* (Dec. 4, 1849) also claimed that George Washington Julian (Ind.) would act in concert with the Free Soilers and that Chauncey Cleveland and Loren P. Waldo, from Connecticut, would oppose both Cobb and Winthrop.

     The Whig caucus was so consumed by the issue of opposition to the Wilmot Proviso that it did not get around to deciding on nominations for Clerk and Sergeant-at-Arms.

15. Southern firebreathers rallied behind Robert McLane (Md.). Cobb had strong support throughout the caucus, as did Linn Boyd. (*NYJC* Dec. 3, 1849). Cobb received 42 of 79 votes cast in the nominating ballot. The *New York Evening Post* (Dec. 4, 1849) reported that John L. Robinson (Ind.) nominated Cobb, Richard K. Meade (Va.) nominated W. A. Richardson (Ill.), Milo M. Dimmick (Penn.) nominated James Thompson (Ill.), and David K. Cartter nominated Emery D. Potter (Ohio). The results were as follows: Cobb (47), Richardson (14), Thompson (11), Potter (7). If the *Richmond Enquirer* (Dec. 4, 1849) claim that 87 Democrats were in attendance is true, then seven Democrats abstained from the nominating ballot. Because approximately one hundred Democrats were elected to the 31st House and almost all had arrived in Washington, D.C. in time for the caucus, about twenty Democrats did not attend the caucus meeting at all.

roughly twenty Democrats stayed away from the caucus, presumably to avoid being bound by the caucus's decision. Eventually six Democrats abandoned Cobb on the first ballot.[16]

Most problematic for a smooth organization of the House—or at least the most dramatic moments—were the Whig proceedings. When the Whigs caucused on the eve of the House's convening, informed speculation held that Winthrop would be easily re-endorsed by his party for the speakership. Therefore most were shocked when Robert Toombs (Ga.) arose, after the initial organization of the caucus, to offer the resolution "That Congress ought not to pass any law prohibiting slavery in the territories of California or New Mexico, nor any law abolishing slavery in the District of Columbia." (*RE,* Dec. 7, 1849).

Toombs's motion led to a heated debate within the caucus, with the preponderance of remarks, from north and south, doubting the wisdom of endorsing any resolution taking a position on slavery in the territories.[17] When the Toombs resolution was tabled, he led a walkout of southern Whigs—later termed the "Impracticables"—that was numbered at either five or six by the press.[18] The caucus's subsequent endorsement of Winthrop by acclamation was anticlimactic and tarnished

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16. The Democrats also nominated John W. Forney (Penn.) for Clerk, Newton Layne (Ky.) for Sergeant-at-Arms, and Benjamin F. Brown (Ohio) as Doorkeeper. Forney was ultimately defeated for Speaker after twenty ballots.

17. The *Richmond Enquirer* (Dec. 7, 1849) report, drawing from the *New York Express* Correspondent (Horace Greeley) records the following as opposing the Toombs motion: Edward Stanley (N.C.), William Duer (N.Y.), Charles L. Conrad (La.), Daniel Breck (Ky.), Alexander Evans (Md.), Edward D. Baker (Ill.), James G. King (N.J.), James Brooks (N.Y.), Thomas L. Clingman (N.C.), George Ashmun (Mass.), Robert C. Schenck (Ohio), and Charles M. Conrad (La.). Henry W. Hilliard (Ala.), Allen F. Owen (Ga.), and Alexander Hamilton Stephens (Ga.) spoke in favor of passing the resolution.

18. The *New York Evening Post* (Dec. 4, 1849) reported 6; the *Richmond Enquirer* reported "5 or 6."

Divisions within the parties and the separate organization of the Free Soil party led to a badly split first ballot for Speaker, even though the two major parties mostly held together. The first ballot is summarized in Table 4. This ballot proved the two major parties to be almost perfectly matched numerically, making the Free Soil contingent the focus of attention on both sides.[19] However, subsequent events proved the Free Soilers to be anything but pivotal in a technical sense. Because the Free Soilers themselves were made up of an equal number of erstwhile Democrats and Whigs, efforts to side with one or the other of the major parties provided internally divisive. And as we shall see, the migration of the bloc to any one candidate raised suspicions among southerners of both parties, making it nearly imposible to build a majority coalition that involved Free Soil members.

The scattering vote of both parties is almost all explained by divisions over slavery. On the Whig side, six of the Impracticables threw their votes toward Meredith Gentry of Tennessee, who had not even arrived on the scene to protest their action. Two northern Whigs with free soil tendencies voted for Horace Mann of Massachusetts. On the other side of the House the irregular Democrats also cast votes in line with their feelings on slavery, although they did not coordinate their voting to the same degree as the Impracticables. The ballots for Root, Cleveland, and Disney (Table 4) were cast by House members who had expressed support for the Wilmot Proviso (Wilmot himself, Thompson, and Doty); the ballots for Seddon and Orr were cast by South Carolinians.[20]

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19. The *Richmond Enquirer* (Dec. 7, 1849) reported that on the first day of the session, five Whigs, two Democrats, and one Free Soilers had not yet arrived in town. Adding these members to those actually in attendance on the opening day would have brought the partisan division even closer.

20. The *New York Journal of Commerce* (Dec. 5, 1849) correspondent counted the party votes somewhat differently, claiming that 14 Free Soilers had voted, along with 6 Impracticable Southern Whigs.

Figure 2 helps to summarize the voting over the next three weeks as the House searched for a way around this impasse. Here we have graphed the number of votes needed to effect an election on each ballot, in addition to the number of votes received by the principal candidates who emerged over the period of balloting. Democratic candidates are indicated with wide solid lines and labeled with bold-type names. Whig candidates are indicated with narrow solid lines and labeled with Roman-type names. The vote for Wilmot, who was the only Free Soiler who attracted sustained bloc voting, is indicated with a dashed line. Below the graph we have indicated where the ballots fell with respect to the three weeks, and where caucuses were held, as reported in the press. (Democratic caucuses are indicated with triangles pointing up, Whig caucuses are indicated with triangles pointing down, and Free Soil caucuses are indicated with vertical lines.)

Until the middle of the second week of balloting the Whigs remained firmly committed to Winthrop. Winthrop's vote total grew glacially, as one Impracticable came over to his side and a few other Whigs either came into town or abandoned their scattering of votes. The Democrats, however, were more active in searching out alternatives to their original nominee. Cobb's support immediately began slipping after the first ballot. Leaders began searching out westernern (transappalachian) alternatives, in the hopes that a non-southerner might attract the support of either irregular Democrats or even the Free Soil members themselves. Emery Potter (Ohio) and William Richardson (Ill.), who had challenged Cobb for the Democratic endorsement in the initial caucus, were both identified as possibilities. Supporters of their candidacies broke from the caucus's endorsement of Cobb by the

middle of the first week. The caucus formally endorsed Potter as the first week of balloting came to a

close.[21]

Even though Potter's vote totals rose ever-upward, they peaked at a level considerably below

Winthrop's. Southern Democrats were particularly reluctant to support Potter. While the reasons for

this reluctance were never stated explicitly in newspaper accounts, it seems likely that southern

Democrats were reluctant to be seen back home abandoning one of their own—even though Potter's

past voting record on slavery was virtually identical to Cobb's.

Informal politicking over the weekend failed to rally southern Democrats around either Potter

or Richardson. This failure to rally southern Democrats was manifest as soon as the second week's

balloting began. The Democrats then decided formally to abandon Potter, settling instead on William J.

Brown (Ind.).

Brown was an inspired choice. Although "feeble in health" (*NYJC* Dec. 6 & 13, 1849), he

seemed like the perfect westerner acceptable southerners. He had previously served in the 28th

Congress (1843–1845), but his congressional service was interrupted when he was appointed assistant

postmaster general in the Polk Administration. Consequently, Brown was absent from the House when

the principles involved in the Wilmot Proviso were first voted on.

In addition, as assistant postmaster general under Polk, Brown had been responsible for

overseeing patronage appointments. During the election of 1848 he had a direct hand in the sacking of

local postmasters in western New York state who disagreed with the party's presidential nominee,

21. Proceedings of Democratic Caucus that endorsed Potter can be found in *NYJC* (Dec. 6 and 10,
1849); *NYEP* (Dec. 6, 1849).

Lewis Cass, on slavery. (Cass took a position he called "squatter sovereignty," which later became Stephen A. Douglas's "popular sovereignty.") Brown's efforts in New York ultimately came to naught, as Cass failed to carry the state. However, Brown endeared himself to southern Unionists, who admired Brown's actions in imposing party orthodoxy concerning slavery in northern locales where free soil sentiments were strong. Finally, although Indiana had pockets of free soil sentiment, Brown's own central-Indiana district was virtually devoid of it—of the 16,000 votes cast for president in 1848 from the 5th District, Van Buren received only 600.

The next morning Brown received eighty votes, garnering solid support from all regions. By the end of the day's seven ballots, Brown's total had risen to 107, more than Cobb had ever received, and five short of an absolute majority. The election seemed in the bag. Winthrop, sensing his imminent defeat, withdrew his candidacy in an emotional speech from the floor. Winthrop's sudden withdrawal took the Whig rank-and-file by surprise. Needing to regroup, the Whigs managed to tie up the House in parliamentary knots for the rest of the afternoon. The House eventually adjourned for the evening, without taking another ballot.

Balloting resumed the next day amid rumors that Brown had consummated a deal with Free Soil members overnight. Great excitement was stirred when the third name was reached on the roll—Charles Allen, a Free Soil member from Massachusetts. Allen had been dutifully casting his ballot for Wilmot for nearly two weeks. This time he answered with the name "Brown," confirming the rumor. Once this ballot was complete, six Free Soil members had switched their support to Brown.

If Brown's previous support had held firm, he would now be Speaker. However, in the midst of the balloting, three southern Democrats who had previously supported Brown—Thomas S. Bocock

and James A. Seddon from Virginia and Daniel Wallace from South Carolina—threw away their vote,

casting it instead for Linn Boyd.

The motivations of Bocock, Seddon, and Wallace became clear when Edward Stanly (Whig-

N.C.) gained the floor and confronted Brown directly—had he made a deal with David Wilmot

concerning the composition of the committees?[22] After Brown's supporters equivocated in his defense,

Brown himself responded, confirming that he had indeed spoken with Wilmot about the organization of

the House. Wilmot then took the floor and not only confirmed that he had covered with Brown, but

produced a letter from Brown summarizing the meeting. The substance of the letter read as follows:

> . . . should I [Brown] be elected Speaker of the House of Representatives, I will
>
> constitute the Committees on the District of Columbia, on Territories, and on the
>
> Judiciary, in such a manner as shall be satisfactory to yourself and your friends. I am a
>
> representative from a free state, and have always been opposed to the extension of
>
> slavery, and believe that the federal government should be relieved from the
>
> responsibility of slavery, where they have the constitutional power to abolish it.

