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Out in the Open: The Emergence of Viva Voce *Voting in House Speakership Elections*

We examine the internal politics that preceded the House adoption in 1839 of *viva voce* (voice) voting for Speaker and other House officers. First, we find that the struggles over the rule's adoption actually centered on the election of the House Printer. These struggles were tied to attempts by the two major parties to establish effective newspaper networks to assist in national political campaigns. Democrats generally favored public election of House officers, whereas Whigs generally opposed. In the short term, the change to public voting for Speaker and other House officers had the expected effect of instilling greater partisan regularity among House members. As sectional divisions grew in the nation at large, however, the public election of the Speaker made it increasingly difficult for House leaders to forge the transregional coalitions necessary to organize the House.

Introduction

Antebellum American politics is noted for two conflicting impulses. The first was *regional*; competing sectional economic interests put the nation's political stability at risk. The second was *party*; political leaders tried to neutralize the first, by constructing common, transregional political institutions and practices centered on a new form of political organization, the national political party.

These conflicting impulses were most often pitted against each other in Congress, particularly the House of Representatives. In this article, we examine one of the most important occasions for this conflict in antebellum America—election of the Speaker. In previous research (Jenkins and Nokken 2000; Jenkins and Stewart 2001b; Stewart 1999, 2000), we have examined a number of episodes prior to 1861 in which protracted balloting for Speaker was the first order of business in the

newly organized House. Here, we examine the parliamentary innovation that lay beneath the speakership battles of the 1840s and 1850s—the decision to ballot publicly for Speaker.

Until 1839, the House elected all of its top officers via secret ballot. Then, as now, election to the speakership required a majority vote of all House members present. If no candidate received a majority, then balloting continued until a majority winner emerged. Of the 28 speakership elections prior to 1839, 8 required more than one round to elect a Speaker. Of the 12 speakership elections that occurred from 1839 to 1861, under *viva voce* (voice) voting, 6 required more than one ballot (Stewart 1999, Table 1).

As regional tensions mounted, these *viva voce* speakership battles became centerpieces of the ongoing struggle for control of the federal government by pro- and antislavery forces. The choice to use *viva voce* voting for Speaker may therefore have been the most important change to the House rules for the course of early American history. The immediate political effect was certainly great. As Leintz (1978, 76) wrote:

Constituents would now know whom their representative had supported, and congressmen would have to stop and think before backing a party candidate whose opinions were objectionable to the home folk. Party leaders would know exactly who had deserted. Congressmen pledged to back a candidate could no longer secretly break that pledge.

As important as this rules change was, few political scientists and historians have taken note of it. As far as we know, no one has addressed *why* the change was made and what the immediate consequences were. Answering these questions is the goal of this article. We uncovered the following, preliminary results.

First, the decision to institute *viva voce* election of the Speaker was an inadvertent consequence of party-building activities of the 1830s, in which the election of other officers, most notably the Printer, was as consequential as electing the Speaker. To House members at the time, the issue was not the speakership but who would get the nation's largest printing contract, and therefore which party press organs would be publicly subsidized.

Second, in the short term, the effect of instituting *viva voce* election of House officers was to cement party ties. In the *long term*, however, it helped to undermine these ties by highlighting nonpartisan—i.e., regional—considerations in the choice of House leaders.

To elaborate on these conclusions, we proceed as follows. In Section 1, we set the political stage, outlining the efforts by national

political leaders to build a new type of political party in the 1830s. We then review the authority over the chamber (and perhaps over the rest of national politics) that House officers held during this time. In Section 2, we examine efforts to change the election rules affecting House officers generally and focus on three important moments: a failed attempt to institute *viva voce* voting in the 23d Congress (1833–35); two attempts to change the rule in the 25th Congress (1837–39), the second one successful; and the last gasp of *viva voce* opposition in the 26th and 27th Congresses (1839–43). In detailing these moments, we provide evidence that support for *viva voce* voting was tied to party-building efforts among Democrats and Whigs. In Section 3, we conclude by offering some preliminary thoughts about the short- and long-term consequences of this new way of electing Speakers.

1. Historical and Political Background

The most lasting effect of the War of 1812 was the destruction of the First Party System, under which Federalists and Democratic-Republicans vied for power. In the aftermath of the war, American national politics devolved into a shifting landscape of issues and per-sonalities that has received the ironic title of the "Era of Good Feelings." Nevertheless, this period also witnessed the first significant injection of slavery into national politics, raising the specter of southern secession.

With the dangers of regional polarization palpable, prominent political heirs of Thomas Jefferson worked to create a political party that knit together North and South by suppressing the slavery issue and emphasizing a list of less regionally charged issues. Andrew Jackson democratized national politics through his presidential campaigns, but his co-partisan Martin Van Buren is widely credited with being the organizational genius who conceived of a national party built around political ambition, patronage, and weak allegiances to policy goals (Aldrich 1995; Silbey 2002).

By the time Van Buren himself was elected president in 1836, the Democratic party had developed into a sophisticated electoral machine dedicated to the electoral success of its members at the expense of policy purity. Van Buren and his disciples also succeeded in creating an ethos among party followers that elevated organizational loyalty over loyalty to individual candidates (Silbey 1991, 2002). This transformation was so great that the loosely organized opposition to the Jacksonian juggernaut abandoned their allegiances to their particular brands of political belief (National Republican, Anti-Mason, and so on) to coalesce as a single political party—the Whigs.

To be clear, the Democratic and Whig parties that emerged in the 1830s each consisted of a core of political beliefs and goals to which most adherents subscribed. The Democratic party had grown up around the Jacksonian distaste for centralized economic power represented by the Bank of the United States; the Whigs had sprung up in support of a more activist commercial role for the federal government. Still, both parties were big tents, willing to endure internal strife so long as the organization could deliver the votes—which brings us to that organization.

First the Democrats, then the Whigs, created institutions dedicated to coordinating electoral strategies to win elections up and down the ticket (Silbey 1991). This organization went far beyond convincing party members to swallow hard and support the party candidate at all costs—it also tapped public officials, elected and appointed, to fill campaign coffers. Money was shifted in national elections to races that were competitive. The parties also created campaign literature to instruct candidates on the party line and to educate followers on the sterling qualities of the parties' nominees and the nefarious character of the opposition. Out of this activity emerged an enduring structure to national politics that had been missing for decades. As a result, the grand structure of national politics moved from multidimensional spatial chaos to a remarkably sturdy unidimensional, partisan politics (Poole and Rosenthal 1997).

