

Democracy in Peril: The American Turnout Problem and the path to Plutocracy

Walter Dean Burnham | December 1, 2010 | The Roosevelt Institute
Working Paper No. 5

Abstract

Voting turnout in the United States has a long and troubled history. This paper attempts to describe exactly what is distinctive about American turnout patterns by comparing them with those of other countries and considering how they have changed through time. It pays particular attention to the great surge in voter turnout that accompanied the New Deal and charts how that has ebbed in recent decades. Using Census data, the paper considers how factors such as ethnicity and social class have influenced voter mobilization and demobilization, especially as the New Deal coalition has ebbed. The final sections of the paper consider whether recent trends in electoral behavior indicate that a crisis in the political system is now building up.

Key Findings

- US voter turnout patterns stand out by comparison with other advanced societies.
- The US locally centered system of election administration makes voting very difficult by international standards.
- The New Deal mobilized millions of new voters, but as the New Deal waned, voter turnout fell sharply.
- Big money and low turnout are a lethal combination for a democracy.

Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past. The tradition of all the dead generations weighs like a nightmare on the brain of the living.

--- Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1852)

I attempt no compliment to my own sagacity. I claim not to have controlled events, but confess plainly that events have controlled me.

--Abraham Lincoln, Letter to A. G. Hodges, April 4, 1864

Walter Dean Burnham is best known for his work on the dynamics of American electoral politics. His chief areas of concentration have included the causes, characteristics and consequences of critical realignments in American history, and the modern-day decay of partisan linkages between rulers and the ruled. Much of his recent work has also concentrated on the "turnout problem" and its relationship to other elements of change in American politics. Dr. Burnham came to the University of Texas in 1988, and is currently Professor Emeritus, Frank C. Erwin, Jr. Centennial Chair in State Government. Previously he was the Ruth and Arthur Sloan Professor of Political Science at Massachusetts Institute of Technology. He received his A.B. from Johns Hopkins University, as well as an A.M. and a Ph.D. from Harvard University.

The views and opinions expressed in this paper are those of the author and do not necessarily represent the views of the Roosevelt Institute, its officers, or its directors.

Introduction

The subject of participation by American citizens in the elections that determine their rulers is a very well-plowed research field. Many have helped to elucidate the facts of the matter over the past half-century. I, too, have my own contributions, the most recent of which -- *Voting in American Elections: The Shaping of the American Political Universe Since 1788* - contains much data and some reflections.¹ Does more need to be said at this late date? I think the answer is "yes" and that it would be advantageous to review the subject in a broad comparative context, and over the long-term.

This requires rather extensive treatment of that great historic anomaly, the South (i.e., the eleven former Confederate States) and also of the dynamics associated with one particular party system or historic era of our electoral politics, what I have called the "System of 1896" (that survived down to 1932). Levels of turnout reflect, of course, electoral mobilization -- and demobilization -- of the potential electorate.²

For the relatively recent period, including the New Deal, we will look in some detail to three urban "case studies" of the ebb and flow (and ebb) of voter participation: Boston, Pittsburgh and San Francisco. A brief review will follow of issues and problems affecting the conduct of elections today. Finally, there will be an effort to integrate this material into a broader vision of the whole subject.

This is an area in which facts very often speak through numbers. Controversies in this domain, particularly involving the turnout "optimum" of 1840-1900, have been remarkably persistent, suggesting the possibility that some unvoiced agendas within Americanist political science have been involved. But by now there is some general agreement on the bare facts of the case. Beyond numbers, however, lie something which is perhaps less frequently discussed: the *quality* of the vote.

We begin by placing contemporary American turnout rates into a comparative perspective, and then add a few sample instances -- highs and lows -- in the 19th and 20th centuries.

Table I
Recent comparative turnouts: Valid Vote as Percentage of Potential Electorate

I. Compulsory Voting

Country	Period	Maximum Poll (%)	P = President L = Legislature
Australia	1975 - 1996	91.6 L	
Belgium	1977 - 1995	86.4 L	
Luxembourg	1979 - 1994	86.2 L	
Mean		88.1	

II. Partial or Full Proportional Representation

Country	Period	Maximum Poll (%)	P = President L = Legislature
Austria	1974 - 1995	88.3 L	
Denmark	1977 - 1997	84.1 L	
Finland	1975 - 1995	74.2 L	
W. Germany *	1976 - 1994	84.5 L	(* 1990 - 1994: W. Germany only)
Iceland	1975 - 1996	87.9 L	
Israel	1977 - 1996	77.9 L	
Italy I	1976 - 1991	85.8 L	
Italy II	1992 - 1996	78.6 L	
Netherlands	1977 - 1994	83.1 L	

Norway	1977 - 1993	81.4 L	
Portugal	1979 - 1995	74.5 L	
Spain	1977 - 1996	73.1 L	
Sweden	1976 - 1994	88.0 L	
Switzerland	1975 - 1993	46.7 L	
Mean	(Except Switzerland)	81.6	

III. Scrutin à Deux Tours

Country	Period	Maximum Poll (%)	P = President L = Legislature
France	1978 - 1995	79.7 P	
Greece	1978 - 1993	81.8 L	
Mean		80.8	

IV. One ballot, District Plurality

Country	Period	Maximum Poll (%)	P = President L = Legislature
Canada	1979 - 1993	72.5 L	
Japan	1976 - 1994	69.9 L	
New Zealand	1975 - 1993	85.3 L	
United Kingdom	1979 - 2005	70.6 L	
Mean		74.6	

V. USA (One Ballot): President

Country	Period	Maximum Poll (%)	P = President L = Legislature
USA	1976 - 2008	55.9 P	

VI. USA: U.S. House, Off-years

Country	Period	Maximum Poll (%)	P = President L = Legislature
USA, USHR	1974 - 2006	38.0 L	(Range 36.0 - 40.4)

