
Chapter 4

GOVERNMENT BY THE PEOPLE: CONSENT, REPRESENTATION, SUFFRAGE

INTRODUCTION

If the people be governors, who shall be governed?

JOHN COTTON

Universal suffrage, once granted, is granted forever and never can be recalled. There is no retrograde step in the rear of democracy.

CHANCELLOR KENT

All the ills of democracy can be cured by more democracy.

ALFRED E. SMITH

THE CIVIL WAR, in the view of President Lincoln, was a test of whether government of the people, by the people, and for the people could endure. These three famous phrases together summed up his idea of good government. He did not distinguish between them and treat them separately, but in the view of many writers they can be treated separately and one of them be made to stand for what democracy is and means.

The chapters in this Conspectus treat the three phrases, and the notions that underlie them, as separable. Thus Ch. 3: CONSTITUTIONALISM, is primarily about government of the people, for it is the people that, according to our most deeply held convictions, make up or *constitute* the government of our country. Chapter 5, which is concerned (among other matters) with changing conceptions of the general welfare, is, as its title

indicates, primarily about government *for* the people — for the sake, that is, of their welfare and their happiness. This chapter is primarily about government *by* the people. And this is no more and no less than democracy; for when the people rule, then, and then only, is democracy in existence.

Under the general heading of democracy in this sense of rule or government by the people fall a number of topics. Three of them are primary, a fact betokened by the subtitle of this chapter.

Consent is generic to all forms of constitutional or republican government, oligarchies and constitutional monarchies as well as democracies. The people, even though they rule, must also *be ruled*; if they do not consent to such rule (however their consent is expressed), as it is effected by those to whom they give lawful authority, then gov-

ernment is not constitutional, and *a fortiori* not democratic.

Representative government is one form of democracy; it is distinguished from direct or primitive democracy, in which all citizens are legislators and judges. Direct democracy is only possible in a relatively small community. Perhaps the best examples of it in American history are the governments of New England towns, which, in the small towns at least, still conduct their business more or less the way Athens and the other Greek city-states did 2,500 years ago. (Thomas Jefferson once remarked: "I felt the ground shake under my feet at my first contact with New England town meeting." Others, too, have been deeply affected by observing such examples of direct democracy at work.)

Representative government is the democratic form that is applicable to large countries, as the authors of the *Federalist* papers pointed out two centuries ago. In this state of affairs, as opposed to direct democracy, the people rule indirectly, by choosing representatives to whom they delegate the powers of government.

Universal suffrage (universal in theory if not in practice) is the basis of the distinction between oligarchies and democracies. An oligarchy may be constitutional in the sense that the people consent to be ruled, but that rule is not truly democratic unless all persons are citizens and take part, or at least are legally able to take part, in the choice of representatives, and participate, no matter how minimally, in the business of government. Thus the franchise, and particularly its progressive extension throughout our history, is the third of the main topics that naturally fall under the heading of democracy in the sense of government by the people.

In America, "democracy" is a term of many meanings. It refers first of all, of course, to a system of government; but it also means a way of life that we whole-

heartedly approve and that we seem to wish the rest of the world would adopt. As such, "democracy" involves notions of equality, of association, of freedom (of both speech and enterprise), of art. Our conception of democracy even seems to connote abundance and comfort. In short, the word sums up the American's system of values as well as his system of government.

The present chapter treats democracy mainly from a political point of view. Other chapters in the *Conspectus* deal with other meanings and connotations of the term: see especially Chs. 2: FRONTIER, 5: GENERAL WELFARE, 9: EQUALITY, 10: PLURALISM, 11: INDIVIDUALISM, 12: MINORITIES, and 25: AMERICAN DESTINY.

1. CONSENT, CIVIL DISOBEDIENCE, PUBLIC OPINION

THE FUNDAMENTAL DEPENDENCE of government on the people has been emphasized in America since the seventeenth century. William Penn put it with memorable succinctness in 1682. "Governments, like clocks," he declared, "go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore, governments rather depend upon men than men upon governments." John Winthrop, fifty years before, had declared flatly that "no commonwealth can be founded but by free consent." And a century after Penn's time the Founding Fathers were saying the same thing. All men are created equal, the Declaration of Independence asserts, and are furthermore endowed with certain rights that cannot be taken from them. Nevertheless, as the Declaration concedes, these rights can be hindered and obstructed; and therefore, in order to secure them, "governments are instituted among men." And governments — this is the important point — derive "their just powers from the consent of the governed."

Indeed, it was the conviction that the American colonies were being governed without their consent and contrary to their wishes that was the chief cause of the American Revolution. John Dickinson made this point in arguing against the Stamp Act, which, he declared in 1767, was "a parliamentary assertion of the supreme authority of the British legislature . . . in the point of taxation" and was "intended to compel New York into a submission to that authority. It seems therefore to me," he went on to say, "as much a violation of the liberty of the people of that province, and consequently of all these colonies, as if the Parliament had sent a number of regiments to be quartered upon them till they should comply."

Similar arguments were advanced against other parliamentary measures, notably the tax on tea of 1773 and the various quartering acts that in effect produced the situation Dickinson had most feared: British soldiers stationed on American territory, and paid for out of American taxes, to enforce the rule of a government that the colonists more and more hated. The upshot, of course, was the formal Declaration of Independence from Britain, which, after five years of war, was made to stick. (Nobody was more surprised than the British themselves, and when Cornwallis' army surrendered at Yorktown on October 19, 1781, his band played "The World Turned Upside Down.")

Once the people had withdrawn their consent from British rule — and given it first to the government based on the Articles of Confederation and then to the government based on the Constitution of 1787 — a most serious question arose. Stated simply, it was whether any government established by a revolution has the right to put down — or try to put down — any further revolutionary movements opposing it.

Involved here is the theory of popular sovereignty or of constituent power, a force outside the doors of government, as it were, that, however it is recognized and arranged for, acts as the ultimate repository of power that is always capable of disciplining those in government if they abuse their trust. Best expressed, perhaps, in the Declaration of Independence and in the Virginia Declaration of Rights of 1776, the doctrine of constituent power underlies all of our political institutions. It is a troublesome doctrine nevertheless, for, as a theory of government that sees the sovereign people as the ultimate rulers, it seems to require and to legitimize revolution in emergencies. But a government that cannot justifiably deal with emergencies is no government, as Lincoln was to point out in 1861.

Thomas Jefferson understood the intricacies of the problem as well as anybody, and when Shays's Rebellion broke out in Massachusetts in the summer of 1786, he was less disturbed than many of his contemporaries. Writing to Edward Carrington from Paris on January 16, 1787, about "the tumults in America," Jefferson discussed the Rebellion — by then pretty much over — in calmer terms than those used by most Americans at the time. "I am persuaded myself," he said, "that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people," he added, "are the only censors of their governors; and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty."

In the same letter Jefferson went on to discuss in characteristic fashion the role of newspapers in a democracy. The way to prevent "these irregular interpositions of the people," he declared, was to give them "full

information of their affairs through the channel of the public papers. . . . The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them." The situation envisaged in these celebrated remarks, so typical of the man, would be the very epitome of direct democracy.

Two weeks after his letter to Carrington, Jefferson wrote to his friend and protégé James Madison, and once more revealed his sanguine attitude about Shays's Rebellion and other localized uprisings of the time. "I hold it," he said, "that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. . . . It is a medicine necessary for the sound health of government."

The words are very famous, but they have been often misinterpreted. Surely the emphasis in Jefferson's mind was on the word "little" — a *little* rebellion now and then is a good thing. The question is, how much rebellion is good, and at what point — if at any point — does rebellion become too much? Jefferson was not advocating continuous or radical rebellion for the health of government, any more than a doctor would permanently prescribe massive doses of medicine for a patient if he thought him basically healthy.

The man who more than any other in our history had to struggle with the question of how much rebellion is healthy for the country was Abraham Lincoln, and probably the most eloquent of all the records of that struggle is his First Inaugural Address. It was delivered before an immense crowd at Washington on March 4, 1861, at a time when the eleven states that

would eventually form the Confederate States of America had either seceded from the Union or had taken action leading to such formal withdrawal.

Secession, in Lincoln's view, was "too much rebellion" and could not be legally justified — but how to square this with the doctrine of the sovereign power of the people? In the address, Lincoln threaded his way through the intricacies of the constitutional question with great care. His main point was that the Union is "perpetual," that "perpetuity is implied, if not expressed, in the fundamental law of all national governments," and that "no government proper ever had a provision in its organic law for its own termination." Thus, secession, involving as it necessarily did termination or dissolution of the Union, was unconstitutional, and he, having sworn as President to "preserve, protect, and defend the Constitution of the United States," had a clear duty to oppose it in every way he could.