As organizational capacity within the parties increased, the congressional electorate expanded and congressional elections became more competitive (Dubin 1998). The number of voters in congressional elections grew by over 60% between the 1830–31 and 1838–39 elections (22d and 26th Congresses). The number of party labels under which candidates ran shrank substantially during this time, moving politics from multiparty competition in much of the country to two-party competition almost everywhere. Finally, partisan competition tightened. When the decade began, the Jacksonians enjoyed a 10-percentage-point advantage over the National Republicans. As the decade ended, the Democrats and Whigs were neck-and-neck nationally.

Of course, this tightening of electoral fortunes was not due solely to the growth of the Whig electoral machinery to match that of the Democrats. Whig electoral fortunes were helped mightily at the end of the decade by the Panic of 1837, which precipitated the longest economic contraction in American history. The Panic of 1837 has been attributed to a host of financial actions taken in the closing months of the second Jackson administration. Most prominent of these was the so-called Specie Circular, which announced that the federal government would only accept gold or silver in payment of its obligations. This announce-

ment caused the market for federal lands to collapse, bringing down a host of overextended state banks and eventually money-center financial houses.

Although the Specie Circular was issued mid-1836, its disastrous consequences did not come to full flower until the spring of 1837—after Van Buren had been inaugurated to succeed Jackson. With the New Orleans cotton market collapsing, mobs taking to the street in New York to raid warehouses, and eastern banks suspending the payment of specie, the electorate was primed to punish the party responsible for the Panic, the Democrats.

Democrats took a beating in the summer 1837 congressional elections. Compared to 1835, when the Democrats held their own against the Whigs with 46.5% of the vote, Democrats only received 40.5% of the summer 1837 vote. The end result was devastating for continuity among the Democratic Party, which had supposedly created a political machine dedicated to the electoral longevity of its members.

The summer drubbing also significantly diminished the margin for the Democrats in the 25th Congress—a margin that had already been dropping through the 1830s. The Jacksonians had started the decade with a 39-seat advantage over their opponents in the 22d Congress. When the 25th Congress convened, the margin had shrunk to only 14 seats. Moreover, internal divisions over banking and finance were such that it was not until James K. Polk was actually reelected Speaker that the Democrats were assured of even nominal control over the chamber.

The Role and Power of House Officers

The importance of subordinate House officers in national politics was much greater in the period we are writing about than it is in the modern Congress. The top House officer was, of course, the Speaker. Yet even though the practice of the majority party presumptively taking the speakership had emerged by the 1830s, nomination by the majority caucus had not become institutionalized. Dissident caucus members could avoid being bound to support the caucus-nominated Speaker candidate by one of two paths: by missing the caucus meeting (a caucus member could not be bound by a meeting at which he was not in attendance) or by refusing to vote for the caucus nominee in the *secret* ballot for Speaker.

Below the Speaker in the formal hierarchy of the House were several officers, including the Clerk, the Sergeant at Arms, and the Printer. As the Jacksonian patronage system was perfected, these subordinate offices grew useful for party building since they directly and independently dispersed funds and controlled the details of patronage. Most relevant to this article was the position of the Printer,

who was responsible for printing and distributing House documents, including not only the *House Journal* and other official publications, but also politically important texts, such as member speeches and executive messages.[1] The printing contracts for both chambers were more valuable than most executive branch printing contracts (except for the Post Office) and were also more politically freighted. These contracts were for all the official publications of government; reporting the debates of Congress was another matter, handled entirely privately until the *Congressional Record* was established in the 1870s.[2]

Even prior to the rise of Jackson, members of Congress and their political hangers-on had grasped the political significance of the Printer's position. The printing contract itself was one of the largest business deals transacted between the federal government and a single contractor. In an era devoid of mass communication and few diversions, word from Washington about the people's business was eagerly awaited, distributed hand-to-hand, and discussed among neighbors. The accuracy and attractiveness of congressional publications were important factors, as was the relative speed with which they could be distributed to the hinterland. As important as all of that, however, was the fact that official printing contracts provided a secure financial base for publishers whose primary business was producing partisan communications.

Table 1 reports the identity of the Printers of the House and Senate from 1819 to 1847, along with amounts paid to these printers under the congressional contracts. A series of congressional investigations over time, along with scholarly research, suggests that over half the amounts paid were pure profit, available for political purposes (Smith 1976).

The turnover in the printership that is described in Table 1 provides a taste of the politics we will examine in the next section. Here, we comment on two general features of this pattern of turnover. First, both the House and the Senate went through several phases in how they chose the Printer. From 1800 to 1819, Printers were chosen by the House Clerk and the Secretary of the Senate on a purely lowest-bid basis. A combination of factors—dissatisfaction with the quality of the printing under this system and a desire to benefit more politically connected printers—led the House and Senate to pass a joint resolution establishing a new system in 1819. Under this system, the House and Senate set fixed amounts for printing, and then each chamber would separately elect a Printer by (secret) ballot. After the period covered by this article, Congress continued electing printers in various ways until the Government Printing Office was established in 1860, when all congressional printing became the business of the federal government itself. Second, as Jacksonians began flooding into Washington in the

TABLE 1
Congressional Printers, 1819–47

		House			Senate		
Congress	Years	Party Control	Printer	Amount Paid	Party Control	Printer	Amount Paid
16	1819–21	Republican	Gales & Seaton		Republican	Gales & Seaton	
17	1821–23	Republican	Gales & Seaton	$228,837	Republican	Gales & Seaton	$91,857
18	1823–25	—	Gales & Seaton		—	Gales & Seaton	
19	1825–27	Adams	Gales & Seaton		Jacksonian	Gales & Seaton	
20	1827–29	Jacksonian	Gales & Seaton	$62,154	Jacksonian	Duff Green	$32,249
21	1829–31	Jacksonian	Duff Green	$66,050	Jacksonian	Duff Green	$28,247
22	1831–33	Jacksonian	Duff Green	$108,566	Tie	Duff Green	$34,152
23	1833–35	Jacksonian	Gales & Seaton	$144,092	Anti-Jacksonian	Duff Green	$92,244
24	1835–37	Jacksonian	Blair & Rives	$128,291	Tie	Gales & Seaton	$40,035
25	1837–39	Democratic	Thomas Allen	$192,078	Democratic	Blair & Rives	$88,588
26	1839–41	Democratic[a]	Blair & Rives	$111,078	Democratic	Blair & Rives	$76,601
27	1841–43	Whig	Gales & Seaton	$259,920	Whig	Thomas Allen	$40,791
28	1843–45	Democratic	Blair & Rives	$169,486	Whig	Gales & Seaton	$182,737
29	1845–47	Democratic	Ritchie & Heiss	$185,407	Democratic	Ritchie & Heiss	$82,940

Source: Smith 1976, 250–51. Party control taken from Martis 1989.
[a]Although Democrats nominally controlled the House, a Whig was elected Speaker.

late 1820s, the choice of Printer became more explicitly political. The churning of Printers reported in Table 1 is a reflection of this new reality. In general, the chosen Printers shared the political sentiments of the majority party. Political intrigue easily entered the picture, however, resulting in some Printers being elected via a coalition of minority party members and dissident majority party members.