Memo: USA: Selected Examples of High & Low Turnouts in the past (1860 - 1958)

Presidential			US House, Off-year		
State	Year	Turnout	State	Year	Turnout
IND	1896	97.6	IND	1866	96.0
ILL	1896	96.9	OHIO	1866	85.9
IOWA	1896	96.9	PA	1866	84.9
OHIO	1880	96.7	DEL	1866	84.7
IND	1880	96.3	W. VA	1894	83.1
NY	1868	96.0	SD	1894	82.7

IND	1880	96.3	W. VA	1894	83.1
NY	1868	96.0	SD	1894	82.7
OHIO	1896	95.5	NH	1866	81.8
WI	1896	95.4	NY	1866	81.8
MI	1896	95.2	ILL	1894	80.4

Low Turnouts: South (Ex-Confederate States), Post-1900

State	Presidential	US House, Off-year		
	1924	1926	1942	1958
ALA	13.7	8.5	4.3	13.1
ARK	15.3	8.5	8.9	27.3
FL	15.1	9.2	8.3	17.6
GA	9.5	3.2	3.4	6.7
LA	9.7	5.3	6.4	10.3
MS	9.5	2.8	4.3	5.2
NC	36.0	25.5	15.7	24.2
SC	6.4	1.8*	2.3	6.2
TN	23.3	7.7	8.9	18.0
TX	21.8	9.8	7.2	14.6
VA	18.1	8.6	5.4	19.1
SOUTH	19.0	8.5	7.2	15.1

* South Carolina 1926: the lowest participation ever recorded in the UA from at least 1798 to the present time; though somewhat higher than under the extreme *régime censitaire* conditions imposed in France under the Restoration regime of 1815 - 1846 (mean value: 1.1%). See D. Sternberger and B. Vogel, *Die Wahl der Parlament und anderer Staatsorgane*, Band I., Europa, Berlin: De Gruyter 1969, p. 514. 1926 was, of course, 56 years after the adoption of the Fifteenth Amendment, but very much happened in the meanwhile...

Electoral regimes, of course, differ considerably among the twenty-one nations whose recent (valid-vote) turnout rates are presented in this table. One would expect that states imposing compulsory voting would be in a class by themselves -- as indeed they are, with an overall participation-rate mean of 88.3%. Some are federal systems, in which constituent states retain considerable powers; in other cases (e.g. Spain and the United Kingdom) considerable devolution to subordinate governmental units have recently occurred. Still others are unitary -- a class which is more numerous than any other.

By what means are votes at the ballot box translated into bits of political power? Since the advent of democratic laws in the late 19th and early 20th centuries eliminated explicitly discriminatory franchises (*regimes censitaires*, etc.), several major methods have been employed. The oldest and simplest, which has been consistently in use in American general elections since the Constitution went into effect in 1788-89, is the first past-the-post system (one ballot, simple plurality elects). This has often been associated with the centripetal force of two-party systems (though by no means always), but has important liabilities in the accurate votes-seats translation -- a matter constantly discussed among British politicians and electoral experts. In

countries with multiple cleavage structures in the population, considerations of representative equity and the maintenance of system legitimacy resulted in the emergence of proportional-representations (PR) schemes. Questions posed here are likely to include issues of representational thresholds: what proportion of the total vote suffices to give a particular party seats in the legislature? Post World War II Germany, with a disastrous experience with "pure" PR during the Weimar period (1919-33), settled for a mixed system: some seats are apportioned by party lists at the *Land* level, while the others are allocated by plurality vote by individual districts. Most PR systems are centered on calculations linked to party lists of candidates -- where indeed the entire country, e.g., Israel or the Netherlands, forms a single constituency. Some have advocated a single transferable vote (the so-called Hare system), in which voters list the preferences in some form of rank ordering (Australia and Ireland are instances).

And then there is France -- a country with five historic republics, two empires and (since 1789 as well as before) some monarchical traditions as well. Electoral regimes here have followed a kind of zig-zag pattern: some PR elections in the 3rd Republic, PR as the standard in the 4th (1946-58), and the current system. This divides the country into district constituencies and provides a one-ballot win for any candidate polling an absolute majority, but otherwise requiring a second ballot where a simple plurality suffices to elect. This system--*scrutin à deux tours*--was also employed in Imperial German Reichstag elections from 1871 to 1912. It is similar to the runoff primary elections -- mostly in the South--in the USA; but there, only two candidates are permitted in the second election.³

With the exception of Switzerland, a confederation with the bulk of politics taking place at the cantonal level, rather than nationally, the comparative profile in Table 1 underscores American turnout--even for president--as a negative outlier. The achievement of democratic norms and rules affecting the franchise was a long and often conflicted process in most of these countries from the early 19th century until the early-to-mid 20th. But at the end of the day, these norms and rules were based upon a now uncontested set of assertions: 'one person, one vote, one value.'⁴

As a comparative proposition, the state as such has always been problematic, and its manifestations very often bitterly contested in the USA. (This was, after all, a large part of what the

Civil War was all about, a huge event whose legacy is not yet exhausted). We still--in an opaque way--have not entirely transcended the Putney Debates of 1647 and the colloquy there between General Ireton and Colonel Rainborough.⁵ No such debates have had any contemporary relevance in any other country for many decades now. In practice (and normatively), each adult citizen's right to participate in elections is viewed as fundamental, which it is the duty of government to protect and promote. This means in practice that no such burden on the individual's access to the ballot box as personal registration requirements exist in such countries. Adequate funding is provided to maintain enrollment of adult citizens by public authority. Techniques vary. Thus, in Germany one finds in the official returns the following:⁶

- total eligibles (*Wahlberechtigte*), i.e. the potential electorate not by estimate but by enumeration
- total vote cast by party, including scattering and, separately, invalid votes, for each of two ballots which each voter casts (*Erst- und Zweitstimme*)
- In the detailed reports -- here, Berlin in the 1994 general election -- total votes for each party are given for 1990 and 1994 (*Zweitstimme*, or the PR fraction of the election), for each of the city's 23 *Bezirke*, and by precinct in each *Bezirk* (e.g., 7 precincts in proletarian Marzahn and 5 in middle-class Wilmersdorf).