In so saying Lincoln did not absolutely deny the right of revolution. Indeed, he affirmed the right, but in circumstances that he was also careful to spell out. "If by the mere force of numbers a majority should deprive a minority of any clearly written constitutional right," he declared, "it might in a moral point of view justify revolution — certainly would if such right were a vital one." He conceded also that "this country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it." With regard to the question of the deprivation of any clearly written constitutional right, Lincoln felt, and stated, that such had not occurred. With regard to the right of amendment, he stated his willingness to concur in any amendment to the Constitution adopted by legal means. But with regard to the "right

of revolution," he was required, as the nation's first executive officer, to affirm his opposition to any revolutionary act.

The action of the Southern states during the Civil War was a clear withdrawal of consent, a fact that no one denied, least of all the Southerners themselves. An equally clear withdrawal of consent occurs whenever a U.S. citizen voluntarily gives up his citizenship and adopts that of another country. In many cases, however, the situation is not so clear.

For example, one may criticize the government, and criticize it fiercely, even savagely, without necessarily withdrawing his consent to it as the legal government of the land. In his essay, "Resistance to Civil Government" (1849), Henry David Thoreau asked: "How does it become a man to behave toward this American government today?" And he went on to answer his own question: "He cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as *my* government which is the *slave's* government also."

But even though Thoreau refused to pay the Massachusetts poll tax as a protest against the Mexican War, and spent a night in jail as a consequence, he did not really withdraw his consent from the government of the United States — at least not permanently. He continued to live in America and to enjoy the protection of its laws; the poll tax was paid (much to Thoreau's disgust, it has been asserted) by one of his aunts; and he even voted in later elections.

Carl Schurz made similarly strong objections to the government's policy in 1899, which had led to war in the Philippines and to the "ruthless slaughter," as he termed it, of the poor and helpless inhabitants of those islands. "We deny that the obligation of all citizens to support their government in times of grave national peril applies to the present situation," Schurz wrote. "If an administration may with impunity ignore the

issues upon which it was chosen, deliberately create a condition of war anywhere on the face of the globe, debauch the civil service for spoils to promote the adventure, organize a truth-suppressing censorship and demand of all citizens a suspension of judgment and their unanimous support while it chooses to continue the fighting, representative government itself is imperiled."

Here again, Schurz was withholding his consent or, more properly, his approbation from a particular action of the government, but he was not withholding his consent from the government itself. He did not assert that the government in Washington, whose policy he did not like and wanted to change, was not the legal government of the land. The last sentence quoted above suggests that in Schurz's view moral considerations might, in certain circumstances, affect his judgment as to the legality of a government, but he did not say that what the government had done in the Philippines, wrong as it was (in his opinion), had actually made the government illegal.

Similar remarks could be made about the criticisms voiced by many Americans of the government's policy in Vietnam in the 1960s. As in 1845 and in 1899, there was considerable congressional opposition to the war, which President Johnson, like Presidents Polk and McKinley before him, proclaimed to be necessary and in the national interest. And as in those earlier wars there were civil protests that included marches and demonstrations, the publication of advertisements and manifestos, and (in the case of Vietnam) even such radical actions, on the part of some student objectors, as sit-down and hunger strikes and the public burning of draft cards. Once more, however, these were objections to a policy, not to the government. Very few if any of the critics of the U.S. involvement in Vietnam actually withdrew their consent, even temporarily, from the government itself; and it was predictable that if the government

should reverse its policy and end the war, most of the objectors would restore their faith and allegiance fully. (The only students who may in fact have withdrawn their consent from the U.S. government were those who fled to Canada to escape being drafted. And even here, unless the refugees actually gave up their citizenship and adopted that of Canada, their withdrawal could not be said to be permanent.)

The 1960s saw civil protest, not only over the issue of Vietnam but also — and more markedly and enduringly — over the issue of equal rights for Negroes and other “disadvantaged” minorities. And, here, during the summer of 1967, there were suggestions that this was real withdrawal of consent, and that the riots of that summer in Newark, in Detroit, in New Haven, and in other cities were true “insurrections” or “rebellions.” (These words should not be used lightly. The standard home insurance policy covers damage by vandals, but it does not cover damage as a result of “revolution” or “insurrection.” Hence the official description of these civil disturbances could be of primary financial importance, not only for homeowners but also for the insurance companies.)

One of those who maintained that the Negro push for civil and economic equality had become a true revolution was I. F. Stone, the author of a weekly Washington newsletter. “Suddenly the guerrilla warfare we have tried to suppress by mass destruction abroad has made its appearance at home,” he wrote at the end of July 1967; “the asphalt jungle of metaphor has taken a new dimension of reality; guerrilla snipers appear on the rooftops who are as elusive as their counterparts in the underbrush of Southeast Asia.” He referred to the disturbances as “revolution,” as “insurrection,” and as “rebellion,” and asked whether what we were facing was a “second secession and civil war.”

“It is time fully to recognize the Negro’s

powerful position,” he asserted. “The core of the cities have become Negro and the destruction in the cities hits at those urban property values on which so much of our basic financial institutions rest, particularly the insurance companies and the mutual savings banks. The city is the inner nerve ganglion of our society. The Negro can destroy it. A handful of snipers can do in the ghetto what a handful of guerrillas can do in the countryside.”

A few Negro spokesmen who were called extremists by moderates spoke in similar terms; and one young agitator, who was arrested and jailed for carrying a gun in August 1967, announced on his release: “Wait till I get my atom bomb!” These men, and some of their followers, seemed to be calling for a revolution and hinted that the “insurrectionary” activities were well planned and financed. The moderates, however, who apparently were in the majority, maintained that no revolution in fact had started, and that none was going to start. The riots, in their opinion, were signs of unrest in a “long hot summer” and would end when the Negroes’ demands were met. In any event, as they pointed out, the Negroes, constituting hardly more than 10 percent of the total population of the United States, could not really hope to mount a successful revolution. And the insurance companies paid most of the claims for damages to homes, thereby implicitly conceding that the disturbances were not insurrections or rebellions in the true sense of the words. By the same token, they implicitly asserted that the disturbances did not involve a true withdrawal of consent from the government itself, but only disapproval of some of its policies and some of its officers.

Perhaps the best way to make the point is to remember how we felt when we last were stopped by a policeman and given a traffic ticket (most Americans over the age of eighteen have shared this experience). We may have objected violently (though si-



Courtesy, Herblock, "The Washington Post," 1948

"It's a Hell of a Way to Run a Railroad"

lently) at the time; we may have thought we hated that policeman; we may have believed all the way down to our toes that we were being treated unjustly. But we probably did not cease to believe that the police should continue to regulate traffic and enforce the traffic laws. Only unbending opposition to the right of the police force as an institution to do these things could be called true withdrawal of consent. Anything short of that is disapproval of the policies of an essentially legal and justifiable government, and of the actions of legal and "duly" elected or appointed officers of that government.

In the end, the serious question of popular sovereignty and of how the people shall make their voice heard by the government comes down to the question of the power and influence of public opinion on the actions of those in authority. Regarding this, there has been a persistent division in our national attitudes.

The most eloquent early spokesman for one position was probably Jefferson, whose views on the value of newspapers have been quoted above, and who wrote in a letter in

March 1801 that "it is rare that the public sentiment decides immorally or unwisely, and the individual who differs from it ought to distrust and examine well his own opinion." The fundamental wisdom of the people was also affirmed by James A. Garfield, who declared in 1878 that "real political issues cannot be manufactured by the leaders of political parties. The real political issues of the day declare themselves and come out of the depths of that deep which we call public opinion." And more recent writers may be found who say the same thing.

They do not always affirm the wisdom of public opinion so much as its power, which is a different matter entirely. "There is, and always has been," said Thomas B. Reed, later the speaker of the House of Representatives, in 1885, "one tremendous ruler of the human race — and that ruler is that combination of the opinions of all, the leveling up of universal sense which is called public sentiment. That is the ever present regulator and police of humanity." Woodrow Wilson concurred when he said in 1915 that "opinion ultimately governs the world"; and the essayist Charles Dudley Warner was making the same point when he quipped: "Public opinion is stronger than the legislature, and nearly as strong as the Ten Commandments."

Madison was affirming both the power and the wisdom of public opinion when he wrote in 1791 that it "sets bounds to every government, and is the real sovereign in every free one." But at the same time he pointed to the difficulty of discerning the voice of the people in a country as large and diverse as America. "The larger a country," he observed, "the less easy for its real opinion to be ascertained, and the less difficult to be counterfeited; when ascertained or presumed, the more respectable it is in the eyes of individuals."

In modern times the problems of transportation and communication to which Madison made implicit reference have been

largely solved, but the difficulty of ascertaining the public's true opinion remains. What in fact was the consensus in the United States in 1968 about Vietnam or about the Negro "revolution" — and was there a consensus at all? Polling techniques have been refined and on certain matters are probably highly accurate. But are they accurate on emotional issues such as these — where a person might not desire to give his true opinion to a stranger who appears at his door? And does the "public" really know its own "mind"? Who is the "public," anyway?