The timing of the choice of Printer is an important detail. When the federal government relocated to Washington in 1800, Congress found itself in a village with little publishing capacity. In response, it passed a law that allowed the *expiring* Congress to provide for the printing needs of the *next* Congress. Under this arrangement, the House Clerk and the Secretary of the Senate sought bids for the printing needs of the following Congress, nine months in advance of the new Congress convening. Thus, a Printer (or Printers) could be given the necessary time to assemble equipment and personnel before Congress returned.

As Washington grew as a city, the logic behind this administrative quirk disappeared, but the timing of the choice of congressional printers did not. The resolution of 1819 that provided for the election of Printers by the two chambers required the Printer to be elected by the *prior* Congress, during the lame duck session.

Needless to say, this provision became controversial as the political importance of congressional printers increased and the Jacksonian/ Democratic grip on Congress loosened. Opponents of this arrangement could simply draw out the end-of-Congress balloting, forcing the election into the following Congress. Others took a different route, agitating for a change in the rule about when (and, more important, how) the Printer would be elected. Such agitation in the House is the main focus of our analysis in the following section.

2. The *Viva Voce* Question

The question of how House officers would be elected arose in four Congresses in the 1830s and 1840s. Although the resolution of this contention would yield a significant change in how the Speaker of the House was elected, the issue itself was raised almost exclusively in debates about electing the Printer. Therefore, the narrative and the statistical analyses that follow focus heavily on the politics of congressional printing.

We examine four Congresses in which the issue of how to elect House officers was contested on the House floor: the 23d Congress (1835), the 25th Congress (1839), the 26th Congress (1839), and the 27th Congress (1841). To help readers keep the partisan sentiments of Printers straight, we provide a scorecard in Table 2.

TABLE 2
Major Publishers and Their Relationships to Newspapers
and Political Officials, 1819–47

Publisher/printer	Newspaper	Founded	Partisan affiliation	Congressional Printer	
				House	Senate
Joseph Gales and William W. Seaton	*Daily National Intelligencer*	1800	Official organ of the Jefferson, Madison, and Monroe administrations; moved toward the Whigs (esp. Webster) under Jackson; official organ of Harrison administration	1819–29, 1831–35, 1841–43	1819–27, 1835–37, 1843–45
Peter Force	*National Journal*	1823	Official organ of J.Q. Adams administration	—	—
Duff Green	*United States Telegraph*	1826	Campaign and administration organ for Jackson; transferred support to Calhoun in 1831	1829–33	1827–35
Frances Preston Blair and John C. Rives	*Globe*	1830	Official organ of Jackson and Van Buren administrations	1835–37, 1839–41, 1843–45	1837–41
Thomas Allen	*Madisonian*	1837	Official organ of John Tyler	1837–39	1841–43
Thomas Ritchie and John P. Heiss	*Union*	1845[a]	Official organ of James Polk	1845–47	1845–47

Source: Smith 1976, 249–51.
[a] The *Globe* was sold in 1845 and renamed the *Union*.

23d Congress: Francis Blair Calls Foul

With the Jacksonian tidal wave that washed over Washington in the late 1820s came the beginning of an explicit tie between deeply political publishing and congressional printing. Duff Green, one of Jackson's closest confidants and publisher of the *United States Telegraph*, was installed as Senate Printer in the 20th Congress (1827–29, elected at the end of the 19th Congress) and later received the House contract in the 21st Congress (1829–31, elected at the end of the 20th Congress). Green had no problem gaining reelection as Printer in both chambers at the end of the 21st Congress (for service in the 22d, 1831–33). Soon after his reelection, however, Green was involved in the publication of a series of letters that marked the public break between Calhoun and Jackson—an episode that also revealed Green to have shifted loyalties from Jackson to Calhoun.

In turn, this break led loyalists of Jackson and his new vice president, Martin Van Buren, to form a new publishing venture, led by Francis Blair, named the *Globe*. As the 22d Congress drew to a close, attention turned to the choice of Printers for the next Congress. Friends of the administration were naturally eager to depose Green in favor of Blair. In the end, balloting for House Printer came down to a race between the three major publishers in town: Green (pro-Calhoun), Blair (pro-Jackson), and Joseph Gales, Jr. and William Winston Seaton (pro-Whig), publishers of the *Daily National Intelligencer*.

On the first day of balloting (February 14, 1833), no majority winner emerged (*Register of Debates*, 25, 1725–26). The tenth and last ballot of the day found Blair eight votes short of a majority, although on one ballot (the eighth), he had received precisely half the ballots and thus was denied election by a single vote. Overnight, nullification supporters of Green and Anti-Masons (who had started voting for Thurlow Weed and then split their vote) agreed to shift support to Gales and Seaton, apparently in return for a promise that administration opponents and Anti-Masons would later support Green for Senate Printer. Thus, Gales and Seaton started the second day of balloting with the lead for the first time, eventually garnering the necessary majority on the fourth ballot of the day.

The Jackson administration was politically devastated, knowing they would start the second term with congressional printers hostile to administration plans, even though both chambers were nominally made up of administration supporters. Blair himself was financially devastated, having been induced to start a publishing enterprise but now without the assumed congressional subsidy to support it.[3] Blair canvassed his political allies in the 22d House, inquiring how they had

TABLE 3
Voting to Consider the Reynolds Resolution under Suspension
of the Rules and to Table Reynolds Resolution, 23d Congress

	Suspend Rules and Consider Reynolds Resolution			Table Reynolds Resolution		
	Yes	No	Total	Yes	No	Total
Anti-Masons	3	19	22	19	1	20
Anti-Jacksonians	6	46	52	58	2	60
Jacksonians	84	17	101	17	110	127
Nullifiers	0	5	5	8	0	8
Total	93	87	180	102	113	215

voted. He eventually concluded that he had been rightfully elected Printer, by a majority of at least one, and charged that the election had been stolen from him through fraudulent miscounting of the ballots (Smith 1976, 153).

At the end of the next Congress, Blair's supporters pressed their revenge indirectly. As the 23d House drew to a close, attention focused on the choice of a Printer for the 24th House. On December 24, 1834, Representative John Reynolds (Jacksonian-IL) moved that, "hereafter, in all elections made by the House of Representatives for officers, the votes shall be given *viva voce*, each member, in his place, naming aloud the person for whom he votes" (*House Journal*, 23–2, 129). The resolution was tabled, however, and not taken up again until January 14, 1835, when Reynolds sought its reconsideration by moving to suspend the House Rules. Although Reynolds received a majority on the roll-call vote that followed (93–87), it was less than the two-thirds required to suspend the rules. Less than two weeks later, on January 24, 1835, the resolution was taken up by the House yet again, with debate stretching out over two days. Finally, the matter was dropped, as opponents of the resolution used delaying tactics to push the House into consideration of other business, but not before a motion to table, made by Davy Crockett (Anti-Jackson–TN), was defeated on a 102–113 vote.