And there is much, much more. Germany is a federal state, and in each of its sixteen *Länder*, an official called "*Der Landeswahlleiter*" is responsible for the conduct of Land and federal elections, and for maintaining and updating electoral registers of eligibles. In Canada and Great Britain, Chief Electoral Officers perform the same functions for elections at the federal level and (in Canada) each of the country's ten provinces. Naturally, since there is no second ballot as in Germany and both countries determine district elections by first-past-the-post, reporting is less voluminous (though at the precinct level and upwards in Canada), but certainly adequate. A chief duty of these officers is to compile and update registers of eligible voters, and post the same so that people inadvertently missed can appeal and be added to the register. A situation such as Jimmy Beare encountered in Corpus Christi, Texas -- denied the right to vote because of a particularly abusive personal-registration requirement -- would be literally inconceivable in any of these other

countries. For them, at least, the date is not 1647 any more.

If there is any one arena where American states' rights have survived the 20th century, the New Deal and all other expansions of the scope of the federal government, it is the conduct of elections. The limitations are relatively few and specific: constitutional amendments (the 14th, where equal-protection claims by citizens are litigated; the 15th, as and when not nullified by state action; the 19th, enfranchising women; the 23rd, giving the citizens of the District of Columbia a vote for President; the 24th, banning the poll tax in federal elections; and the 26th, lowering the minimum voting age to eighteen years). Of course, none of these limitations existed before 1868; and in ways and with effects to be discussed below, the 14th and 15th Amendments were progressively nullified in the former confederate states between 1875-77 and 1904.

Despite the demonstrated fact that the imposition of personal-registration requirements reduces the turnout rate by about 10 per cent, all other things being equal, these requirements have never been subject to effective challenge in the courts. Additionally, states are free to determine the dates of non-federal elections and specify the form of ballots to be used at polling places. Very recent efforts -- by conservative legislatures, of course -- to require picture-identification of would-be voters are still *pendente lite* in the courts.

As often happens in very close elections, the imbroglio in the presidential election of 2000 in Florida disclosed a parade of horrors usually concealed from the public eye. The bulk of election administration was devolved by the state to officials in its sixty-seven counties. Great diversity prevailed in the form of ballots used. Additionally, as might be expected, expenditures at this local level had to compete with more immediate and continuous local-government obligations. Thus, in the case of the notorious butterfly ballot (punch-card type) in Palm Beach County, Florida, some 4,000 votes reportedly cast for Pat Buchanan were in the main intended for Democratic candidate Vice President Al Gore. While the notional Republican plurality was 537 votes, it seems very probable that Gore won the state by between 10,000 and 20,000 votes. But Republicans controlled all relevant instances at the state level except the Florida Supreme Court. Eventually, in mid-December, the US Supreme Court disgraced itself

by ending the recount (*Bush v. Gore*, 531 US 98 (2000)). It needn't have bothered: the Florida legislature, controlled by Republicans, gave every sign that, if necessary, it would seize control of the state's twenty-five electoral votes and award them to George W. Bush. There would have been nothing in precedent to overturn such a choice: the last such occasion was in 1876, when tilt Colorado legislature chose (Republican) electors.

The federal-bargain deviation from democratic norms has elicited a huge critical literature going back more than a century, so far as the Electoral College is concerned. Three times since the Civil War, the loser of the national popular vote has won the day via the Electoral College (1876, 1888, 2000), and almost did so in 1916 and 1976 as well. Many diverse proposals have been advanced to replace the 12th Amendment (1804) with something else, but so far, to no avail.

And then there is the US Senate, the quintessence of the federal bargain of 1787. This body was never intended by the Framers of 1787 to be directly elected by the people. This was an important federal function of state legislatures until 1913, when they were replaced by direct popular vote. But this is an unapportioned and unapportionable body: one potential voter in Wyoming was equivalent to 53.8 in California in 2008. A radical democrat might propose any one of three solutions to this problem: abolish the Senate, strip it of its powers as "the world's most powerful second chamber," or proportionalize it. Such reform notions would however, collide head on with Article I, Sect. 3, and the unamendable Article V. So this part of the federal bargain will, no doubt, live on indefinitely. But at a cost which seems to be rising every year. Extreme partisan polarization intersects with the arcane rules of the Senate: filibusters by minorities, now endemic, require sixty votes to end. As well, there is what is now a promiscuous use by individual Senators of "holds" to block nominations at their will or whim. This body today makes its own unique contribution to an ever more obviously dysfunctional American government. Those of an historical-comparative frame of mind might recall the pre-1791 Polish diet and its *liberum veto* which paralyzed all action: by 1795 the Polish state was extinct; and, of course, made no pretense of democracy during its lifetime.

Viewed over the past century and a half, the non-USA countries in Table 1 show a common pattern: so far as mass mobilization is concerned, of a shift

from less to more. Very often, this process was associated with progressive expansions of the electorate, until the gap between what the French call *le pays réel* and *le pays legal*, was eliminated, first for males and then for women, with their enfranchisement in the early 20th century. To be sure, this was not always the case. With its multiple cleavages, Imperial Germany (1871-1912) provided universal male suffrage in its Reichstag elections from the beginning. What Bismarck and other elites called *Reichsfeinde* - Catholics and the working class -- won larger and larger shares of the potential electorate as turnout swelled to the mid-80s in 1912.⁷ After the lapse of Bismarck's anti-socialist legislation in 1890, this huge input from the party of nonvoters was very largely associated with the growth of the Social Democrats (SPD), which became the largest party in the 1912

election. After 1890, forces supporting the Reich's power structure moved from a hegemonic position in Bismarck's time until reaching a minority status in the last elections held under this regime. Not surprisingly, the Right and many in the imperial court circle gave more and more attention to the possibilities of a military *coup d'etat* to redress this balance.⁸

The long-term picture in the USA could not be more different than the non-American pattern of less-to-more mobilization of the citizenry (i.e., the integration, at this primordial level of voting, into the political system). Summary turnout data are presented in Table 2, covering the whole history of the USA since the adoption of the Constitution in 1787/88.