Questions like these affected the views of those Americans, in both the nineteenth and the twentieth centuries, who have cast doubt on the wisdom and even the existence of public opinion. Not only the difficulties of discerning it but also its potential dangers were emphasized by William Ellery Channing in 1830 when he declared that "in this country few things are more to be dreaded than organizations or institutions by which public opinion may be brought to bear tyrannically against individuals or sects. From the nature of things, public opinion is often unjust . . . [and] when shackled and stimulated by vast associations, it is in danger of becoming a steady, unrelenting tyrant, browbeating the timid, proscribing the resolute, silencing free speech, and virtually denying the dearest religious and civil rights."

This was perhaps an extreme statement, but others have felt much the same way. Orestes Brownson asserted in 1864 — during the Civil War, when, as in all wars, public opinion tended to be more monolithic than in peacetime — that what was often praised as "the tendency of democracy" was in fact "the tendency to reduce all things to a low average, and to substitute popular opinion for truth, justice, reason, as the rule of action, and the criterion even of moral judgment." A similar view was taken by Tocqueville, who a generation before had concluded that public opinion was the real

ruler of the country and that it made for a profound conformity even in thought, and by a later visitor, Lord Bryce, who declared in 1888 that "the enormous force of public opinion is a danger to the people themselves, as well as their leaders. It no longer makes them tyrannical. But it fills them with an undue confidence in their wisdom, their virtue, and their freedom." And General William T. Sherman went even further in a letter to his wife written in 1863. "*Vox populi*," he remarked, "*vox bumbus*." The phrase is very bad Latin, but there is no doubt about what it means. The voice of the people, he was saying, is nothing but noise.

A more measured view was taken by Walter Lippmann in his book *The Phantom Public* (1927). "I have conceived public opinion to be," he wrote, "not the voice of God, nor the voice of society, but the voice of the interested spectators of action. . . . It has seemed to me that the public had a function and must have methods of its own in controversies, qualitatively different from those of the executive men. . . . This conception of society seems to me truer and more workable than that which endows public opinion with pantheistic powers. It does not assume that men in action have universal purposes; they are denied the fraudulent support of the fiction that they are the agents of a common purpose. They are regarded as the agents of special purposes, without pretense and without embarrassment."

This conception of the role of public opinion in American democracy can be traced back at least as far as Madison's *Federalist No. 10*, which dealt with the problem of factions or special interests — lobbies, as we now tend to call them — in American political life. And it can be traced to the present, as well. Senator J. W. Fulbright of Arkansas, objecting to President Johnson's emphasis on the importance of a nationwide consensus, asserted in October 1965 that "insofar as it represents a genuine reconcili-



Drawing by Helen E. Hokinson; © The New Yorker Inc.

"The vote is now fifteen to one that we deplore Mussolini's attitude. I think it would be nice if we could go on record as unanimously deploring Mussolini's attitude"

ation of differences, a consensus is a fine thing; insofar as it represents the concealment of differences, it is a miscarriage of democratic procedure. I think we Americans put too high a value on unanimity . . . as if there were something dangerous and illegitimate about honest differences of opinion honestly expressed by honest men." [For discussion of the role of political parties in American government see Section 2, below, and for discussion of the development of American electoral law see Section 3. For treatment from other points of view of some of the matters dealt with in the above, see Chs. 3: CONSTITUTIONALISM, 6: DOMESTIC TRANQUILLITY, 7: COMMON DEFENSE, 11: INDIVIDUALISM, and 12: MINORITIES.]

2. REPRESENTATION, VOTING, POLITICAL PARTIES

ALEXIS DE TOCQUEVILLE, seeing the American system in operation a half century after the promulgation of the Declaration of Independence, judged it to be profoundly

democratic. "In America the people appoint the legislative and the executive power," he wrote in 1835, "and furnish the jurors who punish all infractions of the laws. The institutions are democratic, not only in their principle but in all their consequences; and the people elect their representatives *directly*, and for the most part *annually*, in order to insure their dependence. The people are therefore the real directing power; and although the form of government is representative, it is evident that the opinions, the prejudices, the interests, and even the passions of the people are hindered by no permanent obstacles from exercising a perpetual influence on the daily conduct of affairs."

In this passage he emphasizes what is, after all, obvious — namely, that the people make their opinions felt, not only in the relatively indirect and amorphous ways to which the authors treated in the preceding section refer but also directly, by casting their votes for this or that candidate in this or that election. The people formally confer authority on certain persons to rule them; the mechanism of such conferral is the ballot box.

The Constitution sketches the American citizen's participation, by means of the ballot, in the affairs of his government. The fact that it is the First Article of this august document that discusses our most precious political right (and also responsibility) is not the only reason, however, why most Americans feel themselves to be in the presence of something almost holy when they step into a voting booth. In a sense, we give our consent to our government simply by living here. But once every year, or two years, or four, we affirm and reaffirm our allegiance and our faith in democracy. Whenever we vote, and however we vote, we are saying, as Carl Sandburg put it, "The People, Yes."

However, all of us do not, at least all of the time, take our right to vote as seriously as we might. In fact, the United States is notable among the democracies of the world for the relatively low proportion of its qualified voters who go to the polls even in national elections, and in "off-year" and local elections the proportion of qualified voters who actually cast their ballot is often strikingly low.

It was not always so. Participation in elections was large from the Jacksonian period onward, reaching 80 percent or better of the total number of qualified voters during the middle third of the nineteenth century. Thereafter a decline set in, and by 1920 the proportion of qualified voters actually voting had fallen to about 50 percent. In more recent times the figure has sometimes exceeded 60 percent, but not by much. Even though nearly 70 million Americans voted in 1960, for example, the figure was disappointingly small compared to recent figures in countries such as England, France, and the Soviet Union, where well over 80 percent, and sometimes over 90 percent, of the electorate actually votes. (This is all the more striking in the U.S.S.R., where the voter has only one party to choose from; nevertheless, the people flock to the polls in astonishing numbers.)

And in the election in Vietnam in September 1967, in the midst of a war and with vast difficulties encountered by many voters — for instance, the institution of election day baby-sitters is almost unknown there — something over 85 percent of the qualified voters went to the polls.

Various theories have been propounded to explain why so many Americans do not vote, even in presidential elections, and even in local elections that will determine fiscal policies for the next few years in their own communities. It is supposed, for example, that the low figures in the 1920s reflected difficulties experienced by the newly enfranchised women voters, who were largely unfamiliar with voting practices and many of whom perhaps did not want to vote as much as suffragette leaders had claimed.

But women have now had nearly a half century of experience in voting, and the figure, though somewhat higher than in the 1920s, remains low. After all, though nearly 70 million persons voted in 1960 — a record — more than 50 million did not. Thus, when President Kennedy was elected in that year by a margin of only 118,000 votes over Richard Nixon, he was not only a minority candidate in the sense that he garnered less than 50 percent of the total vote (minor party candidates made up the difference) but he was also a minority candidate in the sense that his roughly 35 million votes were only a little more than a quarter of the potential votes in the country. He was of course "duly" elected, and no one questioned his legal right to occupy the White House and his duty to lead the country in the next four years. But it might have been questioned whether, in the final analysis, he *represented* the people.

On the practical side, the answer to the question would be that Kennedy (and in the sense of "minority candidate" that we are using here, all U.S. Presidents since the early nineteenth century have been minority candidates) had attained the largest number of votes actually cast for any candidate, and



Library of Congress

"For Auld Lang Syne. Uncle Sam: 'Wal! I guess old friends are the best!'; cartoon from "Punch," 1912

was therefore quite properly the President of the United States. The fault was not his but the people's that he did not attain an absolute majority of the qualified voters of the nation.

Another obstacle to participation in elections, during the early years of the present century, was the election paper, or ballot, which, with the multiplication of elective offices and the practice of including on the ballot questions of state or local policy (constitutional amendments, proposed spending programs, and the like), became the largest and most complicated used anywhere in the world. The ballot that was "as long as your arm" became commonplace, and many voters found themselves baffled by the many separate and distinct choices they had to make. Apparently, as one result of this, they stayed away from the polls in large numbers.

Recently, the increasing use of voting machines has contributed not only to the speed and accuracy of election counts but also to the ease with which voters may make their

choice. But this technological advance has been accompanied by another of even greater importance, the practice of reporting the state-by-state vote for national offices, first on radio (until about 1948) and then on television. Since there is a three-hour difference in time between the East and West coasts, this means that voters in California can know, before they go to the polls at all, which candidates have won in the populous Eastern states. Theoretically, with the computer techniques now in use and with the improvements promised in the near future, this could mean that a presidential candidate could have gained an overwhelming lead in electoral votes before most West Coast voters even had a chance to vote for or against him, so that in a sense the votes of 10 or 15 million people in California, Oregon, and Washington would not count. Or, in this situation, they might simply not bother to vote at all in the belief that the conclusion was already foregone.

Indeed, it has been suggested that this has already been the case in several recent elections, and it might have been the determining factor in 1960. On election night of that year the television reports showed Kennedy leading Nixon by a substantial margin in the first returns. As the long night wore on, the margin steadily decreased, until it reached the tiny plurality of 118,000. Approximately 5 million qualified voters on the West Coast did not vote at all. If they had, would enough of them have voted for Nixon to elect him? Of course we will never know.