Analysis of these two roll-call votes, in Tables 3 and 4, helps to illustrate the partisan and factional divisions that lay behind selection of House officers in general and the Printer in particular. Table 3 shows the cross tabulation of party membership and voting to consider the

TABLE 4
Voting on the Reynolds Resolution (23d Congress)
among Jacksonians

	Consider Reynolds Resolution	Table Reynolds Resolution
D-NOMINATE first dimension	−1.55	6.05**
	(1.78)	(2.29)
D-NOMINATE second dimension	−1.78*	2.57***
	(0.60)	(0.69)
Constant	1.32*	−1.25*
	(0.56)	(0.49)
N	101	127
χ^2	14.24***	20.56**
LL	−36.84	−29.27
Pseudo R^2	.20	.41
% Correctly Predicted	83.17	90.55
PRE	0.000	0.294

Note: Cell values represent logit coefficients, with White-corrected standard errors in parentheses.

*$p < .05$; **$p < .01$; ***$p < .001$.

Reynolds resolution and, later, to table it. Note that, particularly on the motion to table, the vote was largely along party lines, with the three non-Jacksonian "parties" strongly in favor of tabling and the Jacksonians strongly against. Still, there were some splits in the ranks, especially among the Jacksonians.

What explains this Jacksonian rift? We analyzed Jacksonian voting on these two roll calls as a function of the two D-NOMINATE dimensions, with results presented in Table 4.[4] The voting patterns are entirely consistent with the standard story associated with this episode. Among nominal Jacksonians, it is likely that the most susceptible to entreaties from the opposition were those members in sympathy with one of two opposite policy impulses—a slightly more pro-business feeling (toward the right of the space) or a sentiment more favorable to Calhoun's nullification theories (toward the top of the space).

Overall, the non-Jacksonian "parties" and the Jacksonian factions' behavior toward the Reynolds resolution was consistent with their own bargaining positions. The Jackson loyalists' interests were transparent: install the party's official printer as the House Printer. To that end, they

favored a public vote for all House officers, so that potential defectors could be compelled more easily to toe the party line. The Nullifiers, Anti-Masons, and wavering (nominal) Jacksonians, on the other hand, were the members most likely to be involved in partisan intrigue to deny Jackson loyalists their plans. As a result, they overwhelmingly supported keeping balloting for House officers secret, undoubtedly to facilitate such intrigue.

25th Congress: First Attempt

Because of the extended debate over *viva voce* voting at the end of the 23d House, the business of electing a Printer for the 24th House (1835–37) was not completed when the final session adjourned. Thus, for the first time in nearly two decades, an incoming House had the opportunity to select its own Printer. This development was especially important, as the Jacksonians had scored a convincing victory in the elections to the 24th House. As a result, James K. Polk was elected Speaker, and Blair and Rives were chosen as House Printer, both by large margins on the first ballot (*Congressional Globe*, 24-1, 3). Thus, Blair had his redemption, but he would not enjoy it for long. The summer-fall congressional elections of 1837 were devastating for the Jacksonians, and the anti-Jacksonian forces in the 24th House prevented the chamber from electing a new Printer for the succeeding House. It was therefore apparent to all that Blair and Rives would have a difficult time being reelected when the 25th House (1837–39) convened.

The Jacksonians' fears were realized when, on the first day of the 25th House, Polk was narrowly reelected Speaker on the first ballot. On the following day, September 5, 1837, when the balloting for Printer commenced, three leading candidates emerged: Blair and Rives, Gales and Seaton, and Thomas Allen, a 24-year old lawyer from New York City and publisher of the *Madisonian*.

Allen, the newcomer, was an avowed Democrat, albeit a proponent of "soft-money" and centralized banking; his *Madisonian* had emerged to compete with the *Globe* for Democratic support. He was often seen in the company of Senators Nathaniel P. Talmadge (NY) and William C. Rives (VA), two members of Jackson's "conservative" Democratic opposition, and rumors abounded as to their role in the *Madisonian*'s funding.

Not surprisingly, the election of a Printer did not go smoothly. Five ballots were taken, with Blair and Rives running neck-and-neck with Gales and Seaton, each duo falling about 10 to 15 votes short of victory (see *Congressional Globe,* 25-1, 11, 13, 15–16 and Jenkins

and Stewart 2001b, Table 6). Allen ran a distant third but garnered enough support to prevent either of the other two candidates from winning. Late in the afternoon, it was clear to all that a majority decision was not forthcoming, and adjournment was moved and agreed to, 118-112.

The following day, September 6, was even more contentious. The day opened with several proposals: one to suspend balloting until the third week in September, one to award printing contracts to the lowest bidder, and one to split printing duties between the *Daily National Intelligencer* (Gales and Seaton) and the *Madisonian* (Allen) until the Printer election was resolved. Each proposal produced inspired debate before all were laid on the table (with no recorded roll-call vote) and the House resumed balloting for Printer. Three additional ballots were taken without producing a majority winner. A pattern was developing, however, as Gales and Seaton's vote total gradually declined while Allen's count steadily increased.

Preparations for a ninth ballot had begun when proceedings digressed once again. Initially, the digression seemed harmless enough: adjournment was moved unsuccessfully, and a proposal to install Blair and Rives as Printer until a victor emerged was offered and failed. Then, Representative Ratliff Boon (D-IN) shook up the chamber by offering a resolution that "the vote of the members" in the election of a Printer "shall be given *viva voce*" *(Congressional Globe*, 25-1, 13). Representative John Patton (D-VA) then declared that the principle of *viva voce* voting should be extended to the elections of *all* House officers and indicated that he was preparing an amendment to Boon's resolution to that effect.[5] Before Patton could follow through, however, Representative Horace Everett (Whig-VT) quickly moved to table Boon's resolution, and the yeas and nays were ordered. Everett's tabling resolution failed by a count of 91-131, with the vote breaking down largely along party lines. As was the case in the 23d House, the Jacksonians opposed tabling 7-114, while the Anti-Jacksonians supported tabling 84-17 (Whigs 74-16, Anti-Masons 6-1, and Nullifiers 4-0, respectively).

