

The Uncertain Progress Of White Male Democracy: Intimidation And Disenfranchisement Before The Civil War

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Feature Essay

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Olsen, Christopher *The Uncertain Progress of White Male Democracy: Intimidation and Disenfranchisement before the Civil War.*

Since the contested presidential election in 2000 Americans have become more aware of conflicts over voter eligibility, disputed ballots, and simply access to the polls. More and more states require state-issued identification in order to vote, efforts that have accelerated in the past few years. State legislation and actions by local officials and party operatives have trained the spotlight on what sometimes seem like unfair, or uneven enforcement of, suffrage laws. Those voters most affected tend to be poorer, African American, immigrants or migrants, not fluent in English, or some combination of the above. Certain groups of people, in short, tend to be disenfranchised more often than others. These issues are hardly new, of course. Throughout much of the nineteenth century, before passage of the fourteenth and fifteenth amendments and, in particular, before the use of uniform, secret ballots, many voters struggled to assert their legal right to vote or exercise freedom of choice.

Among antebellum historians, one of the most frequently told stories has been the expansion of white male democracy. This proceeded on two major fronts: revisions to the suffrage that made it possible for the vast majority of adult white men to vote by the early 1830s; and (less emphasized) a dramatic increase in the number of offices elected rather than appointed. Historians have often presented these changes as part of a fairly linear progression from less to more democracy in the history of the United States, a narrative running from the colonial period to the late twentieth century. Of course there is much truth in that story, and in recent years it's been well-told again, in broad strokes, by Alexander Keyssar, Sean Wilentz, and others. In turn, historians of antebellum politics have spent a great deal of time writing and arguing about how many people voted, for whom they voted, and either explicitly or implicitly why they voted. The last question tends to rely on the assumption, or inference, that voters made choices based on their understanding of issues or their affiliation to party organizations. People weighed the issues or reacted to partisan imagery, and

historians tend to reach conclusions like “Democrats believed . . .” and “Whigs thought . . .”

Looking more closely at the action on election day, at the polls, reveals a messier picture of influence and disenfranchisement that disproportionately affected poorer white men. These images complicate broad conclusions about white male democracy and the bases of voting behavior. Antebellum political culture seems best characterized by an ebb and flow of democratic tendencies, and by the appearance of white male democracy as much as the reality. And from the perspective of how voting worked, antebellum elections seem much less ideological or partisan than a narrative that’s derived from the writing of politicians or the content of national and state party newspapers.

Studies that consider the mechanics of election day and the polling place tend to include three broad themes: the generalized chaos of the whole thing; a lack of secrecy due to stubborn persistence of *viva voce* voting and easily identifiable paper ballots; and the relative ease with which poorer men could be disenfranchised. Each of these—and particularly the last—emerge clearly in the testimony from contested elections; when the result was close enough to provoke a challenge both sides targeted poor voters.¹

The unruly nature of many polls, especially in heavily populated urban precincts, was frequently mentioned by contemporaries. One voter remembered his own experience in 1859 Virginia. “I do not know exactly how the vote was taken at said precinct [by voice or ballot]. Some of the votes were taken by ticket – I could not say how many. They may have nearly all voted in that way – I do not know. There was considerable [trouble] and disputing around the polls and around where the voting was going on – so much so that I could not tell how it was conducted.” Other voters often complained of “pushing and shoving,” and of course sporadic violence that erupted between partisans or immigrants and Natives. The familiar paintings by George Caleb Bingham capture the polling places described by contemporaries. These scenes cast doubt on the credibility of the process, generally, and call attention to the difficulty of assigning motives to the voters’ actions and choices.

George Caleb Bingham’s The County Election

The methods of voting underscore more specifically the opportunities for intimidation, influence, and corruption. Voting simply wasn’t secret in the vast

majority of settings across antebellum America. By the 1830s, most states required paper ballots, but some still practiced *viva voce* voting. In fact, the transition from voting by voice to paper ballot was incomplete until after the Civil War, as men in Missouri (1863), Virginia (1867), Oregon (1872), and Kentucky (1891) still voted without ballots (and in many local and municipal elections elsewhere). Customarily each voter walked toward the judges and, as one Virginian recalled, called out his name “in a loud voice. The judges inquired . . . ‘for whom do you vote?’ [and] He replied by proclaiming the name of his favorite.” Or as one Missouri voter remembered. “I voted with a ticket which was handed into the crier & it had Wm. Ellis’s name upon it & I head the crier call the vote for Ellis.”

Public voting opened the whole process to pressure from employers, landlords, and creditors, as well as more “benign” sources such as family and neighbors. The list of “vulnerable” voters was long and probably obvious: poor farmers who relied on seasonal help from wealthier neighbors; tenants; journeymen dependent on masters or shop owners; factory workers; and so forth. Most states ended oral voting between the Revolution and the dramatic expansion of white male suffrage in the early nineteenth century—when so many of these poorer folks became voters: Vermont in 1797; Georgia, Pennsylvania, and Maryland in 1799; Delaware in 1811; New Jersey in 1821, New York the following year; and so forth. New states admitted in the nineteenth century generally provided for ballots on their admission to the Union—Ohio, Indiana, Iowa, Michigan, and Wisconsin, among others. Others held out longer: Maine and Vermont moved to ballots in the 1830s; Connecticut and Arkansas not until the 1840s. Still others moved back and forth from *viva voce* to paper ballots. Illinois, for instance, entered the Union with oral voting, went to paper the following year (1819), back to *viva voce* in 1821, paper in 1823, and *viva voce* from 1829 to 1848.