Table 2
The Long View: Percentages of Potential Electorate Voting, 1788-2008

Presidential Year			Off Year	
Period	President	US House	Period	US House
1788-1796/7	12.5	22.4	1790-1794/5	23.2
1800-1824/5	26.5	48.7	1798-1826/7	45.4
1828-1836/7	56.9	58.7	1830-1834/5	59.3
1840-1852/3	75.5	69.6	1838-1854/5	63.9
1856-1872	78.1	75.6	1858-1874	67.5
1876-1896	79.5	78.6	1878-1894	65.4
1900-1916	65.1	62.9	1898-1914	52.3
1920-1928	51.7	48.2	1918-1930	36.3
1932-1948	57.9	54.3	1934-1950	41.3
1952-1968	63.3	59.1	1954-1970	45.6
1972-1988	54.7	50.9	1974-1990	37.4
1992-2008	57.2	53.3	1994-2006	37.5
North & West				
1788-1796	12.4	21.2	1790-1794/5	23.3
1800-1824/5	30.9	47.7	1798-1826/7	42.6
1828-1836/7	61.3	59.5	1830-1834/5	59.4
1840-1852/3	77.6	72.4	1838-1854/5	63.9
1856-1872	82.2	80.8	1858-1874	70.9
1876-1896	84.9	84.4	1878-1894	72.1
1900-1916	73.9	71.8	1898-1914	63.0
1920-1928	59.9	56.0	1918-1930	43.0
1932-1948	68.1	64.6	1934-1950	51.8
1952-1968	70.4	67.2	1954-1970	53.7

1972-1988	58.0	55.2	1974-1990	41.4
1992-2008	59.1	55.3	1994-2006	39.7
South				
1788-1796	18.0	30.4	1790-1794/5	22.5
1800-1824/5	17.9	50.2	1798-1826/7	54.8
1828-1836/7	40.6	55.3	1830-1834/5	62.1
1840-1852/3	69.8	62.0	1838-1850/1	58.7
1856-1860	74.0	62.1	1854-1858/9	65.5
1861-1867	Civil War		1861-1867	Civil War
1868-1876	71.2	67.5	1869-1874	64.9
1880-1896	61.7	60.1	1878-1894	46.9
1900	43.5	41.6	1898	35.8
1904-1916	29.8	27.8	1902-1914	20.3
1920-1928	21.4	19.6	1918-1930	11.7
1932-1948	24.9	22.0	1934-1950	10.6
1952-1960	38.8	31.8	1954-1962	18.5
1964-1968	49.1	41.0	1966-1970	31.3
1972-1988	47.4	41.1	1974-1990	29.0
1992-2008	53.1	48.6	1994-2006	32.2

* South: AL, AR, FL, GA, LA, MS, NC, SC, TX, VA (Ex-Confederacy)

* North & West: Census Divisions: New England, Mid-Atlantic, Delaware, East North Central, West North Central except Missouri, Mountain & Pacific

During the first century, the comparative from-less-to-more pattern prevailed in the USA, too. For the northern and western states, in the aggregate of the 1876-1896 period, the 84.9% presidential turnout rate was virtually identical, say, with Germany's performance in 1912. And, as the addendum to Table 1 also reveals, participation rates in excess of 90% can be found at the state level at various times from 1840 to 1900. Indeed, in the pivotal region of the near Midwest in the pivotal election of 1896, turnout in excess of 95% were registered in six states; and outside of that area, also in West Virginia. Kansas and Texas(!) fell just short of the 90% threshold.

Thereafter, a huge demobilization of the electorate continues with very little interruption through 1930 outside of the South, and a colossal one in that region which was not seriously reversed until the 1960s. This transformation is well known and has received considerable literature, from studies in the 1920s by Charles Merriam and other University of Chicago political scientists, to those of more modern times.⁹

The Last Century: Down, Up and Down Again

Michael Lind has proposed the existence of three American republics. In so complex a subject as the government of the USA, more than one periodization scheme can claim some legitimacy, depending on the specific part of the story one is analyzing. Lind's version deals with the early republic (1789-1861, which perished in the flames of civil war; and from 1828 dominated by the Democratic party; the second, from 1861/5 to 1932, dominated by the takeoff to full capitalist development and its political carrier, the Republican party; and the third, arising out of the ashes of the Great Depression and the New Deal response (1932-) with the Democratic party in usual ascendancy. Within the context of such a republics framework, I think it would by now be necessary to add a fourth republic starting around 1980, and with some remarkable similarities to the second—including the ascendancy of the Republican party, big business and the financial sector of the economy—dedicated to repealing as much of the third as possible.

