

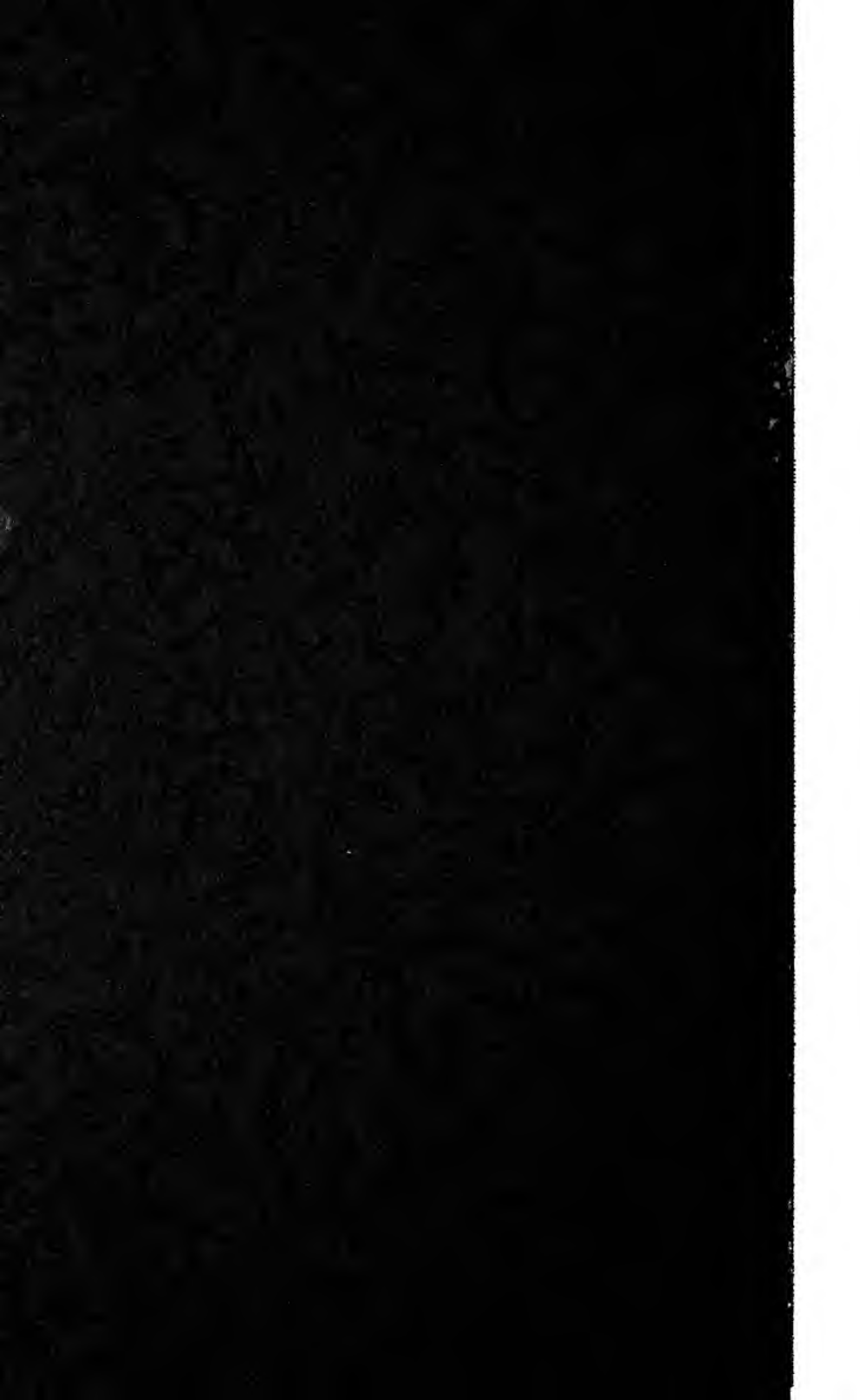
JF
1023
B2

UC-NRLF



\$B 21 720

C 08464



THE DEFEAT OF PARTY DESPOTISM

BY THE

Re-enfranchisement of the Individual Citizen.

AN ARGUMENT FOR THE RESTORATION OF
MAJORITY ELECTIONS, PRESENTED TO THE
MASSACHUSETTS REFORM CLUB,
BOSTON, OCTOBER 2, 1886,

BY

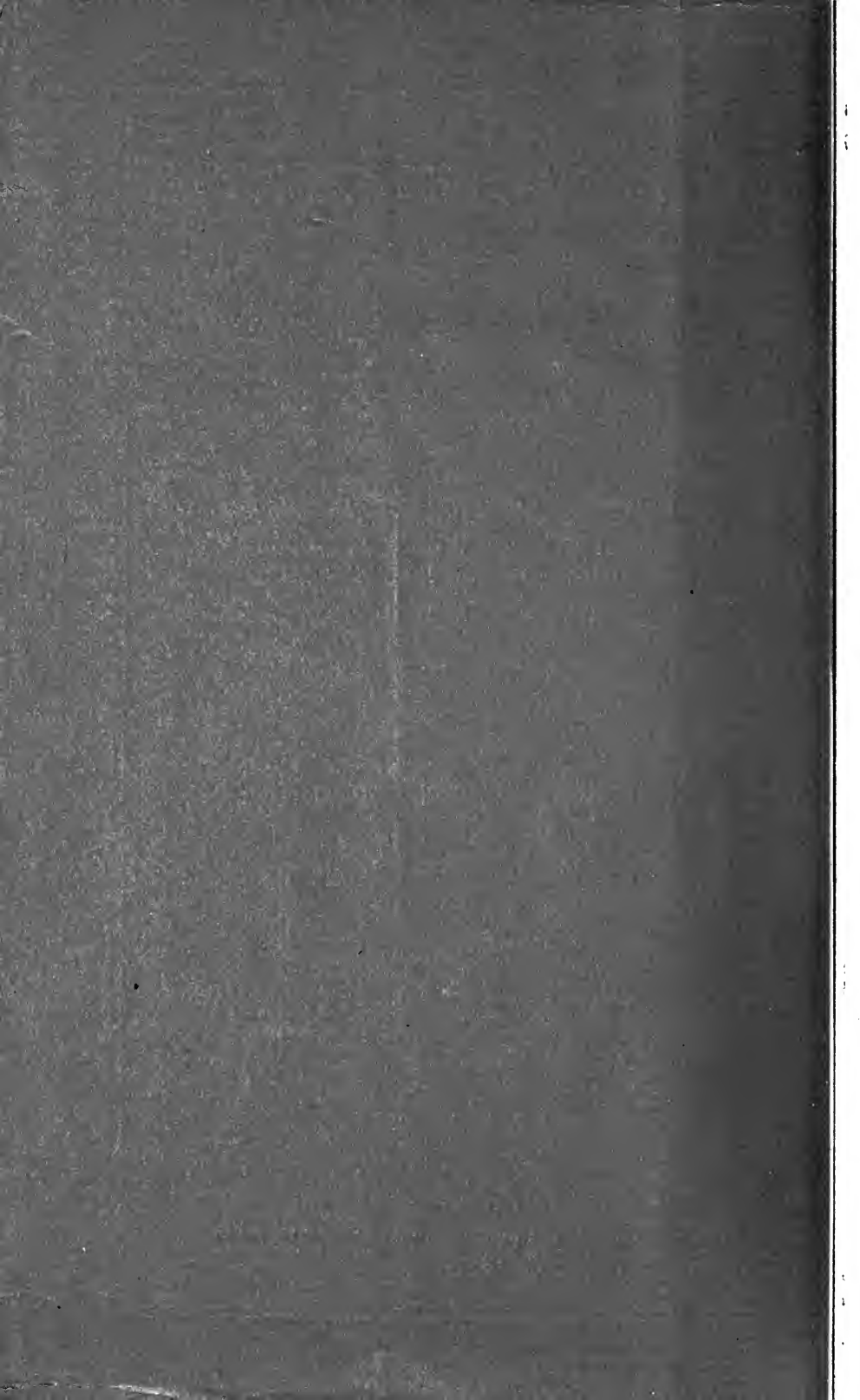
LEONARD WOOLSEY BACON.