Patton then moved forward with his amendment, which elicited vigorous debate. Patton and Representative James Bouldin (D-VA) argued for *viva voce* voting in *all* cases, in response to "the right of constituents to know all the public acts of their representative" (*Daily National Intelligencer*, Sept. 8, 1837). Representative George Briggs (Whig-MA) considered the resolution "entirely unnecessary, and expressed his unfeigned astonishment at the introduction of such a measure, after [the House] had been going on with the [secret] ballot for two days" (*Daily National Intelligencer*, Sept. 8, 1837). And, in

response to the arguments of Patton and Boulding, Briggs stated that if "constituents could not trust [members] to act in a case like this, the days of the republic were indeed numbered" (*Congressional Globe*, 25-1, 13). Representative William Dawson (Whig-GA) reiterated Briggs's sentiments and believed that the amendment's only purpose was to "harness gentlemen who were a little chafed, and seemed unwilling to draw in the old yoke" (*Daily National Intelligencer*, Sept. 8, 1837). After a lengthy debate by an assortment of members, the House moved to postpone consideration of the resolution until the following day.

On September 7, the action started again. Boon resubmitted his resolution, now with Patton's amendment attached to it. The momentum from the previous day had eroded, however. Jacksonian congressional leaders had convened the prior evening and decided to postpone consideration of *viva voce* voting for the time being. Representative John Clarke (D-NY) took to the floor and announced that, while he supported *viva voce* voting and felt "no desire to disguise [his vote choices] from the House, or from his constituents," he "thought it better to take some other opportunity to consider it" (*Congressional Globe*, 25-1, 15). Clarke then moved to lay the resolution and amendment on the table, to which the House, refusing the yeas and nays, agreed.

Voting for Printer commenced once again, and although the ninth ballot proved inconclusive, Gales and Seaton continued to lose ground to Allen. The next two ballots saw this trend continue, until, on the fourth ballot of the day (and the twelfth overall), Allen was elected Printer with a bare majority.

Why did Allen emerge victorious? Simply put, it was for pragmatic reasons. After the first day of balloting, it became clear to the Whigs that the "conservative" supporters of Allen, although opposed to Blair and Rives, would not switch their allegiance to Gales and Seaton, the Whig candidate. Thus, the Whigs determined that Gales and Seaton could not be elected and so gradually switched their votes to Allen, their second-best candidate.[6]

The question remains, however: Why did Jacksonian leaders forestall the *viva voce* voting movement and allow the public printing to fall into Allen's hands? It was, after all, abundantly clear when *viva voce* voting was being debated that the Whigs had begun to shift their support to Allen and the *Madisonian*. As it happens, the dynamics of the Printer debate were part of a larger Jacksonian intrigue.[7]

Since the Panic of 1837, the administration Democrats had been working to resolve the schism in their ranks over banking and financial issues. When the House was dealing with its Printer election, the Senate

was debating a new subtreasury bill. During the course of the debate, Senator John Calhoun (D-SC) offered an amendment to the bill, which would have tilted it considerably toward the hard-monied interests of the Democratic party. Van Buren felt that accepting the amendment was the best course of action, as it would appease Jackson and a majority of his coalition. He also knew, however, that concessions would have to be made to the soft-monied Conservatives in the House, lest the amended bill fail.

Thus, Van Buren instructed his House deputies to sacrifice Blair and Rives and allow the Printer election to proceed, knowing that the Whigs were shifting their support to Allen and the *Madisonian*. He hoped that the "gift" of the public printing, along with pressure applied by Speaker Polk and Churchill Cambreleng (D-NY), Chairman of Ways and Means, would line up enough Conservative support to pass Calhoun's bill. Presumably, rank-and-file members like Boon, Patton, and Bouldin were not privy to Van Buren's plotting when they pushed for *viva voce* voting on September 6 and threatened the intrigue that was developing. By September 7, however, they were *very* clear about the behind-the-scenes details and put up no resistance as the Jacksonian majority allowed the *viva voce* resolution to be tabled quickly and quietly.

25th Congress: Second Attempt

The *viva voce* voting matter was not taken up again until the start of the third session of the 25th Congress. The summer-fall congressional elections of 1838, which had taken place between the second and third sessions, were not kind to the Democrats; their share of seats in the subsequent Congress was reduced by four (Dubin 1998, 120–22; Martis 1989, 94–95). Given their already tenuous majority status, administration leaders were now poised to revisit *viva voce* voting and squelch the Conservative movement within their ranks.

Their first attempt would be a modest one. On the opening day of the session, December 3, 1838, the Speaker informed the House of the death of the House Clerk, Colonel Walter S. Franklin. In keeping with precedent, John Milligan (Whig-DE) moved a resolution to proceed directly to the election of a new Clerk. Breaking precedent, Representative George Dromgoole (D-VA) then moved an amendment, to provide that the election be *viva voce*. After some initial confusion as to whether Dromgoole's motion was in order, the House proceeded to vote on the amendment. The *viva voce* amendment passed 119-91, with Democrats voting 98–5 in favor and opposition party members voting in large numbers against (21–86).

The House then proceeded to the election of a Clerk *viva voce*. A number of Democratic candidates, representing various regional interests, were put forth, but the major candidates were Hugh Garland of Virginia, nominated by Dromgoole, and Michael St. Clair Clarke of Pennsylvania, nominated by Representative Thomas Corwin (Whig-OH). The first vote split nine ways, leaving St. Clair Clarke the top vote-getter, 51 votes short of election. A second ballot was also inconclusive, as seven candidates split the vote. St. Clair Clarke was gaining momentum, however, and fell just 17 votes short of election. Prior to the third ballot, the administration leaders turned the screws, and the names of five candidates for Clerk, who had garnered substantial regional support from Democratic factions, were withdrawn by the members who had nominated them. Thus, only two candidates—Garland and St. Clair Clarke—remained, and on the third ballot, Garland, the administration's candidate, won election by a bare majority (*Congressional Globe*, 25-3, 2).

Fresh from victory and feeling their oats, the administration Democrats set their sights higher. On December 6, Dromgoole rose again and submitted an amendment to the House rules, which stated that "in all cases of election by the House the vote shall be taken *viva voce*" (*Congressional Globe*, 25-3, 17). This amendment, in effect, revisited the Reynolds amendment from the 23d House. On December 10, Dromgoole's amendment was considered, and a heated debate arose. Representative Henry Wise (Whig-VA) took the floor and declared that he "considered this resolution a direct attack upon the independence of the House and the freedom of its elections, as it would have the effect of applying the screws to doubtful members, so that they might sometimes be made to vote for party against their own convictions or predilections" *(Niles' National Register*, Dec. 15, 1838, 249). Dromgoole responded that he had offered the amendment because he believed it "in accordance with the fundamental law of his own state, and as an essential accompaniment of the democratic principle of accountability to the constituent body" (*Niles' National Register*, Dec. 15, 1838, 249). Moreover, he hoped that "no Representative would oppose it because he wished to vote in secret and skulk away from accountability, or because he desired to conceal his conduct from his constituents" (*Congressional Globe*, 25-3, 20).