This all makes sense at the very macro level, but the evolution of electoral politics has its own

periodicities. These have historically been punctuated by nationwide critical-realignment sequences. The peaks of the realignment process are conventionally centered on such dates as 1800, 1828, 1860, 1896, 1932, and, in many ways, 1968. It is scarcely possible to do more here than to suggest such a grid and then center attention on the 4th party system, i.e. the period 1896-1932.¹⁰

What could be described as the turnout optimum occurred in the wake of the Civil War and extended to the end of the 19th century (the third or Civil War party system). (The South, with its unique electoral history from the end of Reconstruction (1875-77), will be discussed later.) This was also the Gilded Age dominated by the rapid takeoff of the political economy toward its early 20th century domination by industrial and finance capital. This huge transition produced enormous stresses in traditional agrarian America, as well as the first upsurge of class-struggle politics.¹¹

Two singularities marked this epochal transition period. First, unlike developments elsewhere in the western world, the USA was unique in that it had achieved (for its time) the full panoply of democracy as early as the 1820s. Elsewhere, elites and ruling classes were usually insulated from pressures arising from the mass of the ruled classes -- at least short of revolution -- by various institutional limitations on the extent of suffrage, party formation, and other devices. Here, on the other hand, elites were always potentially threatened by overthrow through constitutionally legitimate means, including mass use of the ballot box. The first intimations of this problem occurred during the explosion of strikes in 1877, and the temporary peak of the Greenback party in 1878. It became acute during the general crisis of the 1890s, culminating in the rise of the Populist Party and its absorption by the Democrats in the pivotal election of 1896.

The second singularity was the fact that the very high turnouts, particularly in the emerging Metropole or core area of the greater Northeastern quadrant, were associated with extraordinary immobility of the partisan vote from election to election. A key to understanding this apparent anomaly can perhaps be found in the very name given to the 3rd party system, the Civil War system: This enormous event essentially annealed the partisan preferences of the vast majority who were old enough to fight in 1861. As I have observed elsewhere, the vast dynamism of economic development, coexisting with political immobilism,

produced a continuously widening gap between base and superstructure until, by the 1890s, crisis generated the trigger that produced a critical realignment that brought the 3rd system to an end. But in the meantime professional politicians constructed machines with the capacity to drill their followers and dependents. Even as early as the 1880s, the post-Jackson spoils system, following the assassination of President James A. Garfield, was partially supplanted at the national level by the Pendleton Civil Service Act of 1883. But no such thing was usually done at the local or state level. By the mid-1880s a presidential candidate was widely attacked: "He 'wallows in spoils like a rhinoceros in an African pool.'" The goo-goos of 1884 came on the scene too soon, but in a real sense paved the way for the anti-partisan, demobilizing developments which swept through the political system shortly after 1900.

But what of the capitalist elite in the crisis of the 1890s? This crisis truly terrified them: it was possible that William Jennings Bryan might win the 1896 election. Quite a few of them panicked. Mark Hanna, the impresario of the 1896 Republican presidential campaign, had to calm down his timorous fellow-industrialists: "You're just a bunch of damned fools. There ain't going to be no revolution. Bryan's talking silver all the time, and that's where we've got him." Justice Oliver Wendell Holmes, Jr., in 1913 gave an address, "Law and the Court." Among the other riches in his presentation, he observed:¹²

It is a misfortune if a judge reads his conscious or unconscious sympathy with one side or the other prematurely into the law, and forgets that what seems to him first principles are believed by half his fellow men to be wrong. I think that we have suffered from this misfortune, in State courts at least, and that this is another and very important truth to be extracted from the popular discontent. When twenty years ago a vague terror went over the earth and the word socialism began to be heard, I thought and still think that fear was translated into doctrines that had no proper place in the Constitution or the common law.

"Twenty years ago" brings us back, or near enough, to the Supreme Court's invalidation of the income-tax provision in the Wilson Tariff of 1894: *Pollock v. Farmers' Loan and Trust Co.* 158 U.S. 601 (1895). This was part of a network of decisions tilting the balance between private enterprise and government authority strongly to the right, and setting up a long generation of judicial supremacy

that lasted until 1937-41.¹³ Until recently, we had thought that such matters were permanently settled, but there has been more than one counter-revolution in our history. The attorney Joseph H. Choate led the charge against the tax:

¹⁴

The Act ... is communistic in its purposes and tendencies, and is defended here upon principles as communistic, socialistic -- what shall I call them -- populistic as ever have been addressed to any political assembly in the world.

Addressing the Court directly, Choate said, "There is protection now or never." Where there's a will there's a way. To invalidate this communistic income tax, it was necessary to disregard the fact that, between 1862 and 1872, the income tax was used to help defray the gigantic costs of the Civil War. Moreover, it was necessary to overrule a century of error, enshrined in *Hylton v. United States*, 3 U. S. 171 (1796), which had ruled that a federal tax did not require apportionment among the states. It was during the "system of 1896" that what Robert H. Jackson was to term The 'Struggle for Judicial Supremacy.'¹⁵ For those critics who have claimed that there was little policy change immediately after 1896, I would reply that the chief policy organ during the 1895-1933/36 period—certainly wherever the always-contested boundary between the private and the public was concerned -- was the Supreme Court rather than Congress or the presidency. Since the whole thrust of the 4th (or 1896-1932)

system was the dismantling of democracy -- partial in the North, near total in the South -- this adaptation of the Court's policy role fit other developments like a hand fits a glove.¹⁶

But not everything that changed after 1900 could be processed through the judiciary. In what follows, it should not be supposed that any nefarious conspiracy was involved. Mentalities changed remarkably rapidly in and after 1896. That climacteric really decided something. Put in comparative terms, the city beat the country, and the victory (or defeat) was final. Meanwhile, however, stormy economic development continued. As good a date as any for the rise of the corporation question was the creation of United States Steel in 1901 from a number of smaller producers. At the same time, there was a profound shift more broadly in the political culture, with a now-delegitimized 19th-century party system, toward a political order in which the most valued institution was the business corporation. How to cope with the corporation question and the machine-led corruption and inefficiency of state and local governments? Reform was the mantra of that protean movement called progressivism: the cure of the ills of democracy was, of course, more democracy. Sometimes very consciously, sometimes not, elite searches for order included multiple changes whose effect was to demobilize the electorate and overcome corruption at the ballot box. A general profile of these changes between 1890 and 1920 is given in Table 3.