We will never know, either — but speculation is tempting — what would have been the effect of television coverage, if it had existed then, on the 1916 presidential election. The race between the incumbent, Woodrow Wilson, and the challenger, Charles Evans Hughes, was extremely close, and the betting before the election was about even. Hughes is said to have gone to bed on election night convinced of his victory, but as the returns straggled in from

California the next day it became evident that he had lost that state — by a mere 3,773 votes — and hence the election. Wilson ended up receiving 277 electoral votes, Hughes 254; but if only 2,000 Californians had switched their votes, Wilson would have lost the state and its 13 electoral votes, so that Hughes would have ended up with 267, Wilson with 264. If Californians had been able to learn on the afternoon of election day that Hughes was winning in the East, would they have voted for him in California in larger numbers — thus giving him the presidency; or (another possibility) would California Republicans have stayed away from the polls on the grounds that their votes were unnecessary — thus giving Wilson the state by a larger plurality than the miniscule one he had?

Mention of this famous close election brings up the subject of the role of the electoral college in presidential elections. If, in fact, those 2,000 Californians had voted Republican rather than Democratic in 1916, Wilson would indeed have failed to gain a majority of the electoral votes, but he would still have had a clear majority of the popular vote (the count was 9,128,000 to 8,534,000). In that case, who would have been President? By the Constitution it would have been Hughes, but this would have been embarrassing and would have brought to the fore the perennial question of whether U.S. Presidents should be elected directly by the people, or indirectly, as the Constitution provides. Generally, the device of the electoral college exaggerates the trend of the popular vote, so that there is no question about who has been actually elected. But in the elections of 1876 and 1888 the successful candidates did not receive a majority even of the major party vote, and in the first of these years — 1876 — there was a dispute about the election that many feared would lead to another civil war.

Samuel Tilden was the Democratic candidate, Rutherford B. Hayes, the Republi-

can. Tilden received a 250,000 popular plurality and carried New York, New Jersey, Connecticut, Indiana, and, apparently, the South, which would have assured his election. But Republican headquarters refused to concede on the grounds that the returns were in dispute in Florida, Louisiana, South Carolina, and Oregon. Without these states Tilden was one electoral vote short of a majority. The dispute dragged on for three months, until a specially selected electoral commission certified the Republican electors from the four disputed states, thus giving Hayes the presidency. The Democrats waged a strong fight and finally gave up only when they were assured that Hayes would withdraw all federal troops from the South, thus ending Reconstruction and inaugurating the extreme Southern persecution of Negroes that reached its peak from about 1890 to 1920. Tilden himself remarked when he was informed of the decision: "I can retire to private life with the consciousness that I shall receive from posterity the credit of having been elected to the highest position in the gift of the people, without any of the cares and responsibilities of the office."

Presidential elections like the ones in 1876, 1916, and 1960 have given arguments to those politicians and others who have, from time to time, advocated the complete abolition of the electoral college or the decrease of its influence. Amendments have been proposed to this effect, but up until 1968, at least, none had been approved by Congress and presented to the states for ratification. In the spring of that year, indeed, there was more talk than ever about the "nefarious" influence of the electoral system, for it appeared to some commentators that no candidate in the 1968 election would receive a majority of electoral votes, thus throwing the choice of a President, in the difficult years ahead, into the House of Representatives. But such talk had been heard before and had proved to be vain.

We have discussed at some length in the above the fact that a relatively large proportion of Americans do not participate in government even to the extent of voting for their President every four years. This is a lamentable fact from the point of view of advocates of democracy, but not everyone in America has always been made unhappy by it. Indeed, there have been more than a few candidates (and their backers) who did not want the people to take their right to vote seriously. They have not usually said so expressly; Davy Crockett came about as close to it as anyone ever has in describing his campaign for the state legislature in 1821. The moral of his remarks — which were not wholly cynical — is not hard to find.

"I got up and told the people I reckoned they know'd what I come for," Crockett wrote in describing his first attempt to make a political speech, "but if not, I could tell them. I had come for their votes, and if they didn't watch mighty close, I'd get them too. But the worst of all was, that I couldn't tell them anything about government. I tried to speak about something, and I cared very little what, until I choked up as bad as if my mouth had been jam'd and cram'd chock full of dry mush. . . ."

"At last . . . I told them that there had been a little bit of a speech in me a while ago, but I believed I couldn't get it out. They all roared out in a mighty laugh, and I told some other anecdotes, equally amusing to them, and believing I had them in a first-rate way, I quit and got down, thanking the people for their attention. But I took care to remark that I was as dry as a powder horn, and that I thought it was time for us all to wet our whistles a little; and so I put off to the liquor stand, and was followed by the greater part of the crowd."

Later in the same campaign Crockett was asked to make a speech in company with the other candidates — a request that, as he

said, "made my knees feel mighty weak, and set my heart to fluttering almost as bad as my first love scrape with the Quaker's niece. But as good luck would have it, these big candidates spoke nearly all day, and when they quit, the people were worn out with fatigue, which afforded me a good apology for not discussing the government. But I listened mighty close to them, and was learning pretty fast about political matters. When they were all done, I got up and told some laughable story, and quit. I found I was safe in those parts, and so I went home, and didn't go back again till after the election was over. But to cut this matter short, I was elected, doubling my competitor, and nine votes over."

Crockett was by no means the last to win an election in this way. A hillbilly band or a bright, reassuring smile is often more useful to a candidate than any knowledge of, or conviction about, government and politics, and the feeling is strong in many big cities nowadays that a candidate's name, religious affiliation, and skin color are more important than his policies. (This opinion may have been belied, however, in the Democratic primaries in several Southern states in the spring of 1966, which saw large numbers of Negroes voting for the first time. The fear had been expressed that these newly enfranchised citizens would vote in a bloc for Negro candidates, or at least for candidates who clearly stood for their interest. But the fear turned out to be unfounded. In fact, even with the precise and delicate machinery by which polls and experts measure opinion before election day, there are still surprises — which is why people still make election bets.)

Behind many candidates, especially those running in the large U.S. cities, there often stands a manager or political "boss," who may be more certain of the coming election results than the pollsters and the bettors. The tradition of the boss in American politics goes back to the eighteenth century, to

Sam Adams of Boston and Aaron Burr of New York, men who built up and controlled political machines. But such figures differed, on the whole, from the traditional bosses in that they were not primarily interested in spoils or graft, but rather in power, and in that they themselves competed for high office. The bosses of more recent times — men like Tweed and Quay and Cameron and Murphy and Crump and Hague and Pendergast — were of a different sort. They stayed almost entirely behind the scenes; and they made of politics an extremely good thing for themselves and their hangers-on.

Of modern bosses few have been more influential than Pendergast of Kansas City, who, among other achievements (most of them less laudatory), started President Harry S. Truman on his political career. In 1937, Pendergast was sent to the federal penitentiary for violation of income tax laws. Shortly before that, he was interviewed by reporter Ralph Coghlan.

"There are no alibis in politics," said Pendergast. "The delivery of the votes is what counts. And it is efficient organization in every little ward and precinct that determines national as well as local elections. National elections, national politics are just Kansas City on a big scale. It boils down to the wards and precincts. The whole thing is to have an organization that functions in every ward and precinct. That's where the votes come from. The fundamental secret is to get the vote registered — and then get it out after it's registered. That's all there is to it. All the ballyhoo and showmanship such as they have at the national conventions is all right. It's a great show. It gives folks a run for their money. It makes everybody feel good. But the man who makes the organization possible is the man who delivers the votes, and he doesn't deliver them by oratory. Politics is a business, just like anything else."

Even more recently the image of the po-

litical boss has changed again, and certainly for the better. James Farley, the man behind President F. D. Roosevelt; Robert Kennedy, the man behind President John F. Kennedy; Governor John Connally of Texas, the man behind President Lyndon B. Johnson; and Melvin Price, the man behind Mayor John Lindsay of New York, seem to be a new breed of boss, if "boss" is the right term to apply to them. Politics is probably still a business, and indeed big business; but it is business in a different sense. The necessity of "delivering" the votes remains; and the candidates, at least sometimes, are men for whom you might have voted even if your local boss had not called you up the night before election and urged you to do so.

The institution of the political boss has much to recommend it, despite the fact that a number of unscrupulous men have been bosses. When a candidate is elected to national office, he goes to Washington and thereby automatically severs his previous contact with his constituents, no matter how hard he may try to retain it. (Of course a Maryland congressman has less difficulty in this regard than one from California.) But the political boss who helped get him elected stays at home and remains in touch with the people of the district. There are other, more formal devices for maintaining communication between the elected representative and the people he represents, but the institution of the boss works better than most, and could theoretically work better than all.