Representative Francis Pickens (Nullifier-SC) agreed with Dromgoole's general notion of representation but argued that "there was a wide distinction between the responsibility [members] owed to their constituents for the exercise of law-making power and that of choosing their mere ministerial officers" (*Congressional Globe*, 25-3, 20). He went on to state, "let a man here dare to express the convictions

of his heart, separate from party ties and party allegiance, and what would be the consequence? He trembles under it with more fear than any of the voters of France in the worst days of Jacobin rule" (*Niles' National Register*, Dec. 15, 1838, 250). Representative James Pearce (Whig-MD) followed by claiming that "the people desired no such accountability as that asked for [by Dromgoole] in unimportant matters of this kind" and argued that if the resolution were adopted, "I shall feel that it makes me the subject of a most exact and unscrupulous discipline, because I know that the power of party can condescend to the smallest, most unimportant, and contemptible matters." Representative John Reed (Whig-MA) agreed with Wise, Pickens, and Pearce that the intent of those advocating *viva voce* voting was not to promote democracy but "to rally party feeling, and concentrate and drill it, and bring it to bear in all its force in every election, however trivial" (quotes from *Niles' National Register*, Dec. 15, 1838, 250).

   After additional debate, Representative Edward Stanley (Whig-NC) moved to lay the whole subject on the table, to which Dromgoole demanded the yeas and nays, which were ordered. The tabling attempt failed, 81-125, with Democrats voting 5-98 against and Democratic opponents voting 76-28 in favor. Finally, the vote on *viva voce* voting passed, 124-84, with Democrats voting 96-5 in favor and Democratic opponents voting 28-79 in opposition. After a lengthy struggle, Van Buren and the administration Democrats had won. Voting in *all* House elections would henceforth be public.[8]

   The results of a more systematic analysis of the *viva voce* voting dynamics appear in Table 5. The four major votes from the 25th House are presented: the first tabling attempt, the extension of *viva voce* voting to the election for Clerk, the second tabling attempt, and the extension of *viva voce* voting to all House elections. As the results show, first-dimension D-NOMINATE scores explain nearly all of the variance in the individual vote choices on all four votes. Unlike the previous *viva voce* analysis in the 23d House, the second-dimension D-NOMINATE scores provide no additional explanatory power. We attribute this change to the transformation of partisan dynamics during the 1830s. In the 23d House, a coherent opposition to the Jacksonians had not yet developed, and distinctly sectional issues played a larger role in the voting decisions of individual members. By the 25th House, however, the Whigs had become more coherent as an organization, and former sectional issues were now integrated directly in the ideological schism between the two parties. This streamlining of partisan conflict is reflected in the D-NOMINATE first dimension, which had become a distinctly partisan dimension by this time (Poole and Rosenthal 1997, 40).

TABLE 5
Results of Logit Analysis of Voting on
Viva Voce Voting Legislation, 25th House

	Table *Viva Voce* Resolution First Attempt	Extend *Viva Voce* Voting to Election for Clerk	Table *Viva Voce* Resolution Second Attempt	Extend *Viva Voce* Voting to all House Elections
D-NOMINATE first dimension	7.818*** (0.775)	−10.146*** (1.466)	8.466*** (1.001)	−9.072*** (1.083)
D-NOMINATE second dimension	0.753 (1.066)	0.231 (1.466)	−0.984 (1.063)	1.338 (1.190)
Constant	−0.436 (0.240)	0.826* (0.414)	−1.010*** (0.293)	1.015*** (0.304)
N	222	209	207	208
χ^2	101.86***	55.32***	71.52***	70.59***
LL	−62.17	−43.99	−55.68	−53.08
Pseudo R^2	0.59	0.69	0.60	0.62
% Correctly Predicted	86.94	93.30	88.89	88.94
PRE	0.681	0.844	0.716	0.726

Note: Cell values represent logit coefficients, with White-corrected standard errors in parentheses.
*$p < .05$; **$p < .01$; ***$p < .001$.

What Table 5 does not explain directly, however, is the small group of Whigs that tended to side with the Democrats on the roll calls dealing with *viva voce* voting. Although the size of this group was relatively small (ranging from 20 to 25% of the Whig contingent), it was critical to the subsequent success of the *viva voce* legislation. When we repeat this analysis, restricting it to the Whig coalition, we find that the Whigs who supported the Democratic position on the four *viva voce* votes were to the left-hand side of the Whig distribution on the NOMINATE first dimension.[9] In other words, they were closer ideologically than most of their Whig brethren to the Democrats.

That the Democrats showed more internal discipline than the Whigs on this issue is consistent with the historical view of the two parties. The Democrats were a more cohesive organization than the Whigs, with older, more-established connections between state, local, and national party units. The development of the Whig organization had been a "best response" by the disparate anti-Jacksonian groups of the early- to mid-1830s and lacked the ideological "glue" that held the Jacksonian organization together. Moreover, unlike the Jacksonians, who relied upon the design of institutional commitments to achieve partisan

success, it was, as Aldrich (1995, 135) states, "more the personal commitment and leadership of moderates . . . that held the Whig alliance together." Thus, those Whigs with more Jacksonian policy leanings did not feel compelled to vote with their party on the *viva voce* voting legislation, because, presumably, they feared an electoral backlash more than any sorts of sanctions by party leaders.

26th Congress: Viva Voce *Voting Remains*

The *viva voce* voting issue seemed to draw to a close at the end of the 25th House, but some additional fireworks lay ahead. The 1838–39 congressional elections further leveled the partisan playing field: the gap between the Whigs and Democrats shrank from 28 seats in the 25th House to 16 seats in the 26th House (Martis 1989, 94–95). Adding to the tensions, an election dispute over the New Jersey delegation threatened to shrink this gap even more and delayed the organization of the House for several days. Once balloting commenced for Speaker, regional blocs in both parties proved unwilling to support moderate candidates for Speaker who were from the other region. After eleven rounds of balloting over two days, this deadlock eventually led to a coalition of convenience in which the Whigs settled on one of their own with Jacksonian leanings, Robert M. T. Hunter of Virginia, who was able to draw enough support from Calhounite Democrats to eke out a six-vote victory.

The Whigs had finally scored a significant blow and, sensing the Democrats reeling, went for the knockout. On December 20, 1839, after more discussion involving the election dispute in New Jersey, the House turned to the election of its remaining officers, at which point Representative Josiah Hoffman (Whig-NY) proposed that the standing rules of the previous House be adopted, *except* the rule that called for *viva voce* voting in all House elections. Representative Robert Craig (D-VA) responded by offering an amendment to Hoffman's resolution, which would strike out the *viva voce* voting exception.