Table 3
Demobilization Strategies, 1890 - 1920

<i>Target Groups</i>	<i>Opponents</i>	<i>Rationale</i>	<i>Sanctions</i>
URBAN	Middle Class Technocratic programs Upstate agrarians/small-town	Anticorruption; WASP values Inefficiency Sodom & Gomorrah	Ballot reform; registration Nonpartisanship; corporate ideal; city manager Malapportionment; discriminatory registration laws
Political parties: General	Progressives & many others above	Unrepresentativeness; "old politics" (cf. 1968!) corruption	Detailed legislative regulation of party org. & activity; Direct primaries
Minor	Both major parties	See Populists	Some corruption & pressure on dependent voting pop.; later, raising party ballot-access thresholds to impossible heights "Red scares" a key moments; also see Immigrants
Socialists	Both major parties	See Immigrants	

<i>Target Groups</i>	<i>Opponents</i>	<i>Rationale</i>	<i>Sanctions</i>
Populists (N & W)	Corporate elite Urban/ town middle class, esp. Metropole Republican party	Danger of revolution by the backward (A. Hamilton's old nightmare in 1790s)	Electoral activity, some corruption & pressure on dependent voting pop.; shortly after, anti-fusion laws
Populists (South)	Regional & local elite; Democratic party	Same, plus exploited fear of black balance of power in intra-white conflicts	Fraud and violence, often very widespread (cf. Wilmington NC race riot, 1898)
Blacks (South 85%)	S. white conservatives s. white progressives	Racism; "traditionalist Southernism"; anticorruption	Violence and terror, endemic 1871 - 1900 (with pulses up and down). Later "institutionalization": poll taxes, literacy tests, white primaries, etc.
Lower Classes in general	Middle-to-upper classes; quite a few major-party leaders (state & local) (down to present; cf. Piven & Cloward 1988)	Anticorruption; "Voting's not a right but a privilege"; Individualist/voluntarist liberalism; "states' rights"	

Thus, turnout cascaded downwards in both presidential and off-year elections from 1898-through 1926-30. At the same time, there was a spectacular shift toward democratic one-partyism throughout the South, of course; course; but also another (favoring the Republicans) throughout the Pacific coast states and in such core areas of the industrial Metropole as Michigan and Pennsylvania. By the 1920s, the Democratic party was unassailable in the South (hence, could not be replaced nationally), while reduced to an incoherent jumble of fragments clinging to ethno cultural and regional traditions.¹⁷

CHART I.