Brown's southern supporters sat ashen-faced as the letter was read. Pandemonium reigned on

the floor. Southern Democrats and Whigs denounced this devil's pact between the the Democratic

candidate for Speaker and the Free Soil leader. The House adjourned without taking another ballot

that day. A Democratic caucus held that night was inconclusive. The House reconvened the following

day, "in a state of uncertainty, hesitation, and confusion" (*NYJC* Dec. 15, 1849). The parties were in

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22. In addition to the official proceeding in the *Congressional Globe,* accounts of this episode appear in
NYEP (Dec. 13, 14, and 15, 1849, p. 1) and *RE* (Dec. 14, 1849). Brown's explanation appears in *AA*
(Dec. 17, 1849), *RE* (Dec. 18, 1849), and *WU* (Dec. 13, 1849).

disarray. A total of 29 men received at least one vote on the 41st ballot, six receiving more than ten votes.

Both parties struggled for the remainder of the week, unable to rally behind a single candidate. Most Democrats informally rallied behind Linn Boyd (Ky.), while most Whigs supported Edward Stanley (N.C.). Still, neither party could fall in line behind a single nominee (see Figure 2, ballots 40–55), and voting took on a highly regional cast in both parties, which had not happened previously. Floor proceedings also took a highly regional and acrimonious turn. A confrontation between William Duer (W-N.Y.) and Richard Meade (D-Va.) nearly came to blows on the floor.[23]

As balloting continued into a third week, proposals to settle the speakership battle in an unconventional way became more common. Throughout the previous two weeks proposals had been made to settle the affair by lot, by successive elimination of low-ranking candidates, and by plurality. Each proposal was tabled in turn. Now, however, positions had been set in stone. Consequently, House members who preferred *any* organization of the House to continued stalemate became willing to compromise.

The opening came Wednesday evening of the 19th, when the Whig caucus adopted a resolution proposing that six Democrats join a committee of six Whigs to suggest "a mode of definitive organization of the House of Representatives, upon just and fair principles . . .." (*NYJC* Dec. 22, 1849). The Democrats accepted the Whig invitation and appointed six members of their own.[24]

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23. See *NYEP* (Dec. 14, 1849).

24. The committee was as follows:

Whigs	Democrats

The "Conference Committee" met the evening of Thursday the 20th, with no resolution. Balloting was suspended on the following day while the committee met. Eventually, a majority of the committee agreed to a plan in which the speakership battle would be settled by plurality. There would be three more ballots, in an attempt to resolve the matter by majority vote. If no majority emerged on any of these ballots, then a final ballot would be held, in which the plurality winner would be declared Speaker. All of the Whigs on the committee supported the plan; the Democrats were split. The Whig caucus unanimously endorsed the proposal of the Conference Committee; the Democratic caucus was divided.

Just how divided the Democrats were is subject of some confusion, because newspaper accounts varied in how they reported the Democratic reception to the plan. The *New York Evening Post* (Dec. 24, 1849, p. 1) claimed that the proposal lost in caucus on a 50-30 vote. On the other hand, the *Albany Argus* (Dec. 25, 1849) claimed that the caucus endorsed the plan "by a majority of twelve."

There was also confusion about the implied arrangement between the parties, if any, and the motivations behind the actors. The *Albany Argus* (Dec. 28, 1849) later reported that

Hugh White	N.Y.	James Thompson	Penn.
George Ashmun	Mass.	Frederick Stanton	Tenn.
Samuel Vinton	Ohio	John McClernand	Ill.
Daniel Breck	Ky.	Emery Potter	Ohio
Charles Conrad	La.	Sampson Harris	Ala.
Edward Stanly	N.C.	Thomas Bayly	Va.

It is said that at least two of the whig committee, Mr. Ashmun and Mr. Vinton, had

anticipated the [the ultimate election of Cobb], making no mistake in their calculation as

to every vote given. But they and the whigs generally were desirous of bringing the

struggle to a close, and in fact, saw little chance of electing Mr. Winthrop.

In addition, reports from the Whig caucus claimed that those in attendance assumed that the result

would be the election of Cobb as Speaker in return for allowing Whigs to dominate the Finance and

Foreign Affairs committees. At the same time, reports from the Democratic caucus claimed that those

in attendance *there* assumed exactly the opposite would happen—Winthrop would be Speaker, but

Democrats would control the most important policy committees.

In any event, it is known for sure that the Democratic and Whig caucuses chose to regroup

around Cobb and Winthrop, respectively. Lines were drawn for a final battle on the floor.

When the House reconvened on Saturday morning, December 22, Frederick P. Stanton (D-

Tenn.) made the motion on behalf of the Conference committee. After considerable parliamentary

maneuvering, the motion carried, 113–105. Most Whigs favored it (88–12); most Democrats opposed

it (23–85); all eight Free Soil members voted nay. Voting also betrayed a regional structure, which is

illustrated in Table 5. All northern Whigs and almost half of the northern Democrats supported plurality

rule, while only 2/3 of the remaining Whigs and less than 1/5 of the remaining Democrats supported it.

The structure of support for the plurality rule becomes more intriguing when we analyze the roll

call vote in favor of it in a multivariate context. To do so, we conducted a logistic regression in which

support for the plurality rule resolution is the dependent variable and variables measuring region (South

= 1), party irregularity in the support of Speaker nominees (Irregular = 1),[25] ideology (as measured by

the two NOMINATE dimensions), and vote margin (as measured by the percentage of the vote cast

for the incumbent) are the independent variables. Table 6 reports the results of these regressions.

In the multivariate analysis the South, once again, was less likely to support the plurality rule

motion, after controlling for other factors. Party irregularity also has a negative effect.

The most interesting effects in Table 6 are the two ideological variables, measured by the first

two dimensions of the W-NOMINATE scores. In this Congress the first dimension was highly

correlated with party (positive signs associated with Democrats); the second dimension was highly

correlated with slavery (positive signs associated with being pro-slavery). It is not surprising, given the

marginals, that the party dimension has a negative sign—strong Democratic partisans tended to oppose

plurality the most. It *is* surprising that pro-slavery members also favored plurality.

This is surprising because contemporary analysts suggested that pro-slavery forces had the

most to lose in the adoption of a plurality motion. Pro-slavery policies benefitted the most from the

status quo, by this argument, and therefore the precedent of plurality organization augured ill for the

future of the South's peculiar institution.

Also intriguing is the effect of electoral margin on support for the plurality rule. The effect

interacts with partisanship. Marginal Democrats supported the plurality rule more than safe Democrats,

whereas it was the safe Whigs who were more likely to favor the rule. This is an interesting finding that

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25. An irregular is defined in this analysis as a majority party member who refused to vote for his party's
Speaker nominee on the first ballot.

deserves further analysis, since we expected electorally marginal members of *both parties* to be more inclined to hide behind the effect of the plurality rule than electorally safe members.

The adoption of the plurality resolution set the stage for the final rounds of voting. On the 60th ballot—the first under plurality rule—Cobb received 93 votes, Winthrop received 88, Wilmot 9, and 26 votes scattered among ten other candidates. On the 61st ballot Cobb picked up 2 votes, Winthrop 4, and Wilmot held steady, leaving the margin at 95-92-9, with 23 scattering among 10 candidates. (Three former abstainers now entered.) On the 62nd ballot Winthrop picked up another 3 votes, leaving him and Cobb with a 95–95 tie, with 9 votes still for Wilmot and 21 scattering. On the final ballot Winthrop picked up four new votes, but Cobb bested him with 6 new ballots, resulting in a final tally of 101 for Cobb, 99 for Winthrop, 8 for Wilmot, and 14 scattering.

The contours of the final day of balloting are summarized in Figure 3. The actual contour lines in Figure 3 represent the density of the ideal points of the two major parties' members in two dimensional (W-NOMINATE) space. The *W* and *D* represent the average ideal points of Whigs and Democrats in this space. Each contour line encompasses approximately 10% of each party's contingent, with the lines stopping at approximately 50% of the party. The *F*s represent the individual spatial locations of the Free Soil members. Circles indicate Democrats who did not support Cobb once plurality voting commenced on the 60th ballot. Black circles represent Democrats who continued to spurn Cobb, while the empty circles are the Democrats who voted for Cobb on the final ballot. Similarly, squares indicate Whigs who did not support Winthrop on the 60th ballot. Black squares represent Whigs who ultimately supported Winthrop.

Cobb's biggest problem in the end came from Democrats with free soil proclivities. Ultimately some of these members, including three from Indiana (McDonald, Fitch, and Harlan) and three from Ohio (Miller, Cable, and Cartter), came to Cobb's aid, which proved to be decisive.[26]

Winthrop had exactly the opposite problem as Cobb. When plurality balloting began on the 60th ballot, Winthrop faced two sets of defectors—the Impracticables, who are located in the upper portion of the figure, and a set of more moderate northerners, who are located just below the Whig average in the figure. As the balloting progressed, Winthrop easily won the support of the moderate Whigs, but picked up no appreciable support among the Impracticables.[27]

26. A simple probit analysis aimed at predicting which northern Democrats refused to support Cobb also illustrates the pull of Free Soil dangers. The dependent variable is equal to 1 if the northern Democrat voted against Cobb and 0 if the northern Democrat supported him on the 63rd ballot. The independent variable is the fraction of the congressional vote in the 1848–1849 elections that went to the Free Soil candidate for Congress. Here are the results:

Free. Soil pct	4.41
	(1.62)
Const	-1.62
	(0.17)
N	170
pseudo-R2	.07
Llf	-44.82

27. Winthrop's problems on the slavery issue are further illuminated in a simple probit analysis. The dependent variable is whether the southern Whig voted for Winthrop on the last ballot. The independent variable is the percentage of population in the district that was black. Here are the results:

Black pct.	0.074
	(0.035)
Intercept	-3.38
	(1.47)

A final postscript on the organizational politics of the 31st House raises two points worth noting. First, the balloting for Clerk that followed went to twenty ballots. In the end, southerners joined together to elect a Whig clerk. Second, on the Monday following his election as Speaker, Cobb announced his committee assignments. For the most important committees, Cobb tended to favor the appointment of southern Democrats over northern Democrats. However, Cobb was also more willing to spread out committee appointments among all regional and partisan factions—much more so than Speaker Winthrop had done in the previous Congress.

This is illustrated in Table 7, which compares Winthrop's and Cobb's appointments to the three contentious committees, Judiciary, Territories, and District of Columbia. Winthrop had denied appointment to Judiciary and Territories for his northern copartisans, favoring southern Democrats when he wished for regional diversity. Winthrop's District of Columbia committee was regionally balanced.