Paper ballots hardly solved the problem of independence since they weren’t uniform in size, shape, or color, making them easily identifiable. Many of the earliest ballots were simply torn scraps of paper with the candidate’s name scrawled on them. As paper ballots expanded, parties and individuals printed them in different colors and shapes, sometimes with wild and colorful markings or graphic imagery. Early critics recognized the problems that these ballots created: “The moment their votes are by any marks, or color of paper, of any other distinguishing mode, to be known, you destroy this sacred right [of independent voting],” wrote one local leader after an 1816 South Carolina

election, and make elections “the product of fear and prejudice.” At the recent contest that worried him, he charged that “the novel, atrocious and unwarranted mode was resorted to, of voting upon green, blue, red, yellow, and a variety of colored tickets, or ballots” with men stationed to watch voters.

Antebellum provisions for the form of ballots were typically vague. In New York, for instance, the 1821 constitution provided only that “All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.” In Tennessee a ballot was “a ticket or scroll of paper, purporting to express the voter’s choice, given by the voter to the officer or person holding an election, to be put into the ballot box.” Voters made many of the earliest ballots simply by tearing scraps of paper and writing out the name(s) of the candidate(s) and office(s) for which he was running. In some single-office elections and even a few more complex, multi-office elections this practice continued throughout the antebellum period. But by the middle of the antebellum period most ballots were ordered by candidates or parties, printed in partisan newspapers and then cut out by voters. This was necessitated by the increasing length of ballots due to the greater number of elective offices. It was simply becoming too difficult and time-consuming to write all the offices and one’s choices on a piece of paper. But this change also opened the door for candidates and parties to print ballots that included only the names of friends or nominees—that, in itself, narrowed the options for many voters and reduced their independence at the ballot box. It narrowed their options when they took pre-printed tickets or it made them either dependent on friends/relatives/election clerks to fill in the names they wanted. Parties used symbols, both to help identify the voter’s choice as he deposited it in the box and also to help illiterate voters be sure they had the “correct” ballot.

Constitutional Union Party ticket, Virginia, 1860

Party leaders tried to control the printing of ballots as much as possible, but were only partly successful. Many ballots remained “open” or “hybrid,” mixing some party nominees, usually for state offices, with county and local elections that remained nonpartisan or more fluid. These ballots often were headed with nominees for national or state offices and then just listed the office (“For County Commissioner,” for instance) with a blank space beneath it. Each voter then had to write in the names of candidates for whom he wanted to vote, or get someone to do it for him. Many “party” ballots also seem to have been altered to accommodate a local candidate from another party. For instance, a Wisconsin

voter in 1853 testified that “I looked at my friends’ tickets through and found they had Whig votes. I told them I thought it would be better to vote for Squire Holmes [a Democrat] as he lived in our Village . . . Most all of them said they thought the same, and gave me their tickets to scratch Adams’s name out and put in Holmes’s name in the place. Some times I put in given name of Squire Holmes, some times I did not. I think it was about six or eight times that I did not put in the J. E. After that we did.” Another voter remembered: “He asked me for a Whig ticket. I told him I had one with two names stricken out, told him who they were. He said he would vote it, but did not tell me that he voted the ticket I gave him.” Most ballots were so easily identifiable that, during testimony taken in disputed elections, men routinely stated that they knew for whom others voted. As one Wisconsin voter concluded: “I was sitting by the side of the judges when his vote was taken. I saw him give it to one of the judges, a ticket for Waugh, Williams, & Sheek, and it was put in the box.”

Democratic Ticket

Others seem to have taken the ballot easiest to get so they could get home. “Mr. Nichols grabbed a ballot from one of the men standing near the polls as he hurried up, he seemed in a hurry to get it done and get home. I was not sure if he knew what ticket he grabbed.” And one Indiana voter in 1857 stated that “I voted the printed Republican ticket; but I do not now know for whom I voted. The ticket was given to me by Mr. Pugh, who was a Republican.” He remembered that this allowed him to get home as quickly as possible, which was why he chose it. Party leaders and other supporters of particular candidates also had men on hand at the polls to hand out ballots—known as “peddling.” One Missouri voter recalled: “Edward McShane was distributing tickets with Chappell’s name on and gave this voter about twenty such tickets and asked [me] to peddle them. McShane and I solicited voters to vote tickets with Chappell’s name on them.” The pressure could be so great that voters struggled to get privacy from poll watchers. A Missouri man in 1844 testified about one voter’s disputed ballot: “When I first noticed him he was preparing a ticket to vote. Some person or persons I do not recollect who offered their assistance in making out the ticket. He refused to receive any assistance from them and remarked that he could make out his own ticket and do his own voting . . . He then moved to another position somewhere off to avoid those who were interfering with his voting and then I think finished his ticket. He wrote his ticket himself and I considered that he handed in his ticket himself.”