This measure and countermeasure produced yet another impassioned debate. At first, both Whigs and Democrats took their standard positions from the previous House. As the debate progressed, however, a number of Whigs began to call on their brethren to reconsider their stance to *viva voce* voting. This shift reflected a growing sentiment among the Whigs in favor of greater party discipline. As a result, *viva voce* voting, which had been the Democrats' weapon to keep party members in line, now began to appeal to some Whigs as well (see *Congressional Globe*, 26-1, 74).

TABLE 6
Results of Logit Analysis of Voting
on Craig Amendment, 26th House

	Full House	Whigs
D-NOMINATE first dimension	−11.381***	−15.473***
	(1.895)	(5.201)
D-NOMINATE second dimension	1.636	1.321
	(1.209)	(2.736)
Constant	1.462**	2.497
	(0.492)	(1.548)
N	228	103
χ^2	36.06***	25.39***
LL	−39.49	−28.79
Pseudo R^2	0.74	0.50
% Correctly Predicted	92.98	88.35
PRE	0.814	0.520

Note: Cell values represent logit coefficients, with White-corrected standard errors in parentheses.

*p < .05; **p < .01; ***p < .001.

Once voting commenced, the Craig amendment passed 142-86, with Democrats voting 115-2 in favor and Whigs voting 25-78 in opposition (Anti-Masons and Conservatives voted 0-6 and 2-0, respectively), leaving the *viva voce* provision in place. Results of the analysis of the voting, both for the full House and for the Whigs separately, are presented in Table 6. Again, in terms of the full House, the explanatory leverage comes from the first NOMINATE dimension, reflecting that *viva voce* voting fit squarely in the ideological division between the two parties. As for the Whigs, a push was beginning for acceptance of *viva voce* voting as a way of firming up party discipline, but it was not yet reflected in voting for the Craig amendment. Whig support was still small and coming exclusively from the left-hand portion of the party distribution (closest to the Democrats).

27th Congress: Secret Balloting's Last Stand

By 1840, the Panic of 1837 had steadily evolved into a full-blown depression, and the national electorate had pointed the finger of blame at the incumbent Democrats. As a result, the Democrats were swept

out of national government in the 1840–41 elections. The Whigs captured
the presidency and both chambers of Congress by wide margins: William
Henry Harrison trounced Van Buren 234-60 in the Electoral College,
and the Whigs picked up 7 seats in the Senate and 33 seats in the
House (Martis 1989, 31).

Thus, as the 27th House assembled, the Whigs found themselves
in an unfamiliar role. No longer relegated to obstruction, they were the
initiators of legislation. The Whigs' need for strict party discipline
became a priority for the first time and was the leading topic of conver-
sation in the Whig caucus.

The degree of Whig party discipline would be challenged imme-
diately in the new House. On May 31, 1841, the first day of the session,
proceedings began harmlessly enough. The Clerk called the roll, after
which Representative Hiram Hunt (Whig-NY) moved that the House
proceed to the election of a Speaker *viva voce*. Representative Lewis
Williams (Whig-NC) then moved to amend Hunt's resolution by striking
out *viva voce* and inserting "by [secret] ballot" instead. Williams' amend-
ment failed by a vote of 67-153, with Democrats opposing 4-80 and
Whigs also opposing 63-72.

As the voting indicates, although there was far from a consensus
within the Whig ranks, a majority of Whigs now preferred *viva voce*
voting to the secret ballot, as a way of instilling party discipline. And,
with the Democrats' continued opposition to the secret ballot, *viva
voce* voting remained the norm in speakership elections. Table 7 reports
the results of our analysis of the voting. As in previous Congresses, the
explanatory leverage stems from the ideological division between the
two parties, as reflected by the first NOMINATE dimension. The shifting
preferences of the Whig party, however, produce a poorer overall model
fit than in prior Congresses. If we look only at Whig voting, then we
can see this partisan transformation. In the past, only the left-hand
quarter of the Whig distribution supported *viva voce* voting. Now,
support for *viva voce* lay slightly to the *right* of the center of the Whig
party distribution (as reflected by the positive coefficient on the first
NOMINATE dimension), suggesting that the policy preferences of the
party had changed to reflect the new strategic reality.

Now in the majority, the Whigs had flip-flopped on *viva voce*
voting, thereby adopting the party-discipline measures first instituted
by the Democrats. The transition to greater party discipline would not
be quick and easy, however, as a large portion of Whig members did
not get on board immediately. The Speaker election went smoothly
enough: Representative John White (Whig-KY) was elected by a 10-
vote margin on the first ballot. The election for Clerk, on the other

TABLE 7
Results of Logit Analysis of Voting
on Williams Amendment, 27th House

	Full House	Whigs
D-NOMINATE first dimension	4.434***	3.556***
	(0.725)	(1.750)
D-NOMINATE second dimension	–0.122	–1.365
	(0.804)	(1.334)
Constant	–1.486***	–1.222*
	(0.492)	(0.574)
N	220	135
χ^2	37.42***	15.86***
LL	–101.26	–84.23
Pseudo R^2	0.25	0.10
% Correctly Predicted	76.36	66.67
PRE	0.224	0.286

Note: Cell values represent logit coefficients, with White-corrected standard errors in parentheses.

*p < .05; **p < .01; ***p <.001.

hand, stalled when Representative Daniel Barnard (Whig-NY) offered an amendment to make the balloting secret, rather than *viva voce*. After some comments by Barnard and Representative Henry Wise (Whig-VA), the question was taken on the amendment, and it failed (without a recorded roll-call vote).

Although no additional formal attempts were made by the anti–*viva voce* forces within the Whig party, their sentiments were made clear by the biting sarcasm of Representative John Quincy Adams (Whig-MA) in a floor speech on June 1, 1841. The *Congressional Globe* reported Adams' speech as follows:

. . . from the one vote given yesterday [on the secret ballot], he should apprehend that [the Whigs'] opposition to Executive power was beginning to melt away something like the ice in the dog days. If he might take that vote as a standard, he did not think that the Whigs would be so distinguished for their opposition to Executive power as they were a year ago. It might probably, therefore, be convenient for them to take the name Democrats; and probably, in the change of things, the Democrats of last year would become the Whigs. So far at least as Executive power went, he thought that was likely to be the case (*Congressional Globe*, 27-1, 9).

3. Conclusion: The Effects of *Viva Voce* Voting

Throughout the 1830s, the House of Representatives wrestled with the degree to which the rules for choosing its officers would make that choice a central part of national partisan politics. To House members making decisions at the time, the principal concern was printing and publishing. Yet, for the future of the nation, the more consequential effect was in choosing the Speaker.