Cobb, on the other hand, spread his appointments fairly evenly among the various factions. Not only did he ensure that northerners and southerners from both regions were appointed, he even appointed a Free Soil member (!) to these committees, too.

Discussion. The 31st Congress was the first of a series of Congresses where an important ritual that had cemented the Second Party System became politically untenable. The parties had come together

N	15
pseudo-R2	.31
Llf	-6.95

on principles that emphasized different roads to economic development and different balances of power between the states and Washington. Members of the House desired to organize themselves to prosecute their partisan ideals. In the best of all worlds, whichever party held the majority desired to choose a Speaker who would best help achieve these partisan aims. Because this individual could be a northerner or southerner, and might also hold either moderate or extreme views on slavery, the partisans of both sides wished they could rally behind the best candidate, disregarding geography. Electoral politics prohibited that, however. Thus, as one mechanism to keep the slavery issue at bay, a second-best strategy had emerged, of selecting the best Speaker among the set of slavery moderates.

When slavery became a hot issue in the elections of 1848–1849, even this second-best strategy was no longer a safe choice for many House members. Facing electoral agitation at home, a small number of members in both parties felt compelled to abandon their party. The close Democrat-Whig margin complicated matters further. The ensuing stalemate only drew more and more newspaper attention the House's way. And the presence of the Free Soilers as the swing bloc only heightened this attention.[28]

The simplest evidence about how the electoral context changed things for the 31st Congress is the comparison of how the Speakership contest proceeded in the 30th Congress, when the partisan margin was virtually identical. There, Winthrop was elected Speaker, receiving *unanimous* support from among his party, north and south. Even the southerners who were become the Impracticables of

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28. Typical of the partisan press of the day, newspapers' accounts of the Speaker's power only added fuel to the flame. Although there was plenty of contemporary evidence that Speakers had very little power to "stack" committees and dictate the course of policy, most newspapers treated the Speaker as a dictator.

the 31st Congress supported Winthrop. The small number of southern Whigs who felt compelled to

oppose a northerner were allowed to oppose Winthrop on the first ballot, and then to abstain

afterward.

The looming presence of slavery behind the balloting for Speaker in the 31st Congress is

illustrated in Figure 4, which graphs the degree to which individual House members' support for slavery

was correlated with the support for slavery of the speakership candidates they supported..[29] Here we

see that in the early balloting the unified Democratic support for Cobb meant that the Democratic vote

for Speaker was not determined by support for slavery. The Whig schism resulted in a greater

correlation between members' preferences about slavery and the candidates they support for Speaker.

As the balloting progressed, the dissolving Democratic unity rapidly led to speakership balloting that

was strongly structured along pro- and anti-slavery lines. The brief rush toward Brown caused the

Democrats to submerge their anti- and pro-slavery tendencies. However, when Brown's candidacy

disintegrated, members of both parties spent a week simply voting for candidates within their respective

parties that agreed with them on the slavery issue. This was clearly not a time to submerge one's own

preferences for the good of the party. It was a time to position-take! The imposition of the plurality

rule acted to take much of the slavery issue out of the choice for Speaker. Still, the relatively minor role

that support for pro- and anti-slavery positions played in the *final* ballot for Speaker hides the fact that

some sort of extra-policy structure was needed to contain temptations to take positions.

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29. For Figure 4, we measure the support for slavery for an individual House members using his score on
the second dimension W-NOMINATE score for the 31st Congress. We measure support for slavery
given by the candidate he supported for Speaker using the *candidate's* second dimension W-
NOMINATE score.

The intrusion of slavery into the speakership contest of the 31st Congress was brought about by the actions of Robert Toombs of Georgia. Yet Toombs was a puzzling character to lead the charge on the issue, since he was one of the southerners who had earned Calhoun's ire only a year before by refusing to endorse Calhoun's Southern Address and had counseled back home a measured response to northern outrages. Recent scholarship suggests the electoral context of Toomb's actions. Holt documents (1999, pp. 466–72) that Toombs found himself in deep political trouble back in Georgia due to his failure to back Calhoun. Democratic gains in recent elections had made Georgia Whigs nervous, and local elites laid some of the blame at the feet of moderates like Toombs. Therefore, it is not unreasonable to conclude that Toombs's actions—and those of his deep South followers—were intended for consumption back home.

Whether Toombs actually intended for his actions to lead to a stalemate will never be known. However, once he had taken his actions, the behavior of all southerners came under close scrutiny, making compromise impossible. The *New York Journal of Commerce* expressed the situation this way:

> More than one of the six Southern Whigs who are now voting for Gentry [the Impracticable candidate] has stated that there would have been less difficulty in electing Mr. Winthrop, had there been no caucus. The slavery question would not have been lugged into the election of Speaker had not the occasion been offered, by the caucus, for its introduction. Each of those Southern gentlemen, except, perhaps, Mr. Toombs, would have voted for Mr. Winthrop, but for this circumstance (*NYJC* Dec. 8, 1849).

Turning our attention to the other side of the aisle, the Democrats also ended up with a public relations disaster, in the William Brown affair. Although Brown's later explanation of his actions are self-serving, they contain an unassailable core of Second Party System logic. Brown claimed that Wilmot never asked for the Free Soilers (or free soilers) to dominate the slavery-related committees. All they asked was that they be given representation on the committees, and that the members from the major parties also include northern members with free soil sympathies.

It is reasonable to conclude that it was not the agreement between Wilmot and Brown that killed Brown's changes at the speakership, but the fact that it was written down, providing hard evidence to the southern press about Brown's perfidy. Evidence that this is so comes from the simple fact that Speaker Cobb implemented precisely the strategy that Brown and Wilmot had agreed to—Free Soilers and northern Whigs and Democrats were included on the relevant committees, and northerners held majorities on the Judiciary and Territories committees. The partisan press in the north reacted with outrage about the domination of the *Democratic* contingents of these committees by southerners, but there is no evidence that southern newspapers viewed Cobb's appointment of Free Soil members to these committees as being traitorous.

The inability to impose party regularity in the 31st Congress, therefore, came about because unusual electoral pressures interacted with razor-thin partisan margins within the House. In the following two Congresses the Democrats held more comfortable margins, resulting in the election of Linn Boyd (Ky.) to the Speakership on the first ballot. Boyd's election was accompanied by some dissent among southern Democrats, but the healthy Democratic margins did not interfere with his election. The Whigs, on the other hand, never recovered from the debacle of the 31st Congress. The

clear minority in the 32nd and 33rd Congresses, they could not unify behind a single candidate, but instead allowed their members to indulge in regional positiontaking in their speakership votes. The next time the electoral process interacted with narrow partisan margins, the 34th Congress, the Whigs had gone the way of the dodo.

The Speakership battle of 1855-56

The Case. The Speakership battle of 1855-56 took place during a time that could best be characterized as "partisan instability." The Second Party System was dealt a fatal blow in the previous Congress, the 33rd, after the passage of the Kansas-Nebraska Act, which formally repealed the Missouri Compromise and opened the territories north of the Mason-Dixon Line to the possibility of slavery. The Whig Party, mortally wounded after the Compromise of 1850, finally expired after the Act's passage revealed severe and irreparable regional rifts. The Democratic Party, while remaining intact, was also feeling the strains of the time, as Free Soil members in the north openly rebelled against the leadership's pro-slavery agenda (Potter 1976; Sewell 1976). All of this adversity was felt in the legislative process: institutional party ties began breaking down, shifting coalitions became the norm, and voting in the 33rd Congress can best be characterized as "chaotic" (Poole and Rosenthal 1997, p. 30).

    As a result of this partisan instability in Congress, along with the many partisan and sectional battles over the issue of slavery during the previous decade, a general "anti-party" mood began affecting the mass public. This coincided with the emergence of a new, salient issue in 1854: nativism. A growing nativist movement was spreading throughout the nation in response to the large influx of immigrants (principally Catholics) from Ireland and Germany. This wave of immigration altered the

nation's demographic makeup significantly, as Anbinder (1992, p. 8) argues: "by 1855, immigrants outnumbered native-born citizens in Chicago, Detroit, and Milwaukee, and the immigrant population would soon surpass the native in New York, Brooklyn, Buffalo, Cleveland, and Cincinnati." Native-born Protestants were appalled at the extensive connections that Catholic immigrants seemed to possess with members of local and state courts, as well as with their carousing on Sundays.[30] More to the point, however, the governing Protestant population feared that these new immigrant groups would turn their numerical majorities into political majorities and thus desired to limit their political participation (Billington 1938).[31]

Nativism and the general anti-party mood meshed with anti-slavery sentiment in the North to produce a dynamic and divisive electoral environment in 1854.[32] A new series of candidates emerged and campaigned on a combination of anti-immigrant, anti-Catholic, anti-liquor, and anti-slavery positions. When the electoral dust cleared, this new "opposition" or "anti-administration" group won a majority of seats to the 34th Congress, reducing the Democrats to minority status. At first glance, a successful "anti-party revolution" seemed to have been completed.

The stability of this new anti-administration majority, however, was largely artificial. That is, while most anti-administration candidates ran under "fusion" labels, thereby adopting a range of different issue platforms, most were wedded to *particular* issues. This new majority was composed of

30. Temperance activists were determined to destroy the "immigrant liquor interest" and succeeded in passing a number of state-level prohibition laws (Potter 1976; Tyrell 1979).

31. Protestant citizens also feared the "mystic" tendencies of the Catholic Church. Strategic politicians used stories of Catholic crusades of virtue and papist debauchery to fuel ethnic and religious bigotries (Billington 1938; Anbinder 1992).

32. A wholly nativist movement was also moderately successful in the South.

two types: Know Nothings (or Americans) and Republicans (or Anti-Nebraskans).[33] The Know

Nothings were a mysterious, decentralized organization, claiming adherents in the both the North and

South. Their meetings were held in secret, and members of the order disclaimed knowledge of its

existence. While they supported anti-slavery tenets (in the North), Know Nothings were concerned

primarily with the issue of nativism (Anbinder 1992). The Republicans, on the other hand, were a

sectional party, composed of former Free-Soil Democrats and Whigs from the North. While they were

not beyond appealing to nativist contingents in order to secure victory, Republicans were concerned

first and foremost with the issue of slavery (Potter 1976; Sewell 1976; Gienapp 1987).