Hand-written ballots and printed ballots that were altered also caused confusion and generated a lot of disputes, and yet another chance for men to manipulate the vote. They often had to be interpreted due to poor, or just indifferent spelling. These ballots gave judges great power to make a determination whether or not to count ballots spelled in different ways. One judge described this as the “ear test,” in which ballots were read aloud and then judges determined if they should count it—the “intent of the voter” was the critical factor (as in 2000). In South Carolina, in 1844, one investigating committee concluded: “a number of the ballots were badly written and the names of the respective candidates incorrectly spelled; for instance, some of the votes for Alexander B. Stephens were spelled Elexander B. Stephens, some Elleck Stephens . . . [managers acted as best they could and] that they meted out the same measure to all the candidates; and when, from the sound or spelling of the name, they could come to the conclusion for whom the vote was given, they counted it for the individual.” So many were misspelled, in fact, “than an investigation as to the spelling of the names upon the ballots, one half of which, perhaps were incorrectly spelled, would, if practicable, lead to no certain conclusion.” In the same case another member of the investigating committee concluded: “The managers counted for A. B. Stephens several votes which were written E. Stevens, E. C. Stevens, E. Stephens, E. C. Stephens, R. Stevens, and H. Stevens.” (This one made worse by the presence of another candidate named Stevens (not Stephens), known in the neighborhood as “J.”)

Finally, the voting process also made it likely that poor men could be disenfranchised pretty easily. Election-day officials—drawn overwhelmingly from the local elite—exercised great latitude in conferring or denying the right to vote. Voters might be challenged by election judges, party operatives, agents of one or more candidates, or simply interested bystanders, on grounds of residency, wealth, age, citizenship, or race. In Tennessee, for instance, state law empowered inspectors to ask any question that they “think material to ascertain the qualifications of the person offering to vote,” and “swear any by-stander as to the right and qualification of such person to vote.” These challenges were most common in close elections that hinged on a few votes. It’s impossible to know with certainty how often voters were challenged or disenfranchised; we can only estimate based on surviving evidence collected in elections when the overall result was officially challenged. Many voters may have chosen to stay home, of course, rather than risk being called out in public—having to defend one’s status as a legal voter would have been uncomfortable in front of one’s neighbors.

Single men and those who lived with their parents often had difficulty proving their eligibility, particularly in those states that maintained property qualifications. Virginia's David Banton, in 1849, claimed to vote on land that his mother inherited, but had to defend himself as head of household. He asserted that his mother did not "consider herself the head of the family" and "takes no control over with [sic] the land or crops." More typical of disenfranchised poor white men were those who lived or worked on the margins of the community: occupations that required frequent travel such as stage drivers, peddlers, circuit riders, and teachers; itinerant farm hands; canal and ditch diggers, and railroad workers and seamen. In 1847, Alabama's Gabriel Norton, a stage driver who operated between Talladega and Benton Counties, had his vote denied because he spent several nights per week in each county. His supporters argued that he "had his washing and mending done" in one county (laundry was often important evidence in these cases) and "that he kept his trunk there & spent his rest [non-working] days there. This is all the home an unmarried stage driver can have."

The process revealed in these bits of testimony certainly undermines the notion of a relatively "pure" democracy developing in nineteenth-century America. Instead, it suggests a system made for intimidation, elite pressure, and conflicted motives for, and influences on, voting. Rather than most voters making rational choices based on party identification or policy platforms, a more plausible narrative would seem to be large numbers of voters with personal, even idiosyncratic reasons for making their political choices—when, in fact, they were allowed to make them at all, or to make them freely. The expansion of suffrage in antebellum America certainly moved the country toward greater democracy for white men. But that story was less evident or definitive than it might have been because voting wasn't secret and local elites stayed firmly in control of the process, denying or shaping the votes of poorer voters. This picture of election day also speaks to questions of partisanship and voter choice in local communities, suggesting a political culture driven much less by ideology or issues than by other factors.

Variable state laws and local enforcement of suffrage rights led, not surprisingly, to the intimidation, coercion, and disenfranchisement of many poor voters. In 2017, while we have removed the most obvious opportunities for intimidation and coercion because of secret ballots, a new round of state laws has revived the class discriminations so prevalent in the nineteenth century.

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¹ Some representative examples, although hardly an exhaustive list, are: Kenneth J. Winkle, "Ohio's Informal Polling Place: Nineteenth-Century Suffrage in Theory and Practice," in *The Pursuit of Public Power: Political Culture in Ohio, 1787-1861*, eds. Jeffrey Brown and Andrew R. L. Cayton (Kent, OH, 1994), Ronald P. Formisano, *The Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York, 1983), and Richard Bense, *The American Ballot Box in the Mid-Nineteenth Century* (New York, 2004).