Involved here is a distinction between two kinds of representation on the part of elected officials. According to one theory, the best representative is the man who knows what the people *ought to* want — partly because he has been chosen for his wisdom and partly because he is nearer to the center of both problems and power — and sets to work to get it for them. In this view, the representative in Washington re-

quires a minimum of contact with his constituents because he knows better than they what is their true interest. According to the other theory, the best representative is the man who is in constant touch with his constituents and who accurately reflects their desires — what they *think* they want — whether these are good for them and in their true interest or not. In this view, the proper work of the representative is to do what his constituents would do if they were in his place, which means to vote as they would, to get favors for his district, and so forth.

Both of these views are probably extreme, and the true duty of the representative would appear to lie somewhere in between. A good representative does not always do what his constituents think they want him to do at the moment; he must have more foresight than they, and his actions must be taken on the basis of more information than they can have. But he cannot be wholly out of touch with them, either. Aside from the undesirability of this from the point of view of any theory of the democratic process, there is the practical fact that such a representative would almost surely not be reelected.

It has been said that the most remarkable thing about the U.S. Constitution is what everybody remarks about it — namely, that it does not envisage, and makes no reference whatever to, the only institution that makes it work, the political party. In this view, whatever its abuses, whatever its shortcomings, the American political party is the only thing that makes the neatly balanced federal system, with its precise separation of powers, at all responsive to the will of the people outside the doors of government. Hence no discussion of representation would be adequate that did not mention these organizations that are, in several respects, the most striking feature of the political scene.

The Founding Fathers, who made no

provision for parties in the fundamental law of the land, were probably more suspicious of parties than we are today. George Washington, for example, in his Farewell Address (1796), was sharp in his strictures against the dangers of party and of faction. "Let me . . . warn you in the most solemn manner," he declared, "against the baneful effects of the spirit of party generally." He went on to concede that parties can sometimes, and within limits, serve as "checks upon the administration of the government and . . . to keep alive the spirit of liberty." But he thought this was more true in monarchies than in free countries, and he felt on the whole that the good parties *might* do was far outweighed by the evil they were *sure* to do if left to their own devices.

Nevertheless, political parties were active even during Washington's administration; they came to the fore during the administration of his successor, John Adams, and they have been around ever since. Indeed, said historian Henry Steele Commager in 1949, "if we look to the functions rather than to the chronological history of the American political party, we can see that the party has been, with the possible exception of the Constitution itself, the basic American political institution. It has administered the government; broken down the artificial barriers of the federal system and the separation of powers; strengthened national feeling; ameliorated sectional and class conflict; and advanced democracy."

The first job of the American political party has been to run the government. The Framers drew up an admirable blueprint for a government at Philadelphia in the summer of 1787, but they then went off to fight to get it ratified and did nothing to put it in operation. They made no practical provision for the day-to-day business of politics or administration, and since the Constitution was neither a self-starting nor a self-operating mechanism, nothing would have happened if the parties had not done it. Political parties did do it — with the

assistance of a growing civil service — and have been doing it ever since. They select candidates for office (the people choose 1 out of 2 or 3, but the party chooses 1 out of 200 million), they conduct campaigns that place the issues before the people, they manage elections, they formulate policy, and they take responsibility for legislative programs. They have sometimes done some of these things badly, but on the whole they have done them well; and, in any event, no alternative method of running the government has yet been perfected.

Not only that. The Framers produced what Commager called "a Newtonian scheme of government, static rather than dynamic. . . . Such a system, if adhered to rigorously, would result very speedily in governmental paralysis." The men who wrote the Constitution, in their zeal to create a perfect balance of powers, created a system full of built-in deadlocks. For example, if the executive and legislative branches *really* maintained the independence that seems to be called for in the Constitution, government could not function at all. The parties manage to harmonize these two sharply separated powers and allow them to work together.

Many observers have noted that still another major function of the political party has been to strengthen national feeling and resolve potentially dangerous sectional and class divisions and conflicts. The United States is a continent as well as a nation, and it contains within its borders as many varieties of climate and other divisions as are found in the whole of Europe or South America. Theoretically, these geographic divisions should have been disintegrating in effect, but they have not been so. In actual fact, the political party has been the primary institution by which the country has held itself together.

From time to time parties have come to represent local or sectional interests, and whenever they have done this they have made for trouble — or disappeared. The

Federalists became a sectional party, representing mainly New England — and they went under. When, in 1860, the Democratic Party split along sectional lines and the Republicans emerged as a strictly Northern party, the Union itself split. The re-creation of the Democratic Party as a national institution fifty years after the Civil War was perhaps the most effective instrument for the restoration of real union. It is the party, more than any other political institution, that persuades Americans to think nationally rather than locally.

The tendency of the great national parties to represent all of the sections of the country and not just one locale or special interest is one of their most puzzling features to Europeans, and has been criticized by Americans at various times. Richard Müller-Freienfels, a German visitor, noted in 1929 that while there are indeed political differences between the major parties, "in the first place they are very few, and in the second they are very slight." He added that "the European is surprised to find how little difference there is between the tendencies of the two principal parties, the Republicans and the Democrats. Men change their party without conscientious scruples, and they are not therefore accused of moral weakness."

It is sometimes suggested that this was not always so, that before the Civil War, and perhaps throughout the nineteenth century, the major parties opposed one another with regard to the ultimate ends or objectives of government, and that since 1912, or perhaps since 1932, they have agreed on the ends while disagreeing on the means. But this analysis seems to depend too much on a comparison of American with British political parties. In Great Britain, some such change as that seems to have occurred in this century, and particularly since World War II. In America, however, the major parties have tended to be always what they are today — amorphous (but nevertheless strong) combinations of sections, classes,

and interests, disagreeing on particular points that may loom large in an election campaign, but not really disagreeing very much or very deeply about principles.

At the same time, Americans at all periods have voiced their desire that the parties should represent ideological interests. That would be neater, the feeling seems to be, and more reasonable and logical — and it would avoid problems, say, for a liberal Northerner who finds himself in the same party with a conservative Southerner (and vice versa). A notable case in point is the Republican complaint during the 1950s and 1960s that there should be an end to “metooism,” and that their party ought to have a program entirely, or at least recognizably, different from that of the Democrats. One result was the presidential candidacy of Senator Barry Goldwater in 1964, who was viewed by his supporters as a true opponent of the incumbent, Lyndon Johnson, and not as “just another candidate.”

Another result was one of the most resounding victories — for Johnson — in American political history, occasioned in part by the fact that a majority of voters probably preferred Johnson in any case, but also by the fact that an apparently large number of voters feared just exactly the ideological split that they felt a Goldwater victory would produce. There were some, indeed, who echoed Jefferson’s words, or at least shared his attitude, when he foresaw the sectional division that would be the inevitable result of the Missouri Compromise of 1820.

“I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant,” Jefferson wrote in a letter to John Holmes, April 22, 1820 (Jefferson was at the time seventy-six years old). “But this momentous question [the Missouri Compromise], like a fire bell in the night, awakened and filled me with terror. I considered it at once as

the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.”

Another thing that puzzles Europeans about the U.S. political parties is that there are only two of them. In England there are three main parties; elsewhere in Europe there are usually many parties. Why is the American party system what it is? Why has no third party even been able to endure for long, or to attract very wide support?

The answer seems to be implicit in what has already been said: namely, that it is to the *functions* rather than the *policies* of American political parties that we must look to understand them. The party system is a political institution; its function is to run government, to make government operable. One party would not be enough for this, we think; two parties is just right. In America we tend to agree with the maxim of the great speaker of the House Thomas B. Reed, who declared in 1880 that “the best system is to have one party govern and the other party watch.”

Three parties is too much; with regard to functional efficiency, a third party would be like a third thumb. Three or more parties would be necessary if the main function of parties were to represent interests, or differing political views, or different sections of the country. To do any of those things adequately might require a half dozen parties, or a dozen, or even fifty. In the circumstances, then, the failure of third parties is not surprising.

At the same time, it is not surprising, either, that third parties occasionally arise on the American political scene, and are constantly being proposed. The reason is that a secondary function of political parties is to represent interests, differing political views, and sections. From time to time it happens

that both of the major parties fail to represent adequately an important interest or view in the country. The first impulse of Americans is to try to get one of the major parties to give this view a hearing, and to get it adopted by the party as a part of its program. But if this attempt is unsuccessful, a third party may be formed. This third party almost never has a chance to win a national election, although it may achieve some notable local victories; but it often threatens the national position of the major party it has been trying to court, and sometimes it brings that major party to defeat. A case in point is the famous three-way race of 1912, when Theodore Roosevelt, disapproving the stand of his own Republican Party, broke from it and ran against both Taft, the regular Republican candidate, and Wilson, the Democrat. The result was that Wilson won. A split in the Democratic Party in 1860 had a similar effect; Lincoln and his Republicans probably could not have defeated a Democratic candidate with a unified party behind him.

More often the third party does not bring about the defeat of the major party at which it has aimed, but it nevertheless gains votes, defeats some major party candidates, and in general makes the task of the major party — to run the country (or to watch the other major party run it) — more difficult. This being true, it is not surprising that strong third parties very soon have an effect on the policies of the major party they want to influence. The Populist Party of the 1880s and '90s moved the Democrats sharply to the left on the political spectrum; the Progressive Party had the same effect on the Republicans during the first decade of the twentieth century; states' rights groups, though not always actually forming third parties, have probably moved both of the major parties to the right in the last decade or so.