Published by request of the Club.

BOSTON:

PRESS OF ROCKWELL AND CHURCHILL, 39 ARCH STREET.

1886.



THE DEFEAT OF PARTY DESPOTISM

BY THE

Re-enfranchisement of the Individual Citizen.

AN ARGUMENT FOR THE RESTORATION OF
MAJORITY ELECTIONS, PRESENTED TO THE
MASSACHUSETTS REFORM CLUB,
BOSTON, OCTOBER 2, 1886,

BY

LEONARD WOOLSEY BACON.

Published by request of the Club.

BOSTON:

PRESS OF ROCKWELL AND CHURCHILL, 39 ARCH STREET.
1886.

JF1023
.B2

Sept 7
Geo. R. Bacon
New Fund

7: 480
20000000

Fellow-Citizens of the Reform Club:—

In laying before you a plan for the defeat of party despotism I have the great advantage of being assured of your interest in the object proposed, and thus of being relieved of the burden of a large part of my argument. That party despotism exists, and is not much more tolerable for being nominally vested in two parties instead of one; and that it exists as a continual mischief and formidable peril to the commonwealth—these are propositions which, as a society for political reform, you will be ready to admit without protracted discussion. It is substantially true, and is growing every year to be more absolutely and exclusively true, that the American citizen is shut out from any effective share in political affairs, from municipal to national, except by virtue of his membership in, or his subserviency to, one of two great extra-constitutional and extra-legal organizations. Independently of his relation to one of these great combinations, the citizen is not only practically excluded from official functions, but even his freedom as a voter is narrowed down so near to the vanishing point that the exercise of the voter's franchise is getting to be more and more neglected, as an act merely formal and futile. And, to the great detriment of the republic and the degradation of its political life, this neglect of political duties tends to become more and more general among those classes of citizens who, by reason of superior intelligence and independence and conscientiousness of character, are the least likely to move in subserviency to the requirements of a party organization.

There are simple souls, no doubt, who will consider all objections to the supreme domination of parties to be completely met by asking, What, after all, are parties, but the people themselves dividing naturally, according to the opinions or predilections of each individual, on important questions as they emerge? What, then, is the success and domination of the greater party but the rule

of the majority of the people? These are apt to be old-fashioned people, whose guileless notions have come down to them from earlier ages of the republic, and who do not know that a party in modern America is an entity as real as an army; that it is a corporation in every respect except this, that it is neither recognized by law nor responsible to law; that the Republican party and the Democratic party, bating the matter of a charter and the questionable privilege of suing and being sued, are as individual, as actual, as personal, as the New York & New England Railroad Company. (It is hardly necessary to spend time in refuting the obsolescent notion that the party comes into existence with political exigencies, and then ceases until it is reanimated with the returning need. I am speaking to those who are better informed, — who are aware that the organization which dazzles the world at election time with its torches and fireworks and its more than pyrotechnic eloquence, does not cease when the election is over; that not more diligently are the campaign torches and other properties laid away, with such of the jokes, anecdotes, and metaphors as will keep, to be furbished up and brought out again at the beginning of the next campaign, than the organization itself is put into complete repair and kept in sufficient activity to prevent it from rusting. The party is not an annual, dying at the root and springing again from seed. It makes a woody stalk, — yea, it becometh a tree; and very queer are some of the birds, of strange and not beautiful feather and of cacophonous note, and not in the least delicate in their taste for carrion, which come and make their nests in the branches thereof. It is an organization that can be maintained only by a martial severity of discipline towards mutineers and deserters, at the first symptoms of disaffection or independent judgment, shooting them politically dead on the spot; but paying for professional services with such rewards as it has to dispose of. For *professional* services it must have. Notwithstanding all the volunteer and amateur service that is rendered during the excitement of an election “campaign,” so vast and complicated a machine as a political party needs a great amount of skilled and professional labor, and must be tended, even when it is idle, by experts who give their whole time to it, and who are possessed with the mis-

taken idea that "they must live." The parts of the machine are geared together with immense ability,—a system of wheels within wheels. The outer periphery is made up of the large multitude of voters, who, by force of conviction, or of interest, or of tradition, or of mere habit and inertia, are accustomed to call themselves by the party name, and to vote its ticket with more or less regularity. Within this is geared the circle of amateur partisans, who so far identify themselves with the party's affairs as to frequent the nominating caucus. A still smaller and interior circle is the ring of professional politicians, who give their whole time to politics, and, in one way or another, make their living out of it. And, in the inmost centre of all lies coiled the boss, who makes the whole go round. The small residuum of liberty that is left to the individual citizen at the ballot-box is to decide between two such organizations and their candidates. And even this apparent liberty is sometimes rendered nugatory by the operation of that well-known principle that "where combination is possible, competition is out of the question." The fact is not infrequent, and tends to become more and more common, that the two ostensibly hostile parties are really managed in collusion. These fierce contests, waged with such a show of intense animosity, are managed on both sides, if not by the same men, at least by men who have a perfectly good understanding with one another. It is responsibly asserted by a respectable writer,¹ as a thing "perfectly well understood, that in the State of New York the same set of men manage both the parties."