Prior to the opening of the 34th Congress, neither the Republicans nor the Know Nothings

were well-organized coalitions. Each group, however, made attempts to unify. In June 1855, the

Know Nothings assembled in Philadelphia to establish a national party platform. The convention's

platform committee drafted a fourteen-section creed to clarify and consolidate the group's positions on

nativism and slavery. Few delegates objected to the first eleven sections, which dealt specifically with

issues of nativism; however, a major dispute arose around the twelfth section and its statement on

slavery. The leadership's position was to "abide by and maintain the existing laws upon the subject of

slavery, as a final and conclusive settlement of that subject," thus implicitly accepting the provisions of

the Kansas-Nebraska Act.[34] Many Northern members who were elected in part on anti-slavery

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33. The fusion movement, along with the secret nature of the Know Nothing society, made it difficult to identify clear partisan attachments for new House members. The *Congressional Globe*, which traditionally listed party labels for members at the opening of each session, failed to do so for the 34th House, and historians' attempts at party identification have not produced a consistent view. This muddled state of affairs is summarized nicely by Mayer (1967, p. 30): "When the votes were counted . . . the Democrats knew that they had lost, but nobody knew who had won."

34. Excerpt taken from the convention minutes, as quoted in Anbinder (1992, p. 167).

rhetoric rejected this plank and called for the reestablishment of the Missouri Compromise. They were, however, outnumbered by Southern pro-slavery members and conservatives from the North (Anbinder 1992, pp. 167-72). This rift on the issue of slavery crippled attempts to nationalize the Know Nothing organization. Rather than accept the pro-slavery plank, many Northern anti-slavery delegates walked out of the convention and eventually joined the Republican Party (Harrington 1939, p. 188; Van Horne 1967, p. 209).

The Republicans also had a difficult time organizing. Witnessing the breakup of the national Know Nothing coalition over the issue of slavery, Republican leaders Horace Greeley and Joshua Giddings saw an opportunity. They believed the House to be composed of a majority of anti-slavery representatives and decided to frame the upcoming speakership election as a ratification or rejection of the "Slave Power," as expressed by the Kansas-Nebraska Act. In an attempt to marshal the anti-slavery forces, they called for a party caucus to select a suitable Republican (anti-slavery) candidate. Their call, however, went largely unanswered, as fewer than half of those members opposed to the extension of slavery attended the caucus (Harrington 1939, pp. 188-89; Hollcroft 1956, p. 445; Silbey 1989, pp. 5-7).

Despite the Republicans' failure, slavery would become the major issue on which the election would be decided. Ironically, the *Democrats* organized their campaign for the speakership on the basis of slavery, by selecting William A. Richardson from Illinois as their candidate. The choice of Richardson was in keeping with the Democratic strategy of choosing a regional moderate as their speakership nominee. Richardson had also been the Democratic "point-man" in the House on the Kansas-Nebraska legislation in 1854, and thus was viewed as an optimal choice by party leaders: he

was a supporter of slavery extension, which appealed to Southern members, as well as a close

associate of Stephen Douglas and a friend to many Northern members (Harrington 1939, p. 190;

Gienapp 1987, p. 244).

Yet, the Democrats made a crucial blunder. Like Greeley and Giddings, Democratic leaders

also viewed the splintering of the Know Nothing coalition as a potential windfall and began a discourse

with Southern (pro-slavery) Know Nothings several weeks prior to the caucus. Resulting discussions

were quite positive, suggesting to many political observers that a pro-slavery union on a speakership

candidate was quite likely (Hollcroft 1956, p. 445). Good judgment gave way to arrogance, however,

as Democratic leaders came to believe that the Southern Know Nothings would not vote for an anti-

slavery candidate and tried to bully them into supporting Richardson. Thus, when their nominating

caucus opened, the Democrats unanimously accepted a resolution denouncing the Know Nothing

organization,[35] and Democratic leaders privately informed Southern Know Nothing leaders that "very

frankly ... they had two choices, either to surrender, lock, stock, and barrel to the Democrats, or to the

Republicans," but offered them nothing in return for their allegiance (Overdyke 1968, p.164). Quite

predictably, the Southern Know Nothings bristled at this Democratic attempt at arm twisting and

vowed to remain united behind a candidate sympathetic to the nativist cause.

On December 3, 1855, the speakership election commenced.[36] The first ballot was an

indication of how disorganized the new Republican coalition really was, as seventeen different

candidates received votes. Lewis D. Campbell of Ohio, a former Whig and Know Nothing who left

35. See *New York Tribune* (Dec. 3, 1855).

36. Vote data for all speakership votes used in this analysis are taken from the *Congressional Globe* 34-1, pp. 3-337.

the Know Nothing Party after the adoption of "section twelve," was the leading Republican vote-getter

with 53, followed by Nathaniel Banks of Massachusetts with 21. The Know Nothings split their votes

between Humphrey Marshall of Kentucky (30 votes) and Henry M. Fuller of Pennsylvania (17 votes),

while the Democrats coalesced behind Richardson (74 votes). Yet, all candidates fell far short of a

majority (113 votes). Over the next day and a half, eight additional ballots were taken, with no

meaningful difference in results.

On December 5, Marshall took his name out of consideration, which left the Southern Know

Nothings, after scattering their votes for several ballots, to coalesce around Fuller, the only major

Know Nothing candidate left in the race (Harrington 1939, p. 194; Lientz 1978, pp. 84-85). This

consolidation was no accident, as Fuller had met with Southern Know Nothings and assured them of

his pro-Nebraska sentiments.[37] This act drove some additional anti-slavery Know Nothings into the

Republican camp, but also had the effect of solidifying the bulk of the Know Nothing coalition

(Southerners and pro-slavery Northerners) behind one candidate. Fuller's "popular sovereignty"

stance also established him as a moderate on the slavery issue, by placing him between the Republican

and Democratic positions.

Campbell continued to be the top Republican vote-getter throughout the balloting on December

5, but could not muster more than 81 votes. After six additional ballots on December 6, his vote total

fell to 46, spurring Republican leaders to act. That evening, an informal anti-slavery caucus was

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37. According to Horace Greeley, "Fuller is understood to have answered some questions put to him by
the Missouri delegation respecting slavery in Kansas, in such a manner as to have secured their good will"
(*New York Times* Dec. 6, 1855). Other Republicans were less kind in their assessment of Fuller. Edwin
Barber Morgan, a Republican from New York, referred to Fuller as "the most consummate [dough face]
that has taken the stand in years" (Hollcroft 1956, p. 454).

organized, and members agreed to support Campbell for two additional ballots the following day, after

which they would settle on Banks as their sole candidate. Campbell was informed of this decision, so

that he might withdraw gracefully from the race at the observed time (Harrington 1939, pp. 192-93;

Hollcroft 1956, p. 449). As planned, on December 7, Republicans supported Campbell on the first

two ballots (the 22nd and 23rd overall), driving his vote total to 75, after which Campbell withdrew[38]

and members began to move to Banks.[39] Thus, four days and 27 ballots into the contest, only three

viable candidates remained in the field: Richardson the Democrat, Banks the Republican, and Fuller the

Know Nothing.

With Campbell out of the way, Banks made his move. Even before he had become the sole

Republican candidate, Banks had begun to create a large lobbying network within the Congress,

cajoling members and making promises to them in return for their votes.[40] Given his new position as

Republican top-dog, these promises now seemed more credible, and it showed in his vote totals. By

the end of the balloting on December 8, Banks stood at 100 votes, twelve short of a majority. His total

crept up to 107 votes on December 10, but could move no higher. This appeared to be the maximum

that the Republican coalition muster, without further help from Know Nothing members who had

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38. Campbell's exit was not graceful, however. As he announced his withdrawal, he suggested that other anti-slavery candidates were less than devoted to the cause and willing to cut deals to achieve election (*Congressional Globe*, 34-1, p. 11). Nor was his subsequent behavior less tempered. As Harrington (1939, p. 193) states, "For the duration of the contest [Campbell] brooded on his defeat and frequently, quite obviously in spite, voted against his antislavery-extension colleagues."

39. Some former Campbell supporters moved to Banks immediately, while others scattered their votes on the remaining four ballots taken on December 7. By the first ballot on December 8, however, all former Campbell voters had moved to Banks.

40. According to Harrington (1930, p. 195), "Banks representatives made offers of committee posts, and there was even talk of bribery."

previously espoused anti-slavery beliefs. This was most evident to members of the Republican Party, as detailed by Edwin Barber Morgan of New York:

> We are much excited at the course of the Know Nothings of our state who have had
>
> and now hold the power to elect a free Northern man for Speaker over Slave masters
>
> of the South. [Bayard] Clark, [William] Valk, [Thomas] Whitney, [Solomon] Haven
>
> and [John] Wheeler have had it in their hands on Saturday and today and yet the
>
> rascals refuse. What can be said of them at home and what can the *free soil and*
>
> *honest Know Nothings* say of them? (Hollcroft 1954, p. 450).

Realizing that they held the election in the balance, some anti-slavery Know Nothings offered to throw their support behind an anti-slavery (but pro-nativist) candidate other than Banks. Two Know Nothings were suggested: John Wheeler of New York[41] and Alexander Pennington of New Jersey.[42] Pennington wielded a fair amount of support within the Republican ranks, and a move was made in caucus to support him in place of Banks. A pro-Banks majority voted them down, however, and Banks continued as the official nominee of the anti-slavery forces (Harrington 1939, p. 193).

As detailed in Figure 5, this Banks-Richardson-Fuller equilibrium proved to be quite robust, as little change occurred in the candidates' vote totals over the next six weeks.[43] Moreover, a simple,

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41. Wheeler was never a serious candidate among Republicans. Edward Barber Morgan put it simply: "John Wheeler, poor dunce, has the maggot in his head that he can be Speaker. Of course no other man ever dreamed of it, and it makes an ass of him" (Hollcroft 1954, p. 450).

42. While Pennington had supported Banks on previous ballots, his anti-slavery "credentials" were questioned by some. According to Edward Barber Morgan, "It is ascertained that many of the Southern National Know Nothings have only been waiting for us to run [Pennington] up, that they might jump on and elect him. A man is judged by the company he keeps" (Hollcroft 1954, p. 451).

43. In late January, the Democrats decided to drop Richardson in favor of James Orr of South Carolina, an unabashed opponent of nativism. The difference proved to be negligible.

one-dimensional spatial model, in which slavery represents the substantive dimension, explains a large

percentage of the variance in voting. The 51st ballot, on December 13, in which Banks, Richardson,

and Fuller tallied 105, 75, and 33 votes, respectively, is a good example. Using W-NOMINATE

scores to proxy for members' ideal points and the three speakership candidates' locations,[44] we find

that a simple spatial model explains 89.7% of the individual vote choices.[45]

      Amid the continuous balloting, several subplots emerged. First, the Democrats, who controlled

both the Senate and the Presidency, were becoming impatient. President Franklin Pierce, once content

that an extended struggle would result in either the Republicans or Know Nothings caving and a

Democrat elected Speaker, was growing frustrated with the deadlock and believed that an unorganized

House was becoming a distinct possibility.[46] Second, alternate methods for deciding the speakership

contest were offered, most notably the substitution of a plurality rule in place of the standard majority

rule.[47]

      These two subplots would eventually intertwine to produce genuine intrigue. Throughout most

of its discussion, the plurality rule proposal had been the favorite of the pro-Banks forces, as they

believed their man, as the top vote-getter, would be the logical beneficiary. The Democrats and Know

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44. In this case, all three candidates possessed W-NOMINATE scores. The length of the speakership contest allowed Banks to cast a sufficient number of non-speakership votes so that a W-NOMINATE score could be calculated.