The above remarks also indicate why it was not necessary to take seriously the possibility, feared by many after Johnson's

smashing victory in 1964, that the two-party system was on the way out. The Republican Party was dying, it was said, and the Democrats would henceforth rule by "consensus." The Republican Party might indeed die out; other parties had died out before it; but the two-party system was in no danger. If the Republican Party passed from the scene after further national defeats in 1968 and 1972 and 1976, it would be replaced by another major party representing all sections of the country and all shades of opinion. Reed's maxim still applies.

A final function of American political parties, as Commager and others have observed, is to advance democracy. This is a result not of any inherent quality in the parties themselves but rather of the dynamics of American politics. Each of the major parties has been forced to look for broad popular support, which means that parties almost inevitably are advocates of an extension of the suffrage. No major party has ever taken the risk of openly opposing such an extension; the consequences to it when the extension of suffrage came — as it always did — would have been disastrous.

Along the same lines, each of the major parties, not being committed in advance to fundamental principles, has more or less continuously been on the lookout for popular issues. One result of this has been to make the party system highly responsive to the popular will. Another result of this has been to give participation in party politics a relatively wide base. Americans are always making jokes about politics and politicians, and sometimes the jokes are pretty bitter. Nevertheless, a lot of people still "go into" politics — if only on the local level, for example, because they want a new school built for their own children.

Americans, in short, have not objected to parties and to party politics on the whole; on the contrary, they have rather enjoyed them. John Adams, for example, noted in 1812 that parties began "with human na-

ture; they have existed in America from its first plantation." William Henry McElroy quipped in 1880 that "politics, and not poker, is our great American game. If this could be beaten into the heads of some presumably well-meaning but glaringly impractical people, we should hear less idiotic talk about reform in connection with politics. Nobody ever dreams of organizing a reform movement in poker." And few have described the game of party politics more amusingly, but at the same time more sympathetically, than Finley Peter Dunne's "Mr. Dooley."

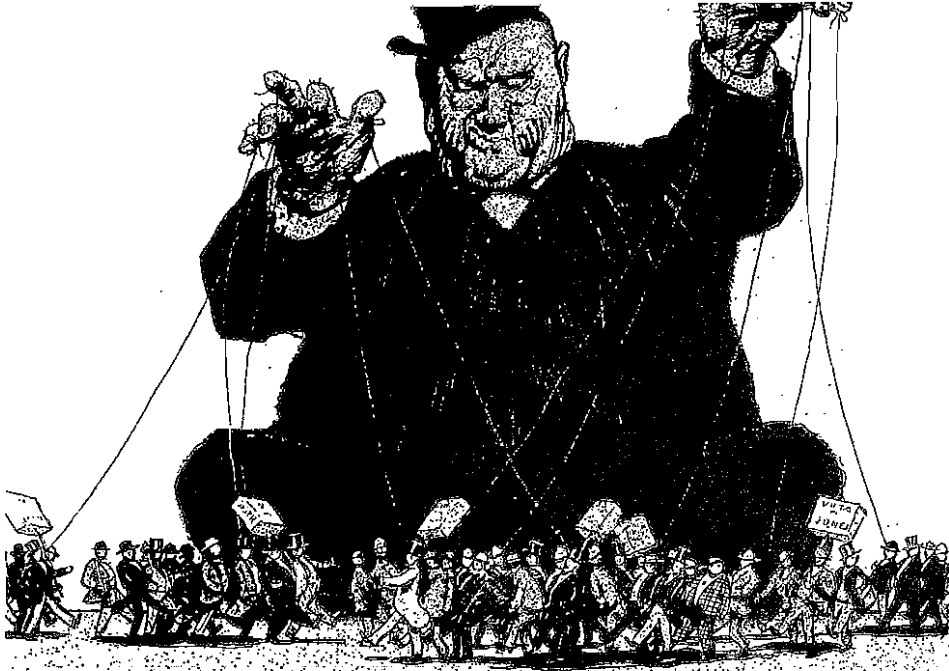
"No, 'tis no aisy job bein' a candystate, an' 'twud be no easy job if th' game iv photygraphs was th' on'y wan th' candystates had to play," Dunne had Mr. Dooley say in 1900. "An' did ye iver notice how much th' candystates looks alike, an' how much both iv thim looks like Lydia Pinkham? Thim wondherful boardhin'-house smiles that our gifted leaders wears, did ye iver see annythin' so entrancin'?"

Of course, not all of the discussions of politics and politicians have been as basically friendly as that of Dunne, satirical and ironic though it was. Many Americans besides George Washington, nearly two centuries ago, have noted the dangers of party spirit in general, and have pointed to bad effects of the institution, no matter how useful it may be for the operation of government. Horace Mann, for example, warned in 1848 against the evils of partisanship in the public schools, especially when it came to the teaching of the Constitution. "It is obvious," he declared, "that if the tempest of political strife were to be let loose upon our common schools, they would be overwhelmed with sudden ruin." In a different vein, Carl Schurz, in 1894, castigated the evils of the "spoils system," a direct result, as he saw it, of the party system that not only had given it birth but also had allowed and even encouraged it to flourish. And Wendell Willkie and others pointed to still another evil when they de-

plored the intrusion of party politics into the determination of the nation's foreign policy during and after World War II.

Others have been not so much critical as contemptuous of politicians. Politicians have been called many uncomplimentary things, including animals "who can sit on a fence and yet keep both ears to the ground." Boies Penrose of Pennsylvania, who served in the U.S. Senate from 1897 to 1921 and was himself subjected throughout almost all of his political career to attacks on his character and qualifications, is supposed to have once remarked that "public office is the last refuge of the incompetent." Kin Hubbard, the newspaper paragrapher and creator of the bumbling cracker-barrel philosopher Abe Martin, once had Martin observe that "now and then an innocent man is sent to the legislature." And Mark Twain was quoted by his biographer, Albert Bigelow Paine, in this sardonic little colloquy: "Reader, suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself."

All of this is perhaps by the by. Government is an art, Felix Frankfurter declared in *The Public and Its Government* (1930). "It is neither business, nor technology, nor applied science. It is the art of making men live together in peace and with reasonable happiness. Among the instruments for governing are organization, technological skill, and scientific methods. But they are all instruments, not ends. And that is why the art of governing has been achieved best by men to whom governing is itself a profession. One of the shallowest disdains is the sneer against the professional politician. The invidious implication of the phrase is, of course, against those who pursue self-interest through politics. But too prevalently the baby is thrown out with the bath. We forget that the most successful statesmen have been professionals." [For more on the role of political parties in the extension of the suffrage, see the next section. For treatment of some of the matters dis-



Library of Congress

"The Boss," a drawing by Art Young from "The Masses,"
a monthly periodical published between 1911 and 1915

cussed in the above, but from other points of view, see Chs. 1: NATIONAL CHARACTER, 8: FOREIGN POLICY, and 10: PLURALISM.]

3. EXTENSION OF THE SUFFRAGE: QUALIFICATIONS OF VOTERS

THE U.S. CONSTITUTION laid down no specific qualifications for the suffrage. Instead, in Article I, Section 2, it declared that "the House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature." In other words, voter qualifications were left to the states themselves. The Constitution did say, two paragraphs later, that when it came to determining how many representatives a state should have, each free person should be counted as one, slaves should be counted as three-fifths, and untaxed Indians should not be counted at all. But that was not to say who should actually vote.

In the seventeenth century and well into the eighteenth the notion of rule by an elite

— variously determined — was dominant in all of the colonies that later became states of the Union. John Winthrop and John Cotton spoke, it is true, of the rule of the people, but they saw the people as secondary to God's will, which could be determined only by a kind of intellectual aristocracy; and they were opposed to democracy in the sense of government by all the people. Winthrop's tract addressed to the General Court in 1642, in the course of which he lectured its members on the nature of liberty and the office of the magistrate, is the classical expression of this view.

"That which makes a specific difference between one form of government and another is essential and fundamental," Winthrop declared. "But the negative vote in the magistrates does so in our government; therefore it is essential and fundamental. . . . Where the chief ordinary power and administration thereof is in the people," he explained, "there is a democracy." His government, on the contrary, was not democratic, because the magistrate had a veto power over the direct expression of the people's will; the power belonged ultimately to

the people, but practically to the magistrates. The result was "a mixed aristocracy."

"Now if we should change from a mixed aristocracy to a *mere* democracy," Winthrop asserted, ". . . we should hereby voluntarily abase ourselves, and deprive ourselves of that dignity which the Providence of God has put upon us . . . for a democracy is, among most civil nations, accounted the meanest and worst of all forms of government; and therefore in writers it is branded with reproachful epithets, as . . . a monster, etc., and histories do record that it has been always of least continuance and fullest of troubles."