PENNSYLVANIA: PRESIDENTIAL TURNOUT AND MAJOR-PARTY LEADS: 1868-2008

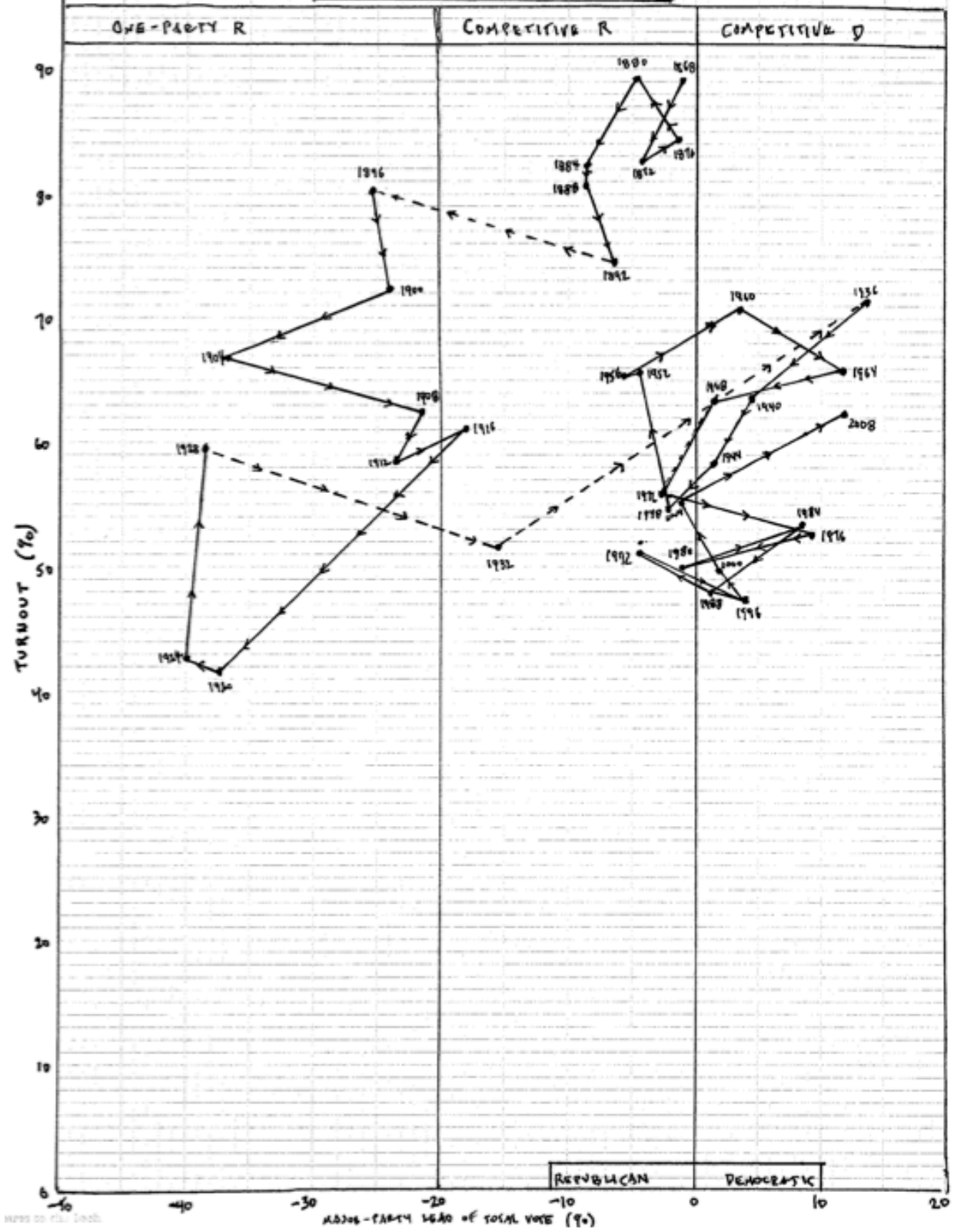
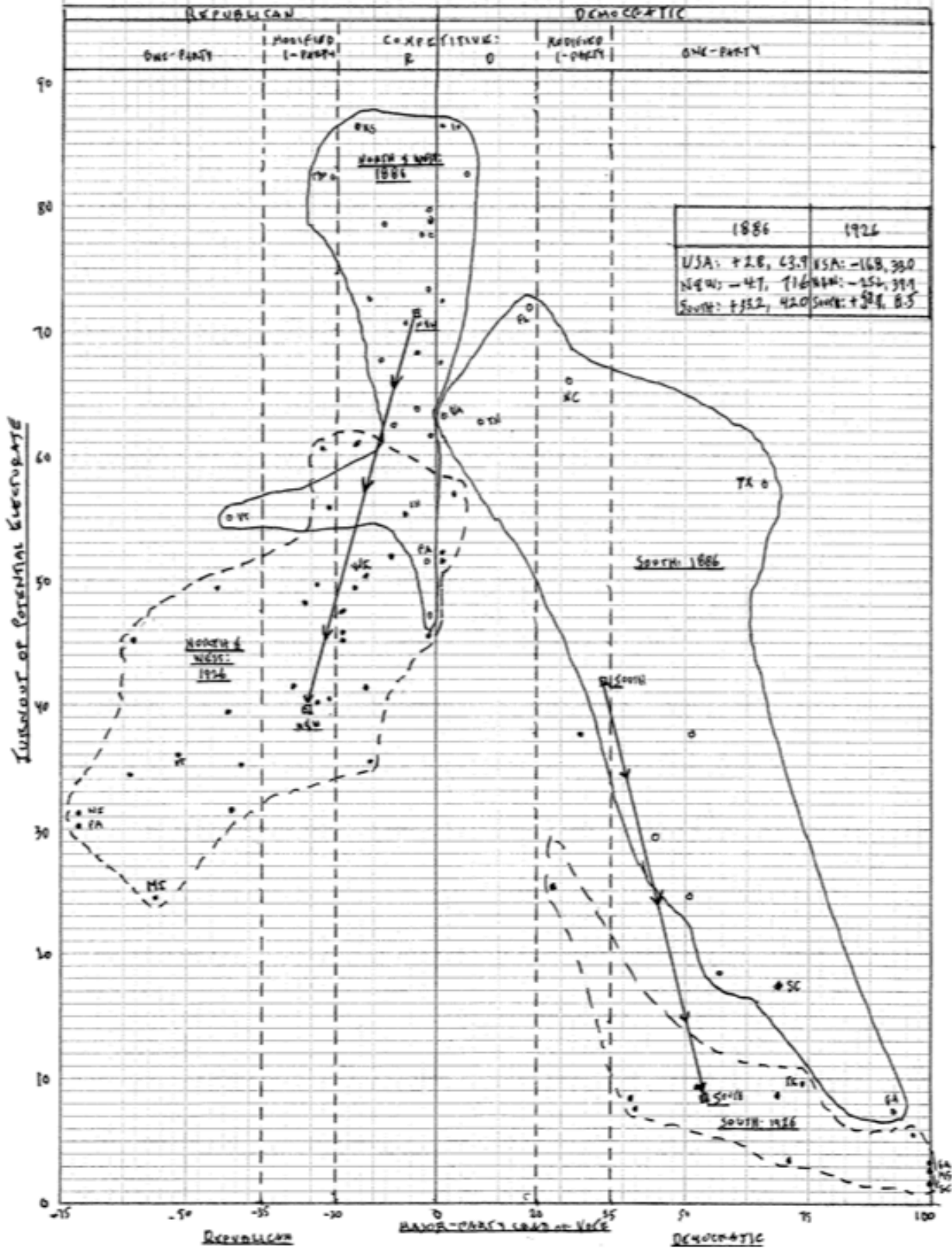


CHART 2.

U.S.H.R.: SURVIVAL & PARTY LEADS,
1886 AND 1926



In Chart 1 (Pennsylvania) the twin paths of turnout and partisanship display the existence of our usual systems or eras, though (prior to 1932) a shift toward plummeting turnout and one-party balance that was considerably more extreme than in most states out side the South. Pennsylvania emerged as a Republican state in 1858, but with very high levels both in turnout and partisan competitiveness. The realignment displacement between 1892 and 1896 inaugurates the next cycle, particularly noteworthy for the near collapse of both of turnout and the Democratic Party. This is followed by a jump shift into a new era that began in 1932 and was rapidly consolidated between 1934 and 1940: significant improvement in turnout, though nowhere near to the pre-1900 levels, and intense competitiveness. It is noteworthy, by the way, that personal-registration requirements were not enacted until 1906 -- and then only to the state's large cities -- and not imposed on the rest of the electorate until 1937.

Quite a few state studies describe the dynamics of this vast post-1900 depression in electoral

participation. One of the very best and most penetrating deals with New Jersey: John Reynolds, *Testing Democracy*.¹⁸ The whole work is a gold mine of information as to the processes through which electoral politics in the Garden State was transformed (perhaps a better word would be revolutionized) between 1880 and 1920. It is particularly good in discussing the very rapid change in mentalities that made possible the progressives' New Idea to sweep all before it. Here we will focus upon twin purification laws adopted in 1911, a personal registration statute and a corrupt practices act. The registration act applied only to the state's cities; was of the periodic type (i.e., if you missed an election, you had to reregister); and the registrations were available on only four days.