45. This analysis ignores eleven members who scattered their votes.

46. In particular, Pierce was anxious to send his message to Congress, which was being blocked by the pro-Banks forces until a decision on the speakership was made.

47. Other notable suggestions included proposals for continuous sessions, resignations of all current candidates, elections of temporary speakers, and curtailment of debate (*Congressional Globe* 34-1, pp. 34, 72, 139, 149, 235, 241.

Nothings had generally opposed the plurality rule for these same reasons. However, as the contest

moved into January 1856, the pressure from the Pierce Administration caused the Congressional

Democrats to rethink the logic of the plurality rule proposal. By late January, Alexander Stephens, a

chief Democratic floor leader, now saw how the plurality rule could lead to a *Democratic* victory and

began to fashion a plan.

Stephens recognized that should a plurality rule pass, a Democrat could only be elected with

the assistance of the Know Nothing coalition. However, after their organization was unanimously

denounced by the Democratic caucus, the Know Nothings had refused to support a Democratic

candidate. Stephens' solution was simple: the Democrats would select a new candidate who had *not*

participated in the caucus and thereby had *not* denounced the Know Nothing organization. The

selection was William Aiken of South Carolina, an avowed supporter of slavery, who did not attend the

caucus and had not committed himself (on record) against the Know Nothings (Harrington 1939, pp.

200-01). Stephens felt that the ploy would be successful:

> From my knowledge of the House, its present tone and temper, knowledge of Aiken
>
> and the estimation he was held in by several scatterers, I believed he would beat Banks
>
> . . . I sounded out some of the Western Know Nothings—Marshall and others—and
>
> found that they could be brought into it.[48]

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48. Diary entry, Alexander H. Stephens, February 1, 1856, in Richard Malcolm Johnston and William
Hand Brown, eds., *Life of Alexander H. Stephens*. 1878. Philadelphia, pp. 305-06.

Next, Stephens spoke to Fuller and his Northern Know Nothing supporters and reportedly effected an agreement.[49] Finally, he persuaded several Democrats to switch their votes to support the plurality rule, thereby insuring its passage. With that, all of Stephens' ducks appeared to be in a row.

On February 2, 1856, Democrat Samuel A. Smith offered a plurality resolution of the 1849 form—three additional majority-rule ballots would be cast, after which a fourth plurality-rule ballot would be held—which prevailed by a 113-104 vote (*Congressional Globe* 34-1, p. 335). As arranged by Stephens, twelve Democrats had joined with the pro-Banks coalition to guarantee passage. The Republicans sensed that they had fallen into a trap and tried first to rescind the plurality motion, and then to force adjournment, but were voted down each time.[50] Stephens then introduced Aiken as the new Democratic candidate, setting the stage for an electoral showdown.

The first majority-rule ballot (the 130th overall) saw Banks capture 102 votes, Aiken 93, Fuller 14, while 6 members scattered. The numbers remained virtually the same on the next two majority-rule ballots, with Fuller and Aiken losing one vote a piece. Finally, the plurality-rule vote was at hand. Prior to the start of the balloting, however, Fuller took the floor and announced that he was

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49. See *NYT,* February 6, 1856.

50. The votes were 102-116 and 84-133, respectively (*Congressional Globe* 34-1, p. 336). Additional attempts to rescind the plurality rule and to force adjournment (both of which failed) were made by *Southern Democrats* (*Congressional Globe* 34-1, p. 337). Perhaps these southerners were not privy to Stephens's plan. Or, perhaps southerners generally saw the danger of anything less than a majority—and maybe even a supermajority—in deciding important questions of institutional design. In the 31st Congress, for example, the press emphasized the opposition of Southern Democrats to plurality voting. They were holding on barely to their peculiar institution, and if it became any easier for anti-slavery forces to prevail, it was all over, as far as they were concerned. Thus, even those southerners who believed that they would win under plurality rule still opposed it on principle, that is, they were unwilling to support a voting mechanism that would give them their man *in the short term*, understanding that it would be detrimental in the long term.

withdrawing from the race (*Congressional Globe*, 34-1, p. 337). Whether Fuller's resignation was part of a larger deal cut earlier with Stephens is unclear. Regardless, all of the ingredients seemed to be in place for the remaining Fuller voters to move to Aiken.

The plurality vote, however, did not go as the Democrats had planned. When the final votes were counted, Banks had beaten Aiken 103 to 100. Seven Southern Know Nothings who had previously supported Fuller switched to Aiken, providing him with his final tally. However, six Know Nothings from the Mid-Atlantic region, who had promised the evening before to support Aiken, continued to support Fuller on the plurality ballot (Richardson 1939, p. 202).[51] Democrats were livid at this intransigence and first threatened, then begged, the Fuller voters to reconsider. But it was to no avail. Stephens' carefully laid plan had failed.

Why did these six Know Nothings stick with Fuller, even after he had dropped out of the race? Electoral considerations would be the obvious answer.   Supporting a pro-slavery Southern Democrat might have been too difficult to explain to their Mid-Atlantic constituents. For example, according to the *New York Times*, one of these six Fuller voters, when asked at the time of the vote to switch to Aiken, replied, "I'll be ------ if I do!"[52] Continuing to position-take by supporting Fuller was clearly a safer strategy.

Discussion. The Speakership battle of 1849 signaled an end to the parties' attempts to keep speakership elections "under wraps" by keeping slavery off the agenda; yet, a brief period of peace

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51. These six were Broom from PA, Clarke from NY, Cullen from DE, Davis from MD, Millward from PA, and Whitney from NY.

52. *New York Times*, February 6, 1856.

followed. This was due in large part to the disappearance (in any meaningful sense) of the Whig Party, leaving the Democrats to select a slavery moderate as Speaker to foster partisan harmony. Thus, while the issue of slavery replaced "general economics" as the primary dimension of conflict during the early 1850s, it did not come into play in speakership selection because of the (essentially) one-party politics of the time.

In 1855, with the rise of two new parties, the Know Nothings and the Republicans, instability was once again at hand. Despite the fact that slavery was now the primary issue dimension, a speakership choice could not be made because of *non-slavery* considerations. That is, Know Nothings could not abandon their nativist constituents back home and instead support either the Republican or Democratic candidate. To do so would encourage a definite electoral backlash. Thus, the Know Nothing leadership decided to espouse a moderate slavery agenda, split the vote three ways, and hope that either the Republicans or Democrats would see them as the compromise solution. In the end, this strategy failed, as the passage of the plurality rule forced the third-highest vote-getter out of the race (Fuller, the Know Nothing candidate) and the Know Nothing members toward one or the other of the two camps.

Once Banks was elected Speaker, he organized the House around anti-slavery tenets. As Table 8 indicates, Republicans comprised majorities on 29 of the 37 standing committees in the 34th House, and all of the key policy committees (Judiciary, Territories, Public Lands, Agriculture, Ways and Means, Foreign Affairs, Manufactures, and Commerce)[53] were dominated by anti-slavery members (Jenkins and Nokken 2000). While the Know Nothings would remain in existence until the

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53. As determined by Silbey (1989).

Civil War, their numbers slowly diminished as the Republicans rose to become the second major party alongside the Democrats.

The Congressional elections of 1856-57 saw the Democrats regain the House, as the Republicans and Know Nothings split the Northern vote. With a firm majority in hand, the Democrats elected James Orr of South Carolina as Speaker on the first ballot. In 1858-59, the Republicans were able to win back many of their previous seats from the 34th House, but Know Nothings and Anti-Lecomptons captured enough seats to prevent the Republicans from having a majority. Once again, a lengthy speakership election commenced. Republicans pinned their hopes initially on John Sherman of Ohio, but his strong anti-slavery credentials made him anathema in the South. Thomas Bocock of Virginia was the Democratic favorite, but his pro-slavery beliefs could attract no support outside of the South.[54] Having learned their lesson from the 1855–56 speakership election, the Democrats then tried William N. H. Smith of North Carolina, a former Whig with ties to the Know Nothings. Smith closed within a few votes of a majority, but could make no further strides. Mimicking the Democrats, the Republicans dropped Sherman in favor of William Pennington of New Jersey, a freshman who was considered to be a slavery moderate. Pennington's selection was the charm, as he managed a bare majority on the 44th ballot. Thus, the traditional strategy of choosing a policy moderate, which had been so successful during much of the Second Party System, was the key to success for the Republicans in 1859.

The 1859 speakership election was also important in that it signaled the end of prolonged speakership contests. Beginning with the 37th House, any intra-partisan conflicts were dealt with

54. Bocock would go on to be elected Speaker of the Confederate House of Representatives.

exclusively within caucus, as speakership elections became as anticlimactic as National Party

Conventions would become in the late 20th Century.

V. Conclusion

Scholarship examining antebellum political institutions has emphasized the practices that sought to create

a "credible commitment" to inter-regional coalitions. Most notable of these mechanisms has been the

"balance rule" governing the admission of states and the selection of national tickets (Weingast 1996,

1998; Aldrich 1995). Another mechanism, which has gone largely unappreciated until now, was the

attempt to manage the slavery policy dimension of speakership choice, by first hiding the speakership

vote from public view and then selecting slavery moderates as nominees in the party caucuses.

Probably because the speakership selection was a biennial event driven by the most popular of

national political events—House elections—mechanisms that tried to maintain the Second Party System

within the House were inherently unstable. They were vulnerable to the electoral dynamics that

produced congressional majorities in the first place. Therefore, it is also not surprising that the first

institutional manifestations of the *Third* Party System came about through a speakership election

(Jenkins and Nokken 2000).