Briefly stated, the fact is this: Our democratic government, while still maintained as to all its legal forms and titles, as the forms of the Roman Republic were maintained under the Cæsars, has undergone a revolution, and we are governed by an oligarchy of professional politicians, or at best by two oligarchies holding power alternately.

Since, then, in the development of our institutions we have come to be under the government of a self-constituted, but thoroughly and powerfully organized guild of professional politicians, it would be no small satisfaction and relief if we could have assurance of the high and honorable character of the pro-

¹ Mr. Albert Stickney, in *Scribner's Magazine*, July, 1881, p. 357.

fession. What is the character of the American citizens who devote their time to politics and make their living out of it? There is no exaggeration whatever in saying that the profession of politics, as a means of livelihood, is, in the estimation of the public generally, a disreputable profession; and that is practically equivalent, in the long run, to saying that it *deserves* to be held in contempt. Put any set of men for a course of years under the ban of public odium, and, however honest they may be to begin with, unless they are lifted up by a spirit of martyrdom, they will by and by begin to deserve it. Gradually honest men will quit them, and rogues will join them. Let any class of people be habitually suspected as thieves, and before long they will begin to steal. Now there is no mistaking the popular sentiment as to the character of the professional politician. It is a feeling of detestation. No point made by a public speaker is more sure to "bring the house down" than a point well made against this whole class—as a class. Probably, since slave-dealers ceased to be a class among us, no name of any craft is so generally odious to the people as that of professional politicians. Consequently, once started in that direction, the whole business tends swiftly downward to lower and lower levels.

If it is a wonder to any that the noblest functions of citizenship should tend to become so debased, some of the reasons of it are not far to seek. We have seen that, by that law of differentiation so justly stated by the evolutionists, as society becomes more complex and highly organized, the business of managing politics inevitably falls into the hands of trained experts, giving their whole time to the business, and taking their pay out of it. Now it is not only that many of the operations of this profession, especially in its lower ranks, are not particularly ennobling, but that its payments are made in the form of *chances* for office or for perquisites. The consequence of this method is that the gambling element in society is attracted to politics as a business. I know it is alleged that it is not exclusively so; that there are resources of no such precarious character on which those who serve their country in the lower grades of the profession may rely with some measure of certainty; that there are great and wealthy and not ungenerous corporations, too patriotic, too sensible of

the importance of having the State and the country properly governed, and too grateful for timely services to their own and the public good, to allow even the humbler laborers who help to "fix things" in the caucus or the canvass to suffer for lack of daily food, or yet of necessary drink. But not even thus is the profession lifted up to such dignity that a wise man is pleased when he learns that his son has chosen it for a vocation.

It is only a converse of this fact that the meaner elements of society are attracted into politics as a profession, to say that good and honorable men are repelled from it; and so the matter goes from bad to worse. I might quote, in confirmation of this statement, some discouraging words from President Woolsey, and some less despairing expressions from my beloved and brilliant friend, the late Prof. Diman;¹ but it is better to cite the testimony of some of the warmest friends of America on the other side of the sea: as when Thomas Hughes declared it as a general fact, notwithstanding the multitude of exceptions, that "in America educated men take no interest in politics;" or when John Stuart Mill says that in America "the instructed minority" stand aloof from political affairs; and adds the strong and sweeping statement: "Political life is, indeed, in America a most valuable school, but it is a school from which the ablest teachers are excluded; the first minds in the country being as effectually shut out from the national representation, and from public functions generally, as if they were under some formal disqualifications."² Doubtless we can find some exceptions to this statement; but they are exceptions still, and they are growing rarer as the country is growing older. We might even point to one branch of the public service, the consular and diplomatic, and prove by the names of Irving and Bancroft and Wheaton and Motley and Hawthorne, that we have a place to which such men are not ineligible, and that this place is almost anywhere not within 3,000 miles of a ballot-box or a primary meeting. We might even point with exultation to the recent demonstration that an American is not necessarily excluded from rendering his country effective service, — that is, in foreign parts, — by the mere fact of his being the foremost scholar among poets, and the foremost poet among

¹ In their Phi Beta Kappa orations at Harvard, in 1875 and 1876.

² On Representative Government, p. 157.

scholars, since Coleridge, not to say since Milton. But, after all, the general fact remains, and Mr. Mill and Mr. Hughes were right.

But the mischief is far deeper and more dangerous than the diagnosis even of these experienced and thoughtful observers had perceived. It is not only the educated classes that are withdrawn from politics, but, to a portentous extent, the honest, intelligent, industrious population of all grades, finding the effective control of political affairs to be held in the tight grasp of men in whom they have no confidence, are lapsing into a despairing indifference and inactivity, from which they are roused only by the application of some violent stimulus, or by the excitements of some sharply contested canvass. All but the devotees and obsequious servants of one of the two party machines find themselves left out from public functions, and, apparently, of no account in the affairs of the parties. There remains to them the option of voting for one or another of two candidates whose names are dictated to the public by the oligarchy of professional politicians. Is it strange that the option between the two should begin to seem of no such importance as to justify the trouble of going to the polls? Is it strange that thoughtful and intelligent citizens outside of party lines, disgusted with the tyranny which shuts them up, in the act of voting, to a choice between the representatives and instruments of two unworthy combinations, and tired of being bullied into voting for men whom they do not approve by the threat, "You had better vote for our man, or you will have to put up with a worse one," should fall into the mistake — wrong and fatal as it is — of neglecting to vote at all, as being an act ordinarily without significance or use? Says one thoughtful and serious writer: "Year after year we go through the empty form of placing in a box a list of names of men we do not know, put into our hands by men whom we do not respect."¹ A former president of Harvard College declared: "I always feel, when I put my hand to the ballot-box, that I am being used by somebody, I know not whom, for some purpose, I know not what."²

¹ Mr. Albert Stickney, in *Scribner's Magazine*, 1881, page 577.

² Quoted by Mr. Josiah P. Quincy, in an instructive essay on "The Protection of Majorities," p. 65. Boston, 1876. The title of the Essay is worthy of the attention of those who are studying the subject of "minority representation;" and suggests the question whether this subject, interesting as it is, may not well be postponed until some provision is made for the representation of the majority.