The impact of these purifying changes was very substantial. Reworking Reynolds' Table 6.2 (p. 150), a striking before-after profile emerges for native-born foreign-born and black turnouts:

Turnout, NJ	Native-born	Foreign-born	Black
Presidential Elections			
1900-1908	86.5	76.9	61.9
1912-1916	79.7	55.2	40.2
Delta (Absolute)	-6.8	-21.9	-21.7
Delta (Relative)	-7.9	-28.2	-35.1
Off Year Elections			
1901-1910	71.1	74.3	63.4
1913-1919	64.7	44.7	40.4
Delta (Absolute)	-6.4	-29.6	-23.0
Delta (Relative)	-9.0	-39.8	-36.3

A few excerpts from Reynolds' trenchant conclusion seem to be called for, as it summarizes very many of the forces for comprehensive change that emerged across the country.¹⁹

The main components of the System of 1896 were in place in New Jersey after 1911: a fragmented electoral system, weakened partisanship, waning participation, and an entrenched political elite. ...

Throughout much of the nineteenth century, elections were communal affairs that brought adult men together in a variety of highly

ritualized social activities on or before election day. The voting process was uncomplicated and only loosely administered. In a nation of "island communities", the conduct of elections was necessarily placed in the hands of local partisans. The parties enlisted a small army of ticket peddlers, poll watchers, ward heelers and others to ensure that a full vote was realized in every ward and township. A very sizable sum of money was required to compensate the workers and even the voters for their efforts [...] at the turn of the

century, a vociferous dissent was lodged by the self-described better element who came to be known first as mugwumps, then as New Idea men, and still later as Progressives [...] They brought a different set of values and perspectives to the electoral process shaped by a more centralized, hierarchical and formal social structure characteristic of corporations, professional associations, and labor unions...

Reform swept through New Jersey's electoral system in three waves. The first culminated with the adoption of the secret and official ballot in 1890; the second materialized in 1903 with the direct primary and the voting machine; and the last introduced rigid voter registration and the blanket ballot in 1911...

The greater regulation imposed over the electoral process was to have three main effects. First, it officially recognized the major role played by the Democratic and Republican party organizations in the electoral process. In this way, it allowed these bodies to impose more discipline in their ranks and better defend themselves against raids on their voting bases by third parties and independent candidates. Second, by eliminating the necessity of local machines, the new electoral system eventually cut the candidates loose from the electorate and encouraged a spirit of independence and nonpartisanship that would later permeate the entire political process. Lastly, the new sets of laws made heavier demands of the public *by converting the voting process into a more complicated, onerous, and even intimidating experience.* (emphasis added - WDB).

The South's Apartheid Regime

As the historian Eric McKittrick has noted, following the collapse of the Confederacy and the outbreak of an epic struggle between President Andrew Johnson and the Republican Congress, the former Confederate states (except Tennessee) were placed under military Reconstruction in 1867. The final settlement of the war depended upon a peace treaty in two major parts: the 14th and 15th Amendments to the Constitution (1868, 1870), with readmission to the Union depending upon ratification of the former by state legislatures elected by universal male suffrage.^{20a} As was the case with the Versailles treaty of 1919, this was viewed by most of the defeated population as a *Diktat*, to be subverted and nullified at the earliest opportunity. At the same time, however, even after so-called Redemption and the removal of

the last federal troops from the South in 1877, the Amendments had apparently given Congress power to resume intervention to protect the rights of Blacks to vote. In that context, a number of Southern states did not move toward an outright purge of this huge minority from the voting population until they were sure that they could get away with doing so. The date of the failure of the Lodge Force Bill in the Senate (February 1891) may be regarded as the moment of departure; by the time Republicans regained full control of the federal government, they were no longer interested.

The Supreme Court also took a hand. On all sorts of fronts, starting with the *Slaughterhouse Cases* 83 U. S. 36 (1873), which essentially gutted the 14th Amendment's Privileges and Immunities clause, the Court developed a network of rationales aimed at reducing the enormous nationalizing thrust of the Civil War Amendments and civil-rights legislation enacted pursuant to them. The net cumulative effect of these decisions was to restore full pre-1861 control of elections to the states. The first case involving voting rights (racial exclusion from the polls) was *U.S. v. Reese*, 92 U.S. 214 (1876). In this case (an 8-1 ruling), Chief Justice Waite observed that "The Fifteenth Amendment did not positively confer the right of suffrage on anyone." The Court then struck down Section 3 of the Enforcement Act of 1870 on the grounds that it did not explicitly include the words of the Amendment. *Plessy v. Ferguson*, 163 U.S. 537 (1896) endorsed the constitutionality of racial segregation in transportation, and was thus *stricto sensu* not a voting-rights case: but it enshrined a central aspect of the region's emerging 'Apartheid' regime, where it remained until 1954.

The circle was closed just a few years after the *Plessy* case. In *Williams v. Mississippi*, a black man indicted by an all-white grand jury and convicted of murder by an all-white petit jury appealed on the grounds that since only voters could serve as jurors, and since the state had adopted a network of election-law changes to exclude Blacks from the suffrage, he had been deprived of equal protection of the laws under the 14th Amendment (170 U.S. 213, 1898). It seems that Williams had not shown that the actual administration of the Mississippi suffrage provisions was discriminatory. As well, in *Giles v. Harris*, 189 U.S. 475 (1903), the Court affirmed the constitutionality of Alabama's disfranchising constitution of 1901. By 1908 at the latest, all the former confederate states had joined the parade. And that was that for the next more than sixty years.