This paper has largely been an interpretive exercise, framed in the context of the tension

between Farquharson and Fenno that Denzau, Riker and Shepsle (1985) first identified. Much remains

to be done before our case is firm and secure. First, a full exploration of the Farquharson/Fenno

dynamic demands that we understand better the electoral situations of individual House members—a

dynamic we have only touched the surface of. In this paper we have had to rely on the aggregate

electoral circumstances of the parties to suggest the plausibility of our interpretation. In particular, the

rising popularity of new parties in congressional elections (like the Liberty, Free Soil, and American

parties) must have made politicians in both major parties wary of drawing the ire of constituents who

might be sympathetic to these insurgent messages. The narrow margins in which congressional races of

this period were contested made the appeals of the more radical parties especially perilous.[55] In

addition, the high temperature of national politics dramatically expanded the size of the congressional

electorate. During the 1850s, the number of people participating in congressional elections grew by

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55. One interesting detail that illustrates the electoral peril during this time comes about by examining New England congressional elections. During most of the period covered by this paper, the states of Maine, Massachusetts, New Hampshire, and Vermont required congressional candidates to receive a *majority* of votes cast in order to be elected to Congress. Failure of any candidate to receive a majority would result in another election a few months later. There was no formal process to eliminate minor candidates, so a series of run-off elections could, in theory, continue forever. Of the 248 congressional elections held in New England from the 26th to the 36th Congress, 56 (23%) were decided in run-offs, requiring in one case eight ballots to finally elect a House member. In virtually all these affairs, the spoilers were anti-slavery candidates who picked up a handful of votes—just enough to keep the top vote-getter from receiving a majority.

nearly 50%.[56] This expanding electorate also certainly increased the peril associated with making the

"wrong" political decisions.

At the same time, tying decisions about organizing the House to the *particular* electoral

circumstances of individual members will likely be tough precisely because we are trying to understand

the behavior of a small number of pivotal House members whose election in the first place may have

been a fluke.

Second, in this paper we suggest that the secret ballot for Speaker had been an important

mechanism for perpetuating the Second Party System in the House, and that the rise of *viva voce*

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56. Combining the on-year off-year surge-and-decline phenomenon with the admission of new states makes estimating the growth of the congressional electorate in the 1850s less than precise. Here are the raw numbers (Dubin 1998):

Election years	Congress	Total congressional votes
1840–41	27	2,272,094
1842–43	28	2,222,260
1844–45	29	2,732,222
1846–47	30	2,406131,
1848–49	31	2,766,883
1850–51	32	2,574,021
1852–53	33	3,152,708
1854–55	34	3,293,774
1856–57	35	3,942,338
1858–59	36	3,882,241

Between the off-year elections of 1850–51 to 1858–59, the total electorate grew by 50.8%. Between the on-year elections of 1848–49 to 1856–57, the total grew by 42.4% Notice also the lack of a significant decline in turnout for the off-year elections of 1850–51 and 1854–55.

voting was electorally driven. However, we provide no firm evidence of this conjecture at this point. Third, the most important empirical fact that links our two cases—the fact that both contests in the 31st and 34th Congresses were decided by plurality election—has not been fully explored. That is, we await the completion of more comprehensive data gathering before we can fully explain why some House members, and not others, supported this important parliamentary maneuver.

This third empirical point brings us to unfinished theoretical business. Our treatment of sophisticated and sincere voting in the selection of a Speaker has been informal, unlike the theory out of which the language grows. From the perspective of formal theory, the most interesting aspect of these two cases is that the House chose to select the Speaker through a plurality rule. While there has been some research into sophisticated voting under plurality rule, all the literature of which we are aware treats the case of traditional binary choice agendas (Niou 1999). The election of Speaker of course does not involve binary choice—multiple candidates are allowed—and there is no clearly-identified agenda tree before the voting begins. Understanding the theoretical properties of non-binary-choice plurality rule under a potentially infinite voting sequence is an important task, but beyond the scope of this paper.

Understanding the difficult task of electing a Speaker before the Civil War is an important detail furthering our understanding of how political institutions contributed to, or retarded, the growing political tensions during this period. More than that, however, the formal mechanisms that House members used to choose a Speaker during this period are still in place—in the House of Representatives itself, as well

as in most American legislatures, ranging from school boards to state legislatures.[57] Therefore,

understanding how House members tried to impose stability on a process that seems ripe for instability

and gridlock is of modern interest, as well.

On this last point, we cannot resist the temptation to comment on the recent organization of the

House and Senate in the 107th Congress. On the one hand, the contrast between the present and the

antebellum Congress could not be more striking. Given the closeness of partisan margins in both

chambers, had the 107th Congress occurred before the Civil War, the nation undoubtedly would have

been treated to days, if not weeks, of formal deadlock over the organization of the two chambers. As it

was, the organization of Congress was possible only because leaders in both chambers, of both parties,

agreed to degrees of bipartisan power sharing that are unprecedented for modern times. The likelihood

that Congress will remain closely divided in partisan terms for the next several elections, coupled with

historically-close partisan margins in state legislatures, suggests that the topic of partisan power sharing

in American legislatures deserves a new, closer look.

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57. Many ecclesiastical elections follow the same logic as well, including election to the papacy (for
Catholics) and the episcopacy (for Anglicans and Methodists).

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Abbreviations:

AA: *Albany Argus*

NYEP: *New York Evening Post*

NYJC: *New York Journal of Commerce*

NYT: *New York Times*

RE: *Richmond Enquirer*

WU: *Washington Union.*

' Figure 1. National party vote and party control of Congress, 1840–1856.

a. National vote
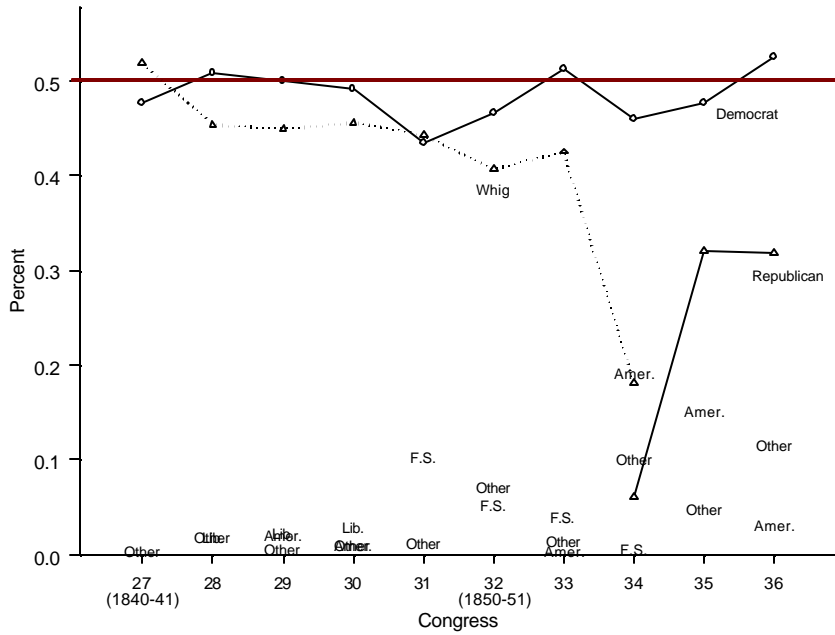
b. Party control
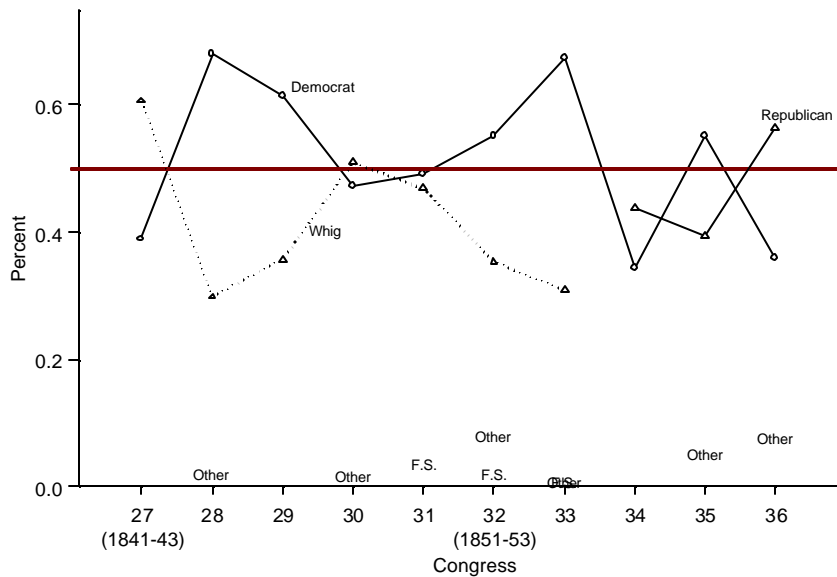
Figure 2. Summary of 31st Congress speakership balloting.
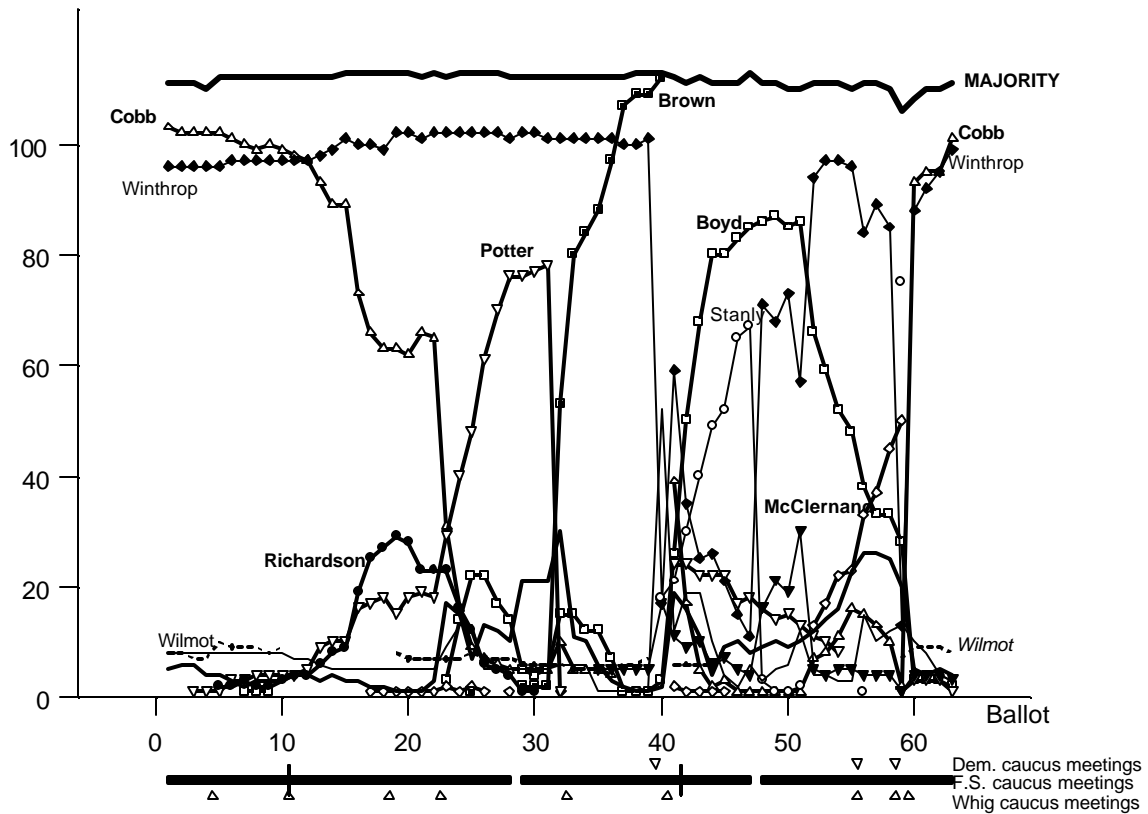
Legend:
Democratic candidates are indicated with wide solid lines and labeled with **bold** names.
Whig candidates are indicated with narrow solid lines and labeled with regular-type names.
The scattering vote for both parties is indicated with the solid line with no name label.
The **Free Soil candidate** is indicated with a dotted line and labeled with an *italicized* name

The dark solid lines below the graph indicate the three weeks during which balloting proceeded.
(Week 1: Mon. Dec. 3, 1849–Sat. Dec. 8, 1849; Week 2: Mon. Dec. 10, 1849–Sat. Dec. 15, 1849; Week 3: Mon., Dec. 17, 1849–Sat. Dec. 22, 1849).