The practical question which demands our study, in view of these abuses, may be stated in either of two forms, which are the same in substance and effect: Either, How can the individual citizen be restored to his political rights and powers; or, How can the intolerable oligarchy of professional politicians which now avails to defeat the individual citizen of any power but such as he may exercise in subordination to itself, be thrown down and broken up? Either of these two involves the other; reënfanchise the individual citizens, and whenever it is necessary they will smash the machine; smash the machine, and honest citizens will come to their rights again.

1. The common answer that is made to the respectable citizen who complains of the tyranny of the party system, by means of which the control of public affairs has been usurped into unworthy hands in the caucus and behind the caucus, is made in the form of an apparently overwhelming retort: "If you want a different class of people to go to the primary meetings, why don't you go to them yourself and take your friends, instead of staying at home and writing grumbling letters to the newspapers? Who is to blame for the fact that there is nobody at the primary meeting but the ring and the ringleader and their retainers? Who is to blame that the respectable and intelligent and educated citizens are not there, except the educated and intelligent and respectable citizens who stay away? We would like nothing better than to have you come. Why don't you come?" And the question sounds so plausible and is pressed by the party managers and their newspapers with a smile so "childlike and bland" as sometimes to deceive the very elect; who, being drawn thus to the primary meeting, find, to their innocent amazement, that the primary meeting is not primary at all; that there are other meetings prior to the primary — meetings to which they are by no means invited — by which it is predetermined what the primary meeting is to do; and that somehow or other it invariably happens that there are enough people at the primary meeting of the right way of thinking to make sure that the program determined on by the professional gentlemen at the meeting which is prior to the primary shall not be seriously departed from. The respectable and conscientious citizen returns home

in a pensive mood from his unwonted evening at a tavern or club-room, and employs the remainder of the sleepless night in an endeavor to foot up the net results of his truly missionary undertaking to elevate the character of the primary meeting.

He finds, first, that he has advertised himself as owing allegiance to the party; and, secondly, that his vote and personal influence are claimed as pledged by his presence at the caucus to the support of some scoundrel nomination which he went there purposely to oppose; and it is gradually borne in upon his meditations in the night-watches that if he shall balk, or threaten to bolt, he will at once be charged with being a traitor who came into the caucus intent on playing the deep little game of "Heads I win, tails you lose," and that he may consider himself to be let off very easily indeed, in his reputation and business, if he suffers nothing worse than to be denounced among all stanch and loyal members of the party by some disagreeable nickname beginning with a letter M. Can we seriously blame the respectable citizen if he falls into the habit of absenting himself thereafter from such meetings, and if, to the appeal of the professional gentleman who manages his ward, and who says to him, "*You* are responsible for the corruption of our politics; my dear sir, why *don't* you attend our primaries?" he makes reply only with the silent eloquence of an injured and reproachful look?

2. Another answer which is very obvious and plausible is this: "If bad men combine, then let good men unite in a counter-combination. Unite in a new party, or at least in a new organization of some sort, which shall aim to take the domination out of unworthy, corrupt, or selfish hands and control it for good and honorable ends." And that this answer is not wholly futile and unpractical there is more than one illustration in American history—the best of them, perhaps, the story of the Philadelphia "committee of one hundred." But I have no doubt that those who have had even a successful experience with this method will tell us that it is (1) of most doubtful issue, like the opposing of a veteran regular army with an insurrection of raw volunteers; (2) that it is enormously costly, demanding, to a certain extent, the paid professional work without which no political organization will run except for a very little while; consequently (3) it is only

in the greatest extremity, when abuses become absolutely intolerable, that men can be induced to resort to it; and (4) as soon as it begins to be successful it tends to become corrupt, like the parties which it has superseded. Evidently this is no sufficient solution of our problem.

3. Another answer, and the one on which society seems to be settling down as the only practical one, is to take the nominating caucuses of the two parties under surveillance of the statute law; providing whatever safeguards it is possible for legislation to devise, against fraud and corruption in the management of a matter which hitherto has been wholly extra-constitutional and extra-legal. This experiment is now on trial in several of the States, among them in Massachusetts.

Let it be fairly tried and judged by its fruits. But there are serious objections to it at the outset. Instead of mitigating the power of the two dominant parties, it aggravates it to a perilous degree, enabling these to intrench themselves in the statute-book; giving them, for the first time, recognition before the law, without corresponding responsibility to the law; seeming to give the citizens, so far as they are partisans, power over the machine, but really confirming the machine in its power over the citizens; and, finally, completing the practical disfranchisement of the individual voter, by shutting him up, more hopelessly than ever, to a mere option between the two machines. It is seriously to be feared that, even if it brings us some measure of relief from the open and impudent frauds common heretofore in the nomination of candidates (and whether it succeeds in so much as this does not seem to be demonstrated yet by the experiment), the good that it may do will be offset by the dangerous revolution of setting up the party organizations as a part of the fixed legal machinery of government. Perhaps no amendment to the constitution of state or nation has ever been attended with graver consequences than are involved in this little measure of adopting the party machines, even thus indirectly, as part of the mechanism of the government.

I need not pause to speak of the various expedients of cumulated or restricted voting, minority representation, and so forth, which have occupied the attention of publicists so largely, in

various countries, for several years. They have too slight and remote a bearing on the main point of this argument.¹

I hasten to speak of the one hopeful remedy for that intolerable despotism of the party machines by which the political liberty of the citizen has been practically nullified, and the interest of the States and of the nation imperilled. This remedy I find to consist, not in the introduction of any novel device of polity, however ingenious or however approved by great names at home or abroad, but in the return to a practice and principle known to the best and purest ages of American liberty, — a practice and principle characteristically and historically American, though now, within two generations, become obsolete in nearly all the States, as well as in national politics. I mean the practice and principle of MAJORITY ELECTIONS, instead of the delusive, un-American, British tradition of plurality elections. By what acts of political intrigue, by what conspiracy of two great parties to rid themselves of all danger of interference from a third party, by what indolence and judicial blindness of the people, it has been brought to pass that this invaluable protection of the rights of the citizen has almost everywhere been abandoned and lost, it might be long to tell, though it surely would not be un instructive.²

It is the majority principle in popular elections which would compel the parties and their leaders to count *the scattering vote*, and not only count, but weigh it, even when being laid in the scale it suffices to turn the balance. Plurality government means minority government, always and everywhere. It is the majority principle restored which can reëfranchise the individual, which can wrench from the double-handed tyranny of these two insolent hierarchies of intrigue the sceptre of their allied despotism, — these two Frankensteins of our own making, which hold their power

¹ In his arguments in favor of "Proportional Representation," Mr. Buckalew, of Pennsylvania, is careful to conciliate the party interests by showing that his plan will not disturb the supremacy of the caucus. It is only a plan to enable *parties* to "represent themselves." See his "Proportional Representation," pp. 73, 74, 148.