Views such as these were eroded during the eighteenth century when the notion of a spiritual aristocracy that alone could interpret God's will seemed to most Americans to become irrelevant to the practical business of life. (The view had perhaps never been widely held in the Southern colonies.) In the early colonial period a property qualification for voting had been combined with a religious one; after 150 years only the property qualification was left. But it remained an important theoretical obstacle to universal (male) suffrage, and in the 1770s and 1780s the amount of property required before a man could vote was raised in many states.

We say "theoretical" because in fact the property qualification for the suffrage did not deprive as many people of the right to vote as one might expect, and perhaps as it was meant to. The reason, of course, was the special circumstances of the country. A much higher proportion of men owned some property in America than in the old countries of Europe; even in Massachusetts, where the property qualification was raised quite sharply in 1780, the number of freemen who could vote was higher than in any European country at the time.

The old New England assumption had been, then, that men would be called to their proper station in life, that the "right" people would rule those who "should be"

ruled, and that all would consent to their rank in society. But, by Benjamin Franklin's time, printers were refusing to remain merely printers and, instead, were winding up in Philadelphia drafting a Constitution and creating a government. Thus Franklin's life can stand as a kind of epitome of the eighteenth century changes that led to democratization. Franklin himself gave expression to the new view of the matter when, in 1789, he argued against the idea that one of the houses of Congress — the Senate — should be dominant in the Congress and represent the interests of the few and not the many.

"If [a] minority is to choose a body expressly to control that which is to be chosen by the great majority of the freemen, what have this great majority done to forfeit so great a portion of their right in elections?" he asked. "Why is this power of control, contrary to the spirit of all democracies, to be vested in a minority, instead of a majority? . . . Is it supposed that wisdom is the necessary concomitant of riches and that one man worth £1,000 must have as much wisdom as twenty who have each only £999? And why is property to be represented at all?"

Franklin's remarks of course did not put an end to the matter. Hamilton's Federalist Party on the whole opposed the extension of the suffrage, maintaining on the contrary, as the Federalist John Ward Fennell put it in 1799, that "the elective franchise . . . and the [legislative power ought to be] placed in those hands to which it belongs, the proprietors of the country." The argument went on during the next twenty years, but as the Federalist Party grew weaker and finally died out, the pressure for a wider suffrage grew greater and greater.

The dispute came to a climax in the New York Constitutional Convention of 1821, when proponents of "universal suffrage" (women, Negroes, and the relatively impoverished were still excluded) put their case more strongly than ever before. They were also strongly opposed, most notably by

Chancellor James Kent, one of the last of the great Federalists.

"The notion that every man that works a day on the road, or serves an idle hour in the militia, is entitled as of right to an equal participation in the whole power of the government," Kent declared, "is most unreasonable and has no foundation in justice." The reason, he explained, was that "the tendency of universal suffrage is to jeopardize the rights of property and the principles of liberty. There is a constant tendency in human society, and the history of every age proves it; there is a tendency in the poor to covet and to share the plunder of the rich; in the debtor, to relax or avoid the obligation of contracts; in the majority, to tyrannize over the minority and trample down their rights; in the indolent and the profligate, to cast the whole burdens of society upon the industrious and the virtuous; and there is a tendency in ambitious and wicked men to inflame these combustible materials."

Kent met able opposition in this famous debate. Nathan Sanford, for example, argued that whatever might be the practice in other countries, "here there is but one estate — the people. To me the only qualifications seem to be the virtue and morality of the people. . . . To me . . . the only reasonable scheme [is] that those who are to be affected by the acts of the government should be . . . entitled to vote for those who administer it." John Ross concurred, declaring that "in every free state, the electors ought to form the basis, the soil from which everything is to spring, relating to the administration of their political concerns. Otherwise, it could not be denominated a government of the people. This results from the immutable principle that civil government is instituted for the benefit of the governed." And he went on to counter one of Kent's main points. "All . . . who contribute to the support or defense of the state have a just claim to exercise the elective privilege," Ross asserted, "if consistent

with the safety and welfare of the citizens. It is immaterial whether that support or defense of the state be by the payment of money or by personal service, which are precisely one and the same thing — that of taxation."

Kent's views were in the minority at the convention, and property qualifications for voting were removed in New York state. After 1821 only five states retained property qualifications, and these were removed during the next thirty years.

However, the argument was not ended even then. For example, an editorial in the *New York Journal of Commerce* in 1829 complained that "by throwing open the polls to every man that walks, we have placed the power in the hands of those who have neither property, talents, nor influence in other circumstances; and who require in their public officers no higher qualifications than they possess themselves." It warned that "we cannot believe that we are so soon reduced to the condition of the Romans, when the popular voice was raised against every honorable distinction; a voice which finally prevailed, to the utter extinction of the Republic." And John C. Calhoun argued, with somewhat more elegance, that universal suffrage *in itself* could lead to no other result than the absolutely oppressive tyranny of the majority; he therefore asserted that the "despotic" power of the more populous Northern states, represented in the Congress, ought to be counteracted, within the bounds of the federal system, by allowing the Southern minority to control the executive power by exercising a veto on the choice of a President. This practice, indeed, prevailed until the Civil War, when the election of a Northern President (Lincoln) led to the secession of the Southern states.

Three amendments to the Constitution ratified during the last century are important further steps in the direction of universal suffrage in the United States. They are the Fifteenth Amendment, ratified in 1870; the Nineteenth Amendment, ratified in

1920; and the Twenty-Fourth Amendment, ratified in 1964.

The first twelve amendments to the Constitution had all been adopted by 1804, and sixty-one years had to pass before another was ratified. Then, in the short space of five years, three amendments were passed that grew out of the Union victory in the Civil War. The first of these was the Thirteenth Amendment, abolishing slavery; the second was the Fourteenth Amendment, in effect reversing the Dred Scott decision of 1857; and the last was the Fifteenth Amendment, declaring that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." No further amendments were adopted until 1913.

The wording of the Fifteenth Amendment seems perfectly clear. Nevertheless, the Southern states, and some Northern states as well, found ways to get around it. It is true enough that no state legislature passed laws prohibiting Negroes from voting, but there were other devices, most notably intimidation, the poll tax, and the party primary.

Actual intimidation of Negroes was sometimes flagrant and sometimes subtle. Usually, not more than one or two Negroes who had tried to vote would have to be beaten up before the rest got the idea and did not even try. The poll tax was perfectly legal, since it was a requirement that had to be met by all citizens, white and black — except that the whites could afford it whereas most blacks could not, and in many districts whites were not made to pay it, whereas Negroes were. The party primary was the most subtle device of all. The Fifteenth Amendment was construed as referring only to official elections. But in the one-party South, voting in the Democratic primary was all that counted, for the Democratic candidate always won. Hence to be prohibited from voting in the primary, on the grounds that the Democratic Party was

in effect a private association and not an official one, was to be disfranchised.

Negroes voted in the South during Reconstruction, when federal troops patrolled the polling places. But after 1877, when the last federal troops were withdrawn, Negroes began to be banned from elections, until by 1900 almost no Negroes at all voted in the deep South, and only a relative handful in the border states and in some areas of the West.

During the present century, the right to vote of Negroes and other minorities such as the Spanish-speaking Puerto Ricans of New York City and the Mexicans of Southern California has been upheld in a series of Supreme Court decisions that have had the effect of considerably extending the franchise. Two important cases were *U.S. v. Classic* (1941), in which the Court upheld the power of the federal government to regulate a state primary where such an election was an integral part of the machinery for choosing candidates for federal offices (the decision reversed a previous one that party primaries were private affairs); and *Smith v. Allwright* (1944), in which the Court held that Negroes excluded from voting in a Democratic primary in Texas were in fact disfranchised in violation of the Fifteenth Amendment. In addition, the Twenty-Fourth Amendment to the Constitution, ratified on January 23, 1964, declared that "the right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for senator or representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax."

Despite these and other laws and decisions, however, the right to vote of many citizens is still denied or abridged in the United States. Sometimes such denial is based on the desire not to allow a particular group to exercise its suffrage. Intimidation of Negroes still occurs, and where the

mechanism of denial is not intimidation, it may sometimes be an insistence on voter qualifications that is in fact prejudicial to the rights of Negroes. For example, if it is required, as in many states it is, that the voter have some knowledge of the Constitution, the questions asked of a white voter can be simple and easily answered, whereas those asked of a Negro voter can be so difficult as to be all but unanswerable, at least by anyone except a learned historian. And even if the Negro is able to answer the questions, who is to say that he has answered them correctly — apart from the white registrar of voters who does not want him to vote in the first place?

Insidious practices such as these are probably dying out, and the reason is an interesting one. Since World War II, the once one-party South has seen the revival of the Republican Party to a position where it offers a real challenge to the Democrats in many areas. The Democrats, in order to retain their power, must attract new voters; and new voters tend to be Negroes. The Republicans also need new voters. Hence the tendency toward democratization of the American party system that was discussed in the previous section is seen to be at work now, as it was fifty and a hundred years ago.