The open triangles pointing downward indicate recorded Whig caucuses (Dec. 11, 18, 19).
The open triangle pointing upward indicated recorded Democratic caucuses (Dec. 3, 4, 6, 7, 10, 12, 18, 19).
The vertical lines indicate recorded Free Soil caucuses (Tue. Dec. 4 and 13).

Figure 3. Summary of final balloting for Speaker, 31st Congress.
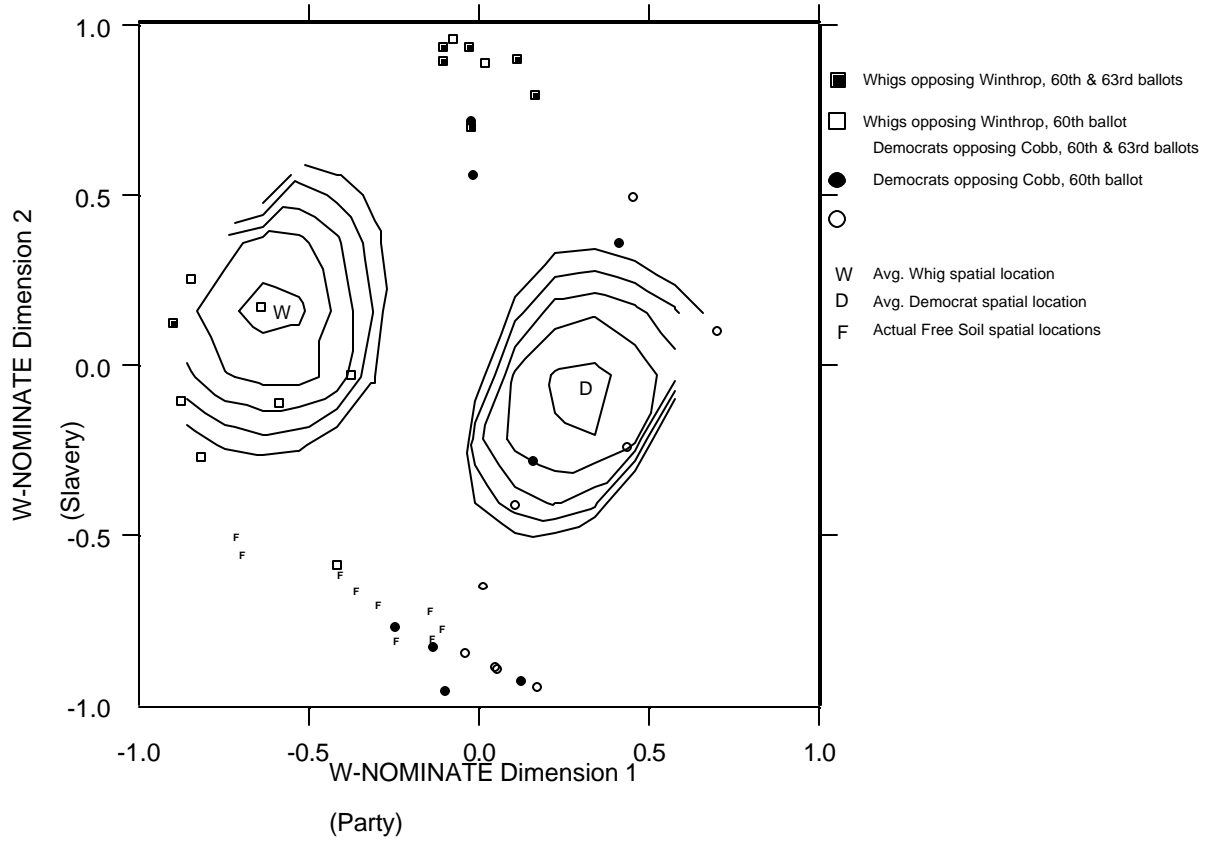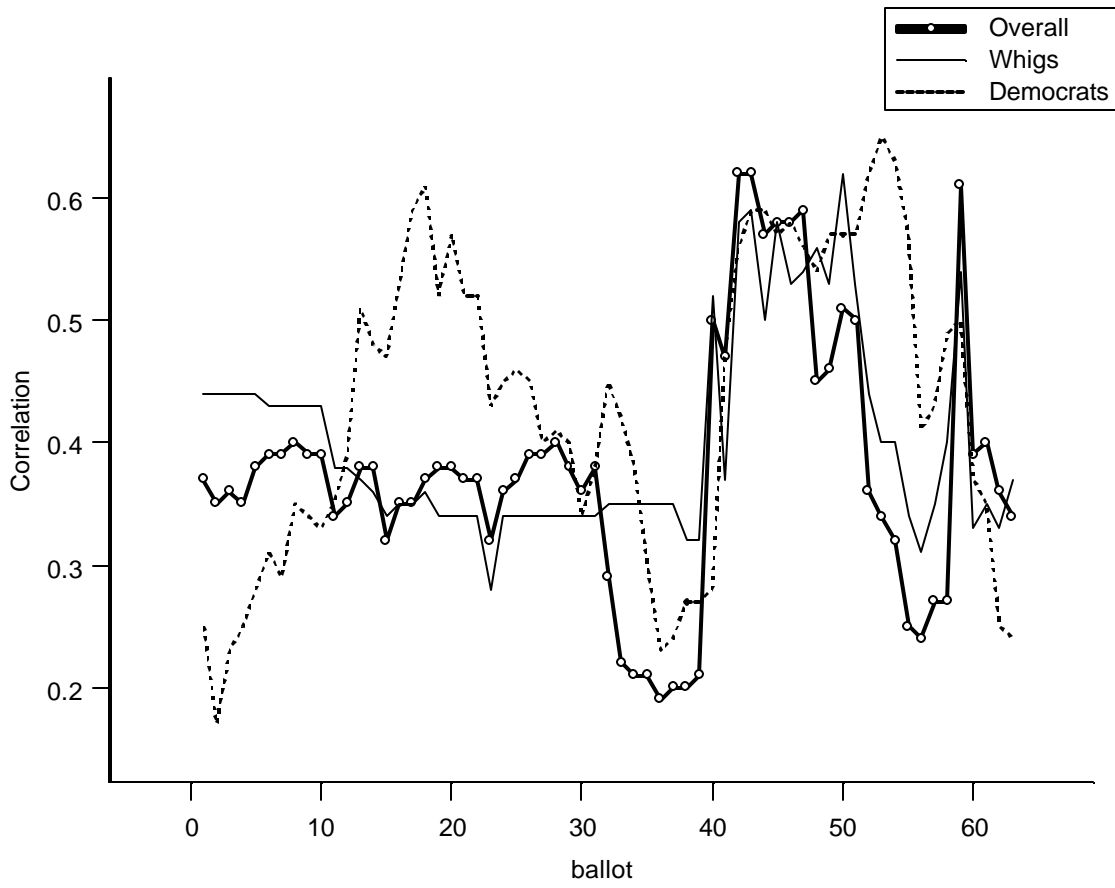
Figure 4. Correlation between support for slavery and speakership vote, 31st Congress.

Figure 5: Summary of 34th Congress speakership balloting.
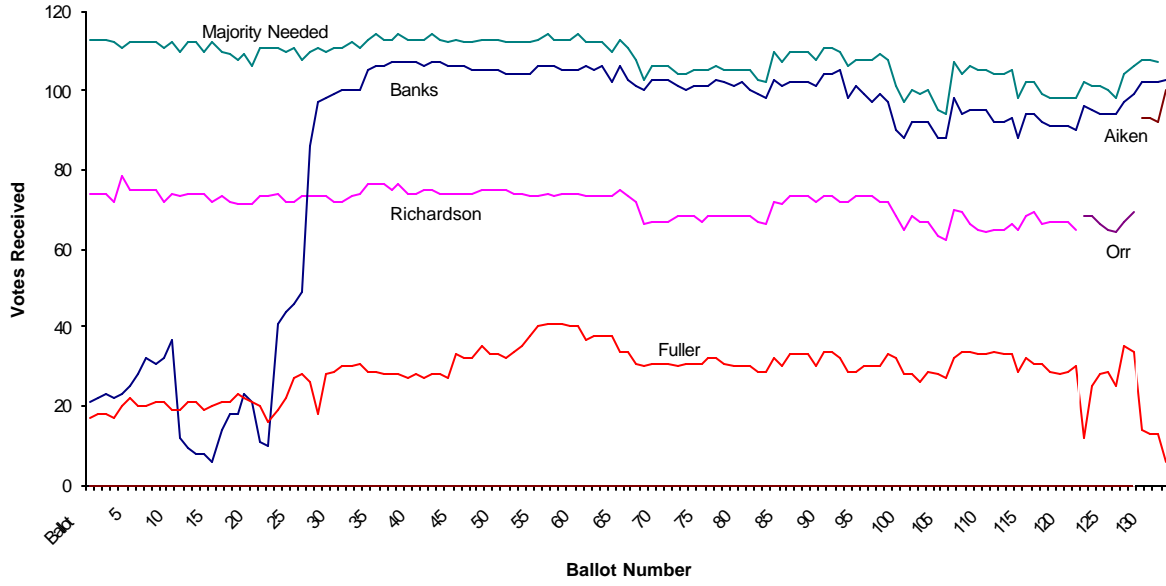
Table 1. Speakership votes in the Second Party System, 26–36th Congress (1839–1859)