The fatal defect of all these schemes, with reference to the difficulties which we are studying, is that they apply only to *plural* elections, — to the choice of representative assemblies. They have no application to the choice of administrative officers. But good administration is four-fifths of good government.

² For a contribution towards this unwritten chapter of political history, see Appendix I., The Rise and Fall of Majority Government in Massachusetts.

over us, each of them by threatening us with the other one, confronting the helpless citizen with a choice of evils and bullying him into voting for an unworthy candidate, under penalty of being put under subjection to a worse one. It is the principle of *majority elections* that is to empower the thoughtful, conscientious, and unpartisan voter, when the two parties come impudently urging him with their inexorable alternative, "Take our man or the other; there is no further choice for you!" — to defy both parties by the might of *the scattering vote* and say to them, "We will take neither horn of your villanous dilemma; we will defeat both your candidates. Now go back to your caucus-rooms, and give us nominations fit to be voted for!"

For there will be caucuses and nominations still. The return of the republic to its original holding ground in majority government, from which now these many years it has dragged its anchors, will not supersede the reasonable and salutary functions of parties and party councils. It will only take from these their absolute and domineering power. But will not the caucuses and conventions still have power enough, in the name of reason, when the two parties no longer hold undisputed between them the complete control of all national, state, and municipal affairs, subject to no limitation but those imposed by their mutual rivalries or mutual collusions? And is the caucus likely to use its power, still formidable, less wisely and conscientiously for knowing that the nominations and projects of both parties — not of one or the other only — are subject to be reviewed and negated by free citizens at the polls? — that, unless, between them, nominations are made which command the general respect of the citizens, the election day itself will be converted, under the operation of a well-devised majority election law, into a great nominating convention of the whole body of citizens, acting under the strongest sanction and protection of law, for indicating the candidates who are to be voted for at a second balloting? The individual citizen, the scattering vote, will have come to its rights again. And, as a general rule, it is the intelligent and conscientious vote that scatters; the ignorant and thoughtless vote is cast in blocks.

How would such an election law operate? It would begin operating long before election day, in the very earliest whisperings over

the question of the party nominations; and when the convention met — no matter how unscrupulous a convention, of no matter how dominant a party — it would be overshadowed by the awful consciousness that its nomination was subject to the veto power of the people. If, notwithstanding, the managers of the dominant party should venture to nominate an unfit candidate, the voters of the party would vote him down on election day without the slightest fear of thereby giving the election to the opposite party. There would be no election on that ballot. But there would be a *nomination*. For the defect under which the old Massachusetts law failed would be remedied by a provision restricting the voters at the second ballot to three candidates receiving the highest number of votes at the first ballot; and at the third ballot, if a third should be required, reducing the number of candidates to two. For lack of such a provision under the old law, the attempt to elect so often resulted in an interminable dead-lock, that the people, out of mere impatience, abolished the law instead of amending it, and so permitted the two great parties for a few years to crush the third party, until at last the third party grew big enough to crush them both. Under a well-devised majority election law, the dead-lock could never outlast three ballots; and it is simply reasonable to expect that the salutary influence of the law upon nominating conventions would result in such nominations as might, in ordinary circumstances, win a majority at the first trial.¹

In the meantime, while waiting for his reënfanchisement, let not the unpartisan citizen, however debarred from political functions, make the mistake of thinking himself wholly excluded from political power. On the contrary, no small measure of influence still remains with him, if he did but know it. If he is impotent in public affairs, it is simply because he thinks himself so. Like Christian in the “stinking dungeon” of Doubting Castle, he may be quite unconscious that the key of the situation is in his own pocket. He supposes, as the public in general suppose, that the persons who control the policy of a political party are its stanch and constant adherents; whereas this is the one class

¹ The objections that have been brought against the proposals of this address are considered in Appendix II.

of people who have no influence with the party at all. They can go to primaries; they may even send delegates to conventions, provided they don't send too many; but behind the caucus, behind the convention, is the ring, and behind the ring sits enthroned in awful majesty the boss. But behind the throne is another power, the measure of which is only beginning to be understood. Whether they know it or not, whether they like it or not, the policy of boss and ring, and all their hierarchy of professional and amateur politicians, is determined in the long run with the inexorableness of a Calvinistic predestination, by two classes of people whom they all detest: first, the voters whom they hope to gain; second, the voters whom they are afraid they will lose. The voters whom they are sure about, either way, have no influence with the party. The man who does not venture to call his soul his own is not counted as having any soul. The man who grumbles and scolds about the nominations and threatens to bolt, but always turns up on election day with the regular ticket in his hand, is of even less account. The man who has once actually bolted, and is likely to do it again, may be disliked, may be abused, may be vilipended under cacophonous nicknames; but he is sure to be very respectfully considered in the secret councils of one party, and probably or both. The policy of a party, thus, instead of being determined by the character of its leaders, or the character of its rank and file, is determined by the character sometimes of its guerillas, sometimes of its bummers. If there is a party of great moral ideas, quite secure of the respectability vote, but holding many voters of the opposite class by an uncertain tenure, these latter will control the party until the decent people resolve that they will be uncertain, too. If there is a party strong in the unswerving adhesion of great masses of ignorant and reckless voters, and depending for its chances of power on the accession of men of conscience and public virtue, that party, in spite of its instincts, in spite of its traditions, will gravitate toward public morals and upright administration, while all the world looks on and wonders why.

No, no! In the long run, it is the meek that inherit the earth, after all. The pomp and glory of the party leader and the boss

are only a vain show. The uncrowned king turns out to be the quiet citizen who looks serenely out of window upon the strife of parties, and then goes to drop his casting vote into the ballot-box without a tremor of hesitation, even though (to borrow the phrase of a great citizen of Boston) he may seem to be sacrificing the interests of the next election to the interests of the next generation.

APPENDIX I.

THE RISE AND FALL OF MAJORITY GOVERNMENT IN MASSACHUSETTS.