Effects of Viva Voce *Voting on Choice of Printer*

Moving to *viva voce* voting did have one immediate effect on the choice of Printer. Once the *viva voce* procedure survived the onslaught from the Whigs in the 26th House, the election of Printer was fairly straightforward and occurred along party lines. Indeed, the election of Printer did not experience any of the cross-party intrigues that had affected the election of Speaker earlier in the Congress. The states' rights Democrats who threw the speakership election to Hunter returned to the Democratic fold, supporting the official party organ for Printer, even though it had been established because of a break between their patron Calhoun and Jackson. The election of Clerk went the same way, and it was the Democrats, not the Whigs, who had nominally organized the House and dominated floor politics for the rest of the Congress (see Stewart 2000).

The election of Printer proceeded this way for the next 15 years. Then the attentions of partisan leaders who were trying to keep their parties together as inter-regional coalitions switched to devices less subtle than the propaganda infrastructure.

The Effect of Viva Voce *Voting on Speakership Elections*

The ultimate motivation behind this article was not to understand how Printers were elected in the 1830s but how Speakers were elected in the 1840s and 1850s. Viewed one way, making the election of Speaker public had precisely the effect that its supporters desired: it was impossible for House members to hide from their ballot choices and therefore impossible for them to avoid political pressure over the choice of Speaker. Viewed another way, the *viva voce* election of Speaker had exactly the *opposite* effect in the long term. Jacksonian supporters of *viva voce* voting assumed that the partisan era they had ushered in was here to stay, in precisely the way that Jackson and Van Buren (especially) designed. Thus, they assumed that by casting light on votes

for offices like Speaker, party leaders could exert more effective control over the rank-and-file in controlling the reins of government.

What these supporters of *viva voce* voting did not count on was just how powerful the regional divisions were that were simmering in the country. (It is telling that the battle over *viva voce* voting happened in parallel with the House battle over the "gag rule.") In the end, the daylight that shone on speakership elections highlighted regional animosities just as much as partisanship. It became more difficult to elect Speakers and organize the House than before the onset of *viva voce* voting.

Over the next 20 years, *viva voce* voting would be the most important strategic reality facing party leaders as they organized the House for business every two years. It induced both parties to choose "regional moderates" as their nominees for Speaker, whereas Speakers from the secret-ballot era had been chosen for their parliamentary skills, even if they were regional zealots (see Jenkins and Stewart 2001b). Whenever one of the parties had a comfortable margin in the House, this margin allowed the most cross-pressured majority party members to abandon their party in the speakership election without serious consequences. Whenever the party division was close, choosing a Speaker became nearly impossible—to the point that the membership considered adjourning the 34th House to reconvene after new elections.

Therefore, in the long term, *viva voce* voting interacted in an interesting way with the two conflicting impulses identified at the opening of this article. In coming years, speakership elections often became deadlocked because the regional factions within the parties found it difficult to rally around a single candidate yet were unwilling (because of the party principle) to reach across the aisle to form an interparty coalition composed of members from the corresponding region. *Viva voce* voting helped to push the parties apart during the chamber's organization since it made partisan defection easy to observe by party leaders. At the same time, *viva voce* voting also helped to push the regions apart in the House since the highly aggressive regional press that emerged in future years tried to make political life difficult for House members who stuck with their party's Speaker nominee, regardless of region.

Finally, the path of the *viva voce* election rule illustrates an inter-esting, recurring dynamic concerning rules changes in Congress. Narrowly considered, arguing over adopting the *viva voce* rule is an example of Riker's "heritability problem"—the tendency of procedural matters to "inherit" the substantive considerations that give rise to them (see Riker 1980). In this case, what motivated the *viva voce* voting

controversy was not the simple principle of publicly declaring one's support for House leadership, but rather the strength of parties.

Once the rule had been put into place, future House members, and other players in national politics, began to consider a wider range of ramifications of the *viva voce* rule. As players in national politics gained experience with life under *viva voce* voting, those motivated more by regional considerations than by party principles recognized the potential that public votes for Speaker could have to excite regional passions and therefore (ironically enough) *undermine* the very partisan system that its original supporters initially desired.

Thus, the larger story of *viva voce* voting is cautionary to students of institutional change. The original motivation behind institutional transformation may end up getting buried under the new, unanticipated possibility (or unintended consequence) that the transformation opens up.

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NOTES

1. On early printing, see Schmeckebier 1925, Mott 1941, White 1954, and Smith 1976.

2. Providing for the *verbatim* reporting of debates was separate, but related to, official printing. Several of the characters who emerge below as official Printers of Congress were involved at some time in private efforts to report the verbatim deliberations of Congress, which were then distributed among paid subscribers. These were Joseph Gales, Jr. and William Winston Seaton, who published the *Annals of Congress* (1789–1824) and the *Register of Debates* (1824–37), and Francis Preston Blair and John C. Rives, who published the *Congressional Globe* (1833–73).

3. Blair and Rives began the *Congressional Globe,* a (roughly) verbatim report of the debates of Congress at the start of the 23d Congress, in part to support the enterprise financially until an official congressional contract could be secured.

4. In the 23d House, the first dimension strongly distinguished Jacksonians on the "left," Anti-Jacksonians and Anti-Masons on the "right," and Nullifiers in the

center. The second dimension placed the Nullifiers on one end of the dimension ("Up"), the Anti-Masons at the other ("Down"), and the larger Jacksonians and Anti-Jacksonians in the middle. Thus, the first dimension can be thought of as a nascent partisan dimension splitting members along economic preferences, whereas the second dimension can be thought of as defining dedication to states' rights and the Union.

5. Patton made a similar effort in the 24th House, moving that the Speaker be elected *viva voce*. After some debate, Patton's motion was laid on the table without a roll-call vote (*Congressional Globe*, 24-1, 2–3).

6. Although Allen had secured the lucrative House printing contract, he did not have the printing equipment necessary to fulfill the duties of the position. The *Madisonian* had begun operation only three weeks prior to the opening of the special session of Congress and was at the time only published semiweekly. As a result, Allen entered into an agreement with Gales and Seaton to use the *Daily National Intelligencer*'s printing press, until such time as he could acquire the requisite machinery to perform the job himself (*Daily National Intelligencer*, Sept. 8, 1837). Smith (1977, 157–58) posits that "presumably this plan was considered and agreed upon before the final ballot in the House and could have given the Whigs an incentive to vote for Allen."

7. See *Calhoun Papers,* vol. XIII (544–73) and Niven 1988 (230–31) for a description of this intrigue.

8. Dromgoole would strike again later in the session. On January 14, 1839, he proposed a resolution to amend House rules by substituting *viva voce* voting in *all* cases in which the secret ballot had been standard (like committee elections, voting for president, and so on). Two days later, Dromgoole asked for a suspension of the rules so that his resolution could be considered, but the vote failed to obtain the two-thirds majority necessary for suspension (*Congressional Globe*, 25-3, 117, 121).

9. The details of this analysis are contained in Jenkins and Stewart 2001b and are available from the authors upon request.

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