| Year | Cong. | Ballots | Effective number of candidates | | Winning pct. | Winning Speaker candidate | | Majority party | |
			First ballot	Last ballot		Name, State	Party	Name	Pct.
1825	19	2	3.34	2.75	51.3%	John W. Taylor, N.Y.	Adams	Adams	51.2
1827	20	1		2.00	50.7%	Andrew Stevenson, Va.	Jackson	Jackson	53.1
1829	21	1		1.48	79.6%	Andrew Stevenson, Va.	Jackson	Jackson	63.8
1831	22	1		1.85	64.5%	Andrew Stevenson, Va.	Jackson	Jackson	59.2
1833	23	1		1.82	65.7%	Andrew Stevenson, Va.	Jackson	Jackson	59.6
1834	23[a]	10	5.60	2.34	53.8%	John Bell, Tenn.	Jackson	"	"
1835	24	1		1.94	58.7%	James K. Polk, Tenn.	Jackson	Jackson	59.1
1837	25	1		2.00	51.8%	James K. Polk, Tenn.	Democrat	Democrat	52.9
1839	26	11	2.37	2.99	51.3%	Robert M.T. Hunter, Va.	Whig	Democrat	51.7
1841	27	1		2.24	54.8%	John White, Ky.	Whig	Whig	58.7
1843	28	1		1.78	68.1%	John W. Jones, Va.	Democrat	Democrat	65.9
1845	29	1		2.26	57.1%	John W. Davis, Ind.	Democrat	Democrat	62.3
1847	30	3	3.01	2.87	50.5%	Robert C. Winthrop, Mass.	Whig	Whig	50.4
1849	31	63	2.45	2.45	45.5%	Howell Cobb, Ga.	Democrat	Democrat	48.5
1851	32	1		2.94	55.9%	Linn Boyd, Ky.	Democrat	Democrat	54.5
1853	33	1		2.16	65.7%	Linn Boyd, Ky.	Democrat	Democrat	67.1
1855	34	133	5.10	2.22	48.1%	Nathaniel Banks, Mass.	American	Opposition	42.7

[a]Replaced Stevenson, who was appointed to the Court of St. James.

Table 2. Spatial location on second dimension of successful speakership candidates

| Speaker | Party | First Cong. as Speaker | Dimension examined | W-NOMINATE score[a] | | | | Speaker inside interquartile range |
				Speaker	1st Q	Median	3rd Q	
Taylor, N.Y.	Ad.	19	1	.555	-.384	.192	.527	
Stevenson, Va.	J	20	1	-.413	-.256	-.004	.224	
Bell, Tenn.	J	23	1	-.738	-.655	-.381	-.065	
			2	.034	-.329	.051	.374	**
Polk, Tenn.	J	24	2	-.491	-.439	.044	.286	
Hunter, Va.	W	26	2	-.889	-.493	.142	.457	
White, Ky.	W	27	2	-.195	-.196	.276	.399	**
Jones, Va.	D	28	2	-.269	-.300	.012	.358	**
Davis, Ind.	D	29	2	-.047	-.311	.104.	.487	**
Winthrop, Mass.	W	30	2	-.041	-.232	.062	.189	**
Cobb, Ga.	D	31	2	-.319	-.415	.127	.465	**
Boyd, Ky.	D	32	1	-.544	-.463	-.253	-.09	
			2	-.111	-.294	.053	.410	**
Banks, Mass.	Am.	34	1	.426	.062	.631	.812	**

[a]This is the score along the dimension most strongly correlated with region (north/south). For Taylor, Stevenson, Bell, and Banks this is the first dimension. For the remaining Speakers, this is the second dimension.

Table 3. Support for major party speakership candidates by region.

	Democrats						Whigs/Opposition					
Cong	Main candidate	State	South	Non-south	χ^2	prob.	Main candidate	State	South	Non-south	χ^2	prob.
26 (1st ballot)	Jones	Va.	82.6% (46)	100% (73)	13.6	.000	Bell	Ky.	77.1% (48)	98.3% (58)	11.75	.001
26 (last ballot)	Jones	Va.	51.5% (45)	42.5% (73)	0.83	.36	**Hunter**	Va.	97.9% (47)	100% (58)	1.25	.264
27	J.W. Jones	Va.	90.3% (31)	100% (55)	5.52	.019	**White**	**Ky.**	86.0% (50)	92.9% (84)	1.68	.195
28	**J.W. Jones**	Va.	100% (85)	100% (43)	—	—	White	Ky.	100% (15)	100% (41)	—	
29	**J.W. Davis**	Ind.	82.7% (52)	100% (77)	14.33	.000	Vinton	Ohio	87.0% (23)	98.1 (52)	3.91	.048
30 (1st ballot)	Boyd	Ky.	67.4% (46)	48.3% (58)	3.82	.051	Winthrop	Mass.	93.9% (33)	97.5% (79)	.84	.359
30 (last ballot)	Boyd	Ky.	53.3% (45)	65.5% (58)	1.57	.210	**Winthrop**	Mass.	100% (32)	97.5% (79)	.825	.364
31 (first ballot)	Cobb	Ga.	96.2% (52)	92.9% (56)	.56	.455	Winthrop	Mass.	76.0% (25)	97.4% (78)	12.14	.000
31 (last ballot)	**Cobb**	Ga.	96.2% (53)	89.1% (55)	2.00	.157	Winthrop	Mass.	77.8% (27)	100% (76)	17.93	.000
32	**Boyd**	Ky.	84.2% (38)	98.7% (76)	9.21	.002	Stanly	N.C.	5.3% (19)	37.0% (54)	6.92	.009
33	**Boyd**	Ky.	88.7% (53)	100% (89)	10.52	.001	Chandler	Pa.	23.5% (17)	62.5% (30)	7.64	.006
34 (first ballot)	Richardson	Ill.	98.0% (51)	79.2% (24)	7.90	.005	Campbell	Ohio	0% (26)	44.1% (118)	17.93	.000
34 (last ballot)	Aiken	S.C.	100% (50)	82.6% (23)	9.20	.002	**Banks**	Mass.	0% (26)	87.6% (113)	79.16	.000

Note: Victorious candidates are in **bold** type. The χ^2 statistic tests whether support for the top vote-getter within each party was independent of region.

Table 4. First ballot for Speaker, 31st Congress (1849).

	Party				
	Dem.	Whigs	F.S.	Amer.	Total
Howell Cobb (Ga.)	102				102
Chauncey Cleveland (Conn.)	1				1
David Disney (Ohio)	1				1
James L. Orr (S.C.)	1				1
Joseph Root (Ohio)	1				1
James A. Seddon (Va.)	1				1
James Thompson (Penn.)	1				1
Robert Winthrop (Mass.)		95		1	96
Horace Mann (Mass.)		2			2
Meredith Gentry (Tenn.)		6			6
David Wilmot (Penn.)			8		
Total	108	103	8	1	220

Table 5. Regional support for plurality election of Speaker. Note: Entries are the fraction favoring plurality election. (*N*'s in parentheses.)

	North	West	South	Total
Dem.	.40	.19	.16	.21
	(20)	(32)	(56)	(108)
Whig	1.00	.67	.69	.88
	(62)	(12)	(26)	(100)
Total	.85	.32	.33	.53
	(82)	(44)	(84)	(208)

Table 6. Vote on conducting ballot for Speaker under plurality rule, 1849.

	Party		
	All	Democrats	Whigs
South	-1.48	-2.13	0.19
	(0.46)	(0.59)	(0.85)
Irregular	-1.33	-0.36	-2.42
	(0.50)	(0.70)	(0.57)
W-NOMINATE 1st dimension (party)	-2.26	-1.03	-8.32
	(0.32)	(0.93)	(2.36)
W-NOMINATE 2nd dimension (slavery)	1.35	1.29	2.76
	(0.39)	(0.48)	(0.92)
Election percentage	-1.14	-3.44	8.14
	(0.88)	(1.43)	(3.86)
Constant	1.06	2.10	-7.08
	(0.60)	(0.87)	(2.31)
N	198	98	100
pseudo-R^2	.54	.22	.67
Llf	-61.87	-41.79	-12.11

Table 7. Comparison of Winthrop's committee appointments (30th Congress) with Cobb's (31st Congress).

	Winthrop				Cobb				
	N. Whig	S. Whig	N. Dem.	S. Dem.	N. Whig	S. Whig	N. Dem.	S. Dem.	F.S.
Judiciary	5	0	1	4	2	1	2	3	1
Territories	5	0	1	3	2	1	2	3	1
DC	3	3	2	1	2	2	1	3	1

Table 8. Standing Committee Composition, 34th House

Committee	Committee Median	Banks Voters	Banks Supporters	Total Members
Joint Committee on Printing	0.465	3	3	3
Revisal and Unfinished Business	0.457	3	3	5
Judiciary*	0.410	4	5	9
Engraving	0.401	2	2	3
Territories*	0.380	6	6	9
District of Columbia	0.379	5	6	9
Public Lands*	0.337	5	5	9
Patents	0.330	3	3	5
Revolutionary Claims	0.329	4	5	9
Agriculture*	0.324	5	5	9
Ways and Means*	0.308	5	6	9
Military Affairs	0.282	5	5	9
Elections	0.262	5	6	9
Foreign Affairs*	0.241	5	5	9
Public Expenditures	0.238	5	5	9
Public Buildings and Grounds	0.223	3	3	5
Expenditures on Public Buildings	0.223	1	1	5
Invalid Pensions	0.212	5	5	9
Indian Affairs	0.204	5	5	9
Manufactures*	0.150	4	5	9
Post Office and Post Roads	0.145	5	6	9
Naval Affairs	0.145	3	5	9
Accounts	0.121	3	3	5
Roads and Canals	0.024	2	5	9
Claims	0.019	4	5	9
Private Land Claims	0.010	3	5	9
Commerce*	0.009	5	5	9
Joint Committee on Library	0.009	2	2	3
Expenditures in the Treasury Dept.	0.007	2	3	5
Revolutionary Pensions	-0.030	4	5	9
Militia	-0.062	3	4	9
Expenditures in the War Dept.	-0.101	2	2	5
Expenditures in the Navy Dept.	-0.124	1	2	5
Expenditures in the Post Office	-0.129	1	1	5
Joint Committee on Enrolled Bills	-0.208	1	1	3
Mileage	-0.229	2	2	5
Expenditures in the State Dept.	-0.295	2	2	5

* Signifies Silbey's (1989) "key" policy committees

Legend:
Committee Median: the first dimension Nominate score for the median member
   of the committee.
Banks Voters: Number of members on committee who voted for Banks on the last ballot.
Banks Supporters: Number of members on committee whose ideal points were closer to Banks
   than to Aiken.
Total Members: Total number of members on committee.