Considering the fundamental importance of the question of the mode of election, and the variance of usage between England and France and among the American States, it is surprising how difficult it is to find any history or discussion of the subject. In the voluminous literature of "cumulative voting" and "minority representation" I have failed to find any allusion to it. The most important observations on the subject that I have met with, after considerable inquiry and search, are a few paragraphs in Cushing's "Law and Practice of Legislative Assemblies," §§ 126-131, and Appendix IV. After stating the common law of England, according to which "the term *majority* embraces what is denoted with us by the word *plurality*," the author continues: "In this country, however, the principle of majority, or absolute majority as it is sometimes called, was early introduced into the law of elections by the colonists of New England" (§ 127). And in some of the States, notably in Massachusetts, it was in force by common law and usage, quite independently of any constitutional or statutory provision. "Indeed the majority principle is so *essential and fundamental* in Massachusetts, that it prevails in the elections of all private corporations and associations, as well as in those of a municipal character" (§ 128).

It is much to be regretted that this author found it "foreign to his purpose to consider" the question whether "the diversity among the States in the mode of determining the result of an election may be the source of corresponding diversities in political character and history." "It would be interesting, doubtless, to know what was the origin of this difference, whether it was accidental or intentional,—if the latter, was it the purpose in view in the establishment of the majority principle in some States to secure greater permanence and stability in the administration of the government? — or was the plurality principle main-

tained in others for the purpose of preventing and destroying the influence of third and other minor parties? — or, whatever were the purposes in view, have these purposes been effected? These are questions which do not probably admit of a satisfactory answer" (§ 130).

Much light, however, is thrown on these questions by the study of the recent political history of the States in which the majority principle once prevailed, and is now abolished. The debates in the Massachusetts Constitutional Convention of 1853 give sufficient indication of the motives of the change which that convention refused, but which was brought about two or three years later by another process; and the subsequent political history of the State, compared with its earlier political history, would show how far those motives have been satisfied by the result. It is obvious in the debates that the two motives that impelled, at that time, towards the rejection of the immemorial, fundamental, and characteristic principle of the New England republics were these: 1, the popular impatience at the interminably long contests of election, resulting sometimes in the final failure to elect at all; and, 2, the disposition of the two great parties, both of them committed to the same side of the pending questions about slavery, to extinguish the strong anti-slavery sentiment which was making itself heard through a growing third party. From the able and protracted discussions I transcribe some words of a few of the leading speakers in favor of the maintenance of the majority principle: —

AMASA WALKER. — I do not know that it will be said, but I am sure it will be felt or thought, by some that by the proposed change we will get rid of third parties. And what shall we get instead of third parties? We shall get, instead of third parties, founded on principle, factions struggling for power. . . . In all States where this [plurality] principle obtains, politics become a raffle, the contest of parties and factions a scrub-race, in which the one who gets the first start is likely to come out best. . . . The majority rule gives every man his full power, so that a man may be a man under any circumstances whatever; so that at the ballot-box he may be not less than a full man, and his vote have its full effect, either for a candidate or against him. How is it under the other system? A man may be of some consequence by his vote, or he may not. If he belongs to a third party, which

is in the minority, then he comes up to the polls with the certainty that his vote has no weight whatever; that it can have no effect on the final result. He may vote according to his convictions of right, in order to bear his testimony against wrong; but so far as any political effect is concerned he might just as well not vote at all. He finds himself a political cipher unless he will resign his honest convictions, and join one of the two great struggling parties. All that is left to him, under the plurality system, is the miserable alternative of "choosing between two evils." Ought any man voluntarily to place himself in a position where he must choose one of two evils, or be politically annihilated? Ought we to present a Constitution to the people which destroys individual independence and power, and makes the people the tools of caucuses and conventions, bodies not known or acknowledged in our State or national constitutions? . . . I believe, if we were to examine the history of other States, we should find that political demoralization has always followed the adoption of the plurality system. It must follow as a matter of course, if I understand the matter, for it destroys the moral element of politics. (I., 123, 124.)

Mr. Calhoun, in a large posthumous work lately issued, maintains, with his usual clearness and force, that this great system of caucuses and conventions which has grown up in our politics was never contemplated by the framers of the Constitution, and that such conventions do, in fact, thwart the original design and intentions of that instrument. Of the truthfulness of this view of the subject there can be no doubt. This convention or caucus system was never anticipated. Commencing in small beginnings, the system now pervades the Union, overrides the Constitution, gives law to the nation, and an entirely different character to the government from that which was originally intended. With the growth of this caucus system has grown up the plurality system in elections. Majorities were found to stand in the way of political managers. They must be got rid of. Under the lead of wily politicians one State after another has been induced to provide that a plurality may elect, at least in regard to national officers, and the majority has now ceased to be the governing power in this republic. What do we find as the result of this state of things? We find that our national politics are corrupted, that the few govern the many, and that the people are at the mercy of the politicians. . . . If that gentleman should live to old age he will see the greatest struggle that was ever made in this country to get back to the true democratic principle of the rule of the majority. (I., 207.)

BENJAMIN F. HALLETT. — As a politician, I would be in favor of the plurality system, as the more expedient of the two;

but as a propounder of organic law I am opposed to it. The question in my mind, therefore, is whether I am acting here as a politician, or, as far as I may be able, as a statesman. . . . In looking at the fundamental principles of our Massachusetts government I find that the two earliest principles engrafted on it were the majority principle in all the forms of law, and the representation of towns. This goes back to the year 1631, and runs through your political history from thence until now. (I., 150.) If I were going to vote in this matter merely as a politician, so as to cull a plurality party out of all the three parties in the Commonwealth, I would go for this; and it is a strong temptation to do so, because, I confess, I want to get rid of that third party. (II., 359.)

BENJAMIN F. BUTLER. — . . . When he told us that twenty-five States had adopted the plurality rule fully, and then that the government, the whole government of the country, in making a president, had passed into conventions, did it occur to him that the plurality rule was the cause? Did it occur to him that the great majority who have gone for the plurality rule are those that make the presidents, and that this caucus system has grown up — where, sir? Where did it originate — where is the hot-bed of it? Where is the beginning of national conventions, if you please? . . . Did they originate where the majority principle prevails? No, sir; but they originated in New York, where the plurality rule prevails. The old sticklers for plurality are there, from beginning to end. Is it not a matter of history that national conventions commenced from New York caucuses, from the men who have always lived under a plurality system? . . . If I thought the plurality rule would kill a third party, as a politician — and I am not speaking in any other sense — I would vote for it with both hands up. (I., 216.)