At the same time, there are many potentially qualified voters who in fact are not allowed to vote, and this will always be true. For example, a person who moves shortly before election day usually cannot vote either from his old or from his new address. A person who forgets or otherwise fails to register by the required date cannot vote. A person with no fixed address — and since the census fails to count such people, no one really knows how many there are — cannot vote. And a fair number of persons in every election are disfranchised on technicalities — they marked their ballot incorrectly, or they gave the wrong address when they registered, or they arrived at the polls too late.

Registration and other devices for controlling election frauds are necessary. But they nevertheless result in the disfranchisement of millions of citizens. For this reason, if for no other, “universal” suffrage will never be a reality, although it will certainly continue to be the ideal.

The question of woman suffrage was not seriously raised in America until the middle of the nineteenth century. Starting in the 1840s, women began to ask for many kinds of equality with men, and not the least of their demands was for the right to vote. From the first there were men who supported them in their demands. The Rev. Samuel J. Burchard, for example, declared in 1846 that “this entire disenfranchisement of females is as unjust as the disenfranchisement of the males would be; for there is nothing in their moral, mental, or physical nature that disqualifies them to understand correctly the true interests of the community, or to act wisely in reference to them.”

Women spoke even more eloquently in their own behalf. The Seneca Falls Declaration of 1848 is one of the great American documents. Drawn up and adopted at the Seneca Falls Convention, held in upstate New York in 1848 under the leadership of Lucretia Mott and Elizabeth Cady Stanton, the Declaration concluded with these ringing words:

Being invested by the Creator with the same capabilities, and the same consciousness of responsibility for their exercise, it is demonstrably the right and duty of woman, equally with man, to promote every righteous cause by every righteous means; and especially in regard to the great subjects of morals and religion, it is self-evidently her right to participate with her brother in teaching them, both in private and in public, by writing and by speaking, by any instrumentalities proper to be used, and in any assemblies proper to be held; and this being a self-evident truth growing out of the divinely implanted principles of human nature, any custom or authority ad-

verse to it, whether modern or wearing the hoary sanction of antiquity, is to be regarded as a self-evident falsehood, and at war with mankind.

The proposition does seem self-evident now, but it was often and vigorously disputed at the time, and more than seventy years had to pass before women won the right to vote. The arguments against woman suffrage were many, but they boiled down to two: first, that women were fundamentally nonpolitical, that their genius lay in a contrary direction, and that their real task in life was to "civilize" man; second, that women would always vote as their husbands or fathers told them to, which in effect would double the size of the vote but not change the results.

The suffragette movement (as it came to be called) had its farcical moments as well as its tragic ones, and it had its heroes and its villains. Among the former were Mrs. Stanton and Susan B. Anthony, *both* of whom are credited with the famous reply to the discouraged young suffragette: "Pray to God — *she* will help you!" But the tendency of history was obvious enough by the end of the nineteenth century, and by 1912, when the Progressive Party came out for woman suffrage, even the women had to admit that it was only a question of waiting a few more years before they would have it. Both the major party platforms advocated woman suffrage in 1916, and the Nineteenth Amendment to the Constitution, declared ratified on August 26, 1920, marked the achievement of victory in a veritable crusade that, as Miss Anthony had observed in 1897, had absorbed "the time and the energy of our best and strongest women." "The right of citizens of the United States to vote," the Amendment declared, "shall not be denied or abridged by the United States or by any state on account of sex." And thereby one prophecy became perfectly safe. As long as America endures, it may be said with absolute confidence, that Amendment will never be repealed.

Many other topics could be dealt with in this section. For example, it often has been suggested that the voting age be lowered, on the grounds that young men who are old enough to fight and perhaps die for their country are old enough to vote in its elections. (In fact, some states allow citizens to vote at eighteen or nineteen.) The argument is specious — the qualifications of a voter are not the same as those for a soldier — but there is usually strong advocacy for the position during wartime, and the United States has been at war more or less continuously since 1950.

Another topic of interest is the question of whether voting actually expresses the will of the people in our technical age, even when all of the people — or most of them — are allowed to vote. Does a voter really understand the issues when all he actually knows is what he reads in the newspapers and sees on television? This argument also has a note of speciousness; at least it would seem to have applied at all times and places (except perhaps in the famous New England town meeting), and not especially in our own time. The requirement that all voters see all candidates in the flesh and hear them speak would not overcome the difficulty of understanding the candidates' hearts. That is a difficulty shared by all men, not just government officials and their constituents.

Still another topic, and one that has occasioned much recent controversy, is the series of Supreme Court decisions requiring the reapportionment of state legislatures and other local bodies. In Connecticut, for example, as late as the 1950s, the votes of only a few thousand persons were necessary to elect a state representative from rural Litchfield County; but in populous Hartford, many thousands of votes were required. Nevertheless, in the state legislature, the single vote of the Litchfield County man was equal to that of the Hartford man. In the nineteenth century it was often proposed that a system of weighted voting be



Museum of the City of New York, Harry T. Peters Collection

"The Age of Brass"; lithograph by Currier and Ives, 1869

adopted, whereby some persons would have two, or three, or even ten votes in an election, whereas others would have only one. (The qualifications for additional votes were variously the ownership of property and the possession of political wisdom.) Such plans were never adopted, but the Supreme Court in its recent decisions was reacting to a *de facto* inequity in the weight of votes that was perhaps more serious because not formal and legal.

Other topics could also be discussed. But the important point to make is that throughout American history the suffrage has been extended to more and more persons with the passing years. No politician and no political party that has ever opposed this historical tendency has been successful. And there seems no reason to expect that the trend will be reversed in the future.

The problem now, as was indicated in the previous section, is not so much to remove disabilities from voters as to get qualified voters to vote. This is one of the most serious problems facing the U.S. electorate at the present time. It is to be hoped that it will be solved before the end of the century.

If democracy means the suffrage of *all* qualified persons (*i.e.*, adult, sane persons of either sex who have never been convicted of a felony), and the representation of *all* citizens (by whatever means) in the choice of

government officials and policy, then America is *now* at last a democracy, though it has not always been one. On the whole, we Americans are proud of the fact. *THE ANNALS OF AMERICA* includes many self-encomiums, ranging all the way from John Wise's praise of New England democracy in 1717 to the speeches of Presidents Kennedy and Johnson in the 1960s. In the United States, it is always imprudent to seem to be "against democracy." Nevertheless, it is important to recognize that there have been in the past, and that there continue to be, dissenting views.

One of the most eloquent critics of political democracy was Alexander Hamilton, who could declare in 1784 that "nothing is more common than for a free people, in times of heat and violence, to gratify momentary passions by letting into the government principles and precedents which afterwards prove fatal to themselves." On the whole, Hamilton distrusted "the people" and preferred government by the few "wise" men.

Tocqueville, a half century later, also pointed out some of the defects of democracy. For example, he wrote that "as the rulers of democratic nations are almost always suspected of dishonorable conduct, they in some measure lend the authority of the government to the base practices of which they are accused. They thus afford

dangerous examples, which discourage the struggles of virtuous independence and cloak with authority the secret designs of wickedness."

Ellwood P. Cubberley, in 1909, was hardly more complimentary. "The evils and shortcomings of democracy are many and call loudly for remedies and improvement," he declared. Among these evils, he asserted, were the facts that "our state governments are weak and inefficient . . . our city governments are corrupt . . . [and] our people waste their money and their leisure in idle and profligate ways." Herbert Croly, in the same year, concurred in some of these criticisms and added others of his own. He argued, for example, that social evils in American democracy result from "the traditional erroneous assumption of an identity between the individual and the public interest," and he advocated far-reaching reforms.

During the 1920s, H. L. Mencken was an unrelenting foe of democracy, although his readers were never quite sure how seriously he intended his strictures to be taken. Even such an "official" document as the U.S. Army Training Manual (1928) could define democracy as "a government of the masses. Authority derived through mass meeting or any other form of 'direct' expressions. Results in mobocracy. Attitude toward property is communistic — negating property rights. Attitude toward law is that the will of the majority shall regulate,

whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard to consequences. Results in demagogism, license, agitation, discontent, anarchy." And the boss of Jersey City, Mayor Frank Hague, could proclaim in 1938 (in a speech before the Chamber of Commerce) that "we hear about constitutional rights, free speech, and the free press. Every time I hear those words I say to myself, 'That man is a Red, that man is a Communist.' You never heard a real American talk in that manner."

The great majority of Americans would hold that Mayor Hague was wrong. Real Americans do talk in that manner; they have for 200 years, and it is to be hoped that they always will. Most Americans have held, and continue to hold, that democracy, with all its faults — and they are many, although some of them are remediable — is worth both living and dying for. And while we may rather somberly agree with Gen. George C. Marshall that "democracy is the most demanding of all forms of government in terms of the energy, imagination, and public spirit required of the individual," we also probably agree with Lincoln, who asked, in his First Inaugural Address and at the time of American democracy's greatest crisis: "Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?"