HENRY WILSON. — As a politician, I should agree with the member for Wilbraham (Mr. Hallett), that it would be for my interest, and the interest of the men with whom I act, to have a plurality rule in this Commonwealth. Before three years pass away I venture to say that those gentlemen who think now that this system is to blot us out will find they have not won by it. . . . I oppose the plurality system because I believe it tends to degrade the politics of the country, and to demoralize the politicians of the country. It has increased the power of the caucus, the convention, party organizations, great combinations, great interests, and the influence of political leaders; and it has diminished the power of the people who follow their higher and better sentiments. . . . Everything that is progressive, that carries us onward in the career of democratic progress, springs from

the higher and nobler sentiments of the people who follow their own ideas, rather than the demands of combinations of interest and ambition. I put it to gentlemen of the convention to say if it be not a "fixed fact" that very many of our best men—men who are guided by ideas and sentiments, men who follow their moral convictions rather than the banner of political strife, men who want good government and good public officers—do not attend political caucuses and conventions. Now, sir, if you adopt the plurality system, what will be its practical effect upon these men, upon whose moral instincts, liberal tendencies, and unselfish action the best hopes of the country rest? Under our majority system the political leaders and active politicians who go into caucuses and conventions know there is a moral power at home,—that if they outrage that moral power by putting up an unworthy candidate, or by endorsing an unsound principle or adopting a selfish policy, when the day of election comes the mechanic and the farmer—the men who do not generally meddle with political affairs—will come up to the ballot-box and will checkmate their policy, defeat their candidate, and arrest them in their career. The majority system gives the men of principles, ideas, and sentiments the power to resist the schemes of party leaders, and to make them feel, whenever they enter the caucus and the convention, that they must not outrage the higher sentiments of the best men of their parties. Now, sir, adopt the plurality rule in all your elections and you make the caucus and the convention omnipotent; you give full sway to the political chiefs who are controlled by interest and ambition. The whole tendency of the system is to debauch the public sentiment of the country and to enthrone the omnipotent power of the caucus and the convention.

Politicians go into the caucus or the convention prompted by ambition and interest, adopt their own schemes of policy, and when the day of election comes, and the men who are governed by their higher and better sentiments assemble around the ballot-box, they are told that they must take the "choice of evils,"—that they must vote for a candidate they know to be unworthy; whose "nomination was not fit to be made,"—or his and their political opponent will be elected. They know the contest must be then and there decided. They feel the pressure. They pause, hesitate, yield, vote for a candidate they know to be unworthy, and go home degraded in their own eyes, and more ready to yield again to the demands of the caucus and the convention. The whole machinery of caucuses and conventions, in this country, is one of the worst features of our democratic institutions. The majority system gives the people the power to checkmate their influence; the plurality system lets them have free course and be glorified. Sir, I have had, during the past fifteen years, some

little knowledge of caucuses and conventions, and the more I have seen of the managers of caucuses and conventions the less I think of them. The more I see of caucuses and conventions, of the strifes of political life, the more I turn to the unbiassed will of the people with hope and confidence. I am a party man; but the more I see of politicians the more ready I am to concur with the man who said that the more he saw of others the better the thought of himself. (I., 161.)

APPENDIX II.

OBJECTIONS ANSWERED.

The writer of this pamphlet highly appreciates the advantage of having drawn upon his argument the public criticism of the press, and the private criticism of some of the gentlemen who listened to it with such kind expressions of interest at the dinner of the Reform Club. These criticisms enable him to answer in advance some of the objections that are likely to present themselves to readers of the pamphlet. Some of the more important of them are here transcribed:—

(From the Boston Herald.)

Dr. Leonard Bacon's supposition that in the substitution of the plurality system for that of the majority in the election of candidates to office he has found a cause of the degeneration of politics will hardly bear examination. The majority system was abandoned because it created embarrassments which were not compensated by anything gained in the interest of minorities. It still exists, as regards the candidates for the executive State offices in Dr. Bacon's own State of Connecticut, and in one case there, of recent years, it has given the governorship to a candidate who had a much smaller vote than his leading opponent. We have never heard it claimed that it had improved Connecticut politics in any way.

I am glad to explain that my argument is not in the least devised "in the interest of minorities," but in the interest of the majority. Under the present system a minority contemptibly small in number succeeds in a multitude of cases in overruling

the clear and positive wish of the great mass of the people, and in placing in offices of honor and trust, men whom the majority would gladly exclude, but cannot except by electing men still more objectionable. If there are those who doubt that it is a common thing for a candidate to be sent to Congress whom not a hundred men in his district would have named as a suitable man, the instances to prove this can be cited until no room remains for even the affectation of doubt. I am not concerned at present for the "representation of minorities." That can well afford to wait until we have contrived some way of giving the *majority* a chance to be represented.

The case of Connecticut illustrates the working, not of the method proposed, but of the plan of throwing the election, when there is no choice by a majority of the people, into the hands of a rotten-borough legislature.

(From the Boston Advertiser.)

Dr. Bacon's prescription is not a new one, and its use heretofore has not been always satisfactory to him or his independent friends. As illustrated in our caucus system it has time and again given rise to independent heart-burnings. He will doubtless claim, however, that his remedy has not yet been fairly tried. He wishes to see it applied to popular elections, open to voters of all parties and shades of belief. If, in such an election, an obnoxious man is a candidate, he can be defeated by the votes of those who hold the balance of power under the majority rule, without bringing into office a rival who may be equally offensive. This process can then be indefinitely repeated, until some man who is satisfactory to the dissenting voters receives the party nomination.

There is a theoretical advantage in this course, but its practical merit is by no means certain. It may result in giving to a small number of voters a controlling power to which they are not fairly entitled. By this device a few men may succeed in bending the will of a great body of men to their own views, and in effect substituting the rule of an oligarchy for that of a democracy under a form of "majority election," which is, in substance, a vain pretence.

It may result, furthermore, in a series of vexatious canvasses and elections which will make practical men sick of the very name of popular sovereignty. Perhaps these and attendant ills may not follow the adoption of this plan, but a candid man will admit that they are to be feared.

If we were to judge of the future by the past our confidence in this remedy would not be increased, judging, at any rate, from the final issue of its trial in Maine. The memory is yet fresh of the contested election of 1879-80, when Governor Garcelon made his canvassing board a bad copy of his Southern models, and when a dictatorship was thrust upon General Chamberlain to save the State from anarchy. After this sufficient experience people in Maine were well content to exchange the remedy of Dr. Bacon for the "delusive, un-American, British" abomination of plurality elections.

The objection, "this process can be indefinitely repeated," "in a series of vexatious canvasses and elections," applies undoubtedly to the old law of Massachusetts, under which, in the attempt to choose a Congressman, a dozen or a score of futile ballotings would be taken, and the district go unrepresented at the end. [Instances like this were quoted in the course of the debates in the Constitutional Convention of 1853.] Neither this objection, however, nor that drawn from the Maine incident, has any pertinence, I think, to the present argument.

(From the Boston Post.)

The remedy is hardly complete, for it is apparent that, should the partisan forces be persistent, they could eventually compel a ballot as between the two principal candidates substantially as in our present system. What might be gained would be a larger opportunity for discussion in the light, also, of the protest made in the early ballots. The disadvantages would be found in the complexity and increase of machinery and the burdens of repeated ballots. It may also be doubted whether the result would not prove that the longer the contest the greater the opportunity for manipulation and election wire-pulling. Certainly a change so radical requires much searching discussion before acceptance.

The same objection, which seems to me by far the most serious that is to be brought against the plan proposed, is forcibly stated in a private letter to me from a member of the Reform Club:—

I am not able to say that I am quite convinced of your remedy. It would seem to be postponing the triumph of the spoilsmen only to the third ballot. Possibly it might lead to a trifle better nominations in certain cases; but if the two highest were both spoilsmen, or unfit, as is not unfrequently the case, it seems to me the parties can lie upon their oars and wait with the pleasing

spectacle before them of the independent voters having to swallow one or the other of their nauseating dishes. Meanwhile the public will be put to considerable expense, be wearied with the prolonged fight, and the average business man will be inclined to let things take care of themselves, while he attends to his affairs.

In answering this objection let me assume (what I have small means of judging for myself) the justice of statements which I have heard about the pending canvass in Massachusetts: that the managers of the dominant party in the State have procured the nomination for Governor of a man who is widely felt, both in the party and out of it, to be unworthy of the place. The people of Massachusetts, as a community, do not wish this man to be Governor. Nevertheless it is not unlikely that they will make him Governor, being practically coerced thereto, under an alternative which they contemplate with reluctance, by a small but highly organized junto of men not generally respected. This despicable gang of tyrants have acquired the power of forcing a large part of the people of Massachusetts to a choice between accepting an offensive candidate, and sacrificing cherished partisan attachments and convictions of national interest. Understand that I am taking this alleged case for the sake of argument. If this is not a true account of the situation in Massachusetts to-day it is a feeble under-statement of the conditions under which American citizens have again and again "been driven to the polls holding their noses."

Now, what would be the course of events, in this case, under the proposed law?

1. In the first place the case would hardly occur. There would be no temptation to the boss to secure the nomination of a man whom he did not believe to be acceptable on his merits. And no unacceptable would-be candidate would have any inducement to intrigue or bribe for the nomination. It would be to invite swift and humiliating defeat. The main study of the "practical politician" would have to be, to discover the honest, unconstrained sentiments of the party and the people, and conform himself thereto. He would be compelled to aim at making such nominations as would win on the first ballot.

2. But, supposing the unfit nomination to have been made,

there will be an immediate movement for a bolt ; and this will go forward with perfect freedom, no man being afraid of hurting his party, or that his party will hurt him ; the only men in danger of getting hurt will be the “ practical politicians ” who have made the mischief. It is not necessary that the bolt should be carefully organized and concentrated on one candidate. The *scattering* vote will suffice to defeat the machine without defeating the party. At the first sign that the bolt is growing formidable there will be searchings of hearts and hurrying to and fro among the men who have got up the regular ticket, with proposals to do something to correct their unfortunate mistake before election.

3. If, nevertheless, the dominant party comes to the polls on election-day, divided between two or more candidates, every voter will understand that the question at this ballot is not on the election of officers, but on the ratification of nominations. The ballot is a nominating convention of the whole people, to nominate three candidates to be voted on subsequently. The nominee of the undivided second party will be one of the three, of course. If there are small third and fourth parties these will cast their full vote for a nomination, making thereby all the moral impression to which they are entitled, and yet not losing their right to an effective vote for their second choice at the final election.

4. After the results of the first ballot have been published the candidate who is clearly in the minority of the dominant party, in ordinary circumstances, unless he is a fool, or unless he has the expectation of large accessions from the minor parties, will withdraw, and the contest will terminate with the second ballot. Severe conflicts of principle, when they arise, will be apt to necessitate a third and final ballot.

But suppose that, after all, on the final vote, the unfit machine-candidate is successful? Why, then you are beaten — that is all there is of it. And the Ring has won a Pyrrhic victory. One more such, and it is undone. For it is pretty sure that the party-*ring* which in two or three successive “ campaigns ” should find its nominations repudiated at the polls as unfit, by a large, solid and weighty mass of the party, would be compelled either to change the style of its nominations, or else to retire from the management.

One more question: Would not the proposed system tire out the citizen by its too frequent demands for his attendance at the polls?

ANSWER: (1.) The proposed system is less exacting than the existing one. The present system contemplates that the body of citizens shall turn out twice for every election — once to nominate and once to elect — unless the nominating is to be left to the Ring. The proposed system contemplates that the caucus shall be controlled by those who stay away from it; and that, the nominations having been made with reference to the known desire of the people, a single balloting will, in many cases, decide the election. The cases in which two, or at most three, ballotings are required will be those occasional sharp conflicts of principle or character which sufficiently stir the public mind to bring out a full vote. (2.) The citizen is less likely to be impatient at the repeated demand upon his time, than at the demand for the futile and ineffectual use of his time, as now, when he is often summoned to a choice of two evils. (3.) When one cannot attend more than one balloting he may choose which one to attend. In many cases he might justly say, let me control the nominations and I care not who makes the election. (4.) Any increase in the trouble of effecting an election may easily be compensated by lengthening terms of office, and so diminishing the frequency of elections. (5.) A short, sharp, and salutary remedy for indifference and neglect of duty in citizens might be found in providing that the elector's franchise should be forfeited by habitual disuse. (6.) The inveterate and incurable indifference of citizens to political affairs, if such a condition should declare itself, would be proof of the failure of democratic government. It is toward this condition that the present electoral system is drawing us.

11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED

LOAN DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.

Renewed books are subject to immediate recall.

NOV 1962	
	JUN 3 1979
REC'D LD	
NOV 20 1962	NOV 10 1979
MAY 1968 LE	
REC'D LD	
MAY 6 1963	
JAN 1964	
REC'D LD	
JAN 2 '64 - 5 PM	

LD 21A-50m-3,'62
(C7097810)476B

General Library
University of California
Berkeley

PAMPHLET BINDER

Syracuse, N. Y.

Stockton, Calif.

YC 6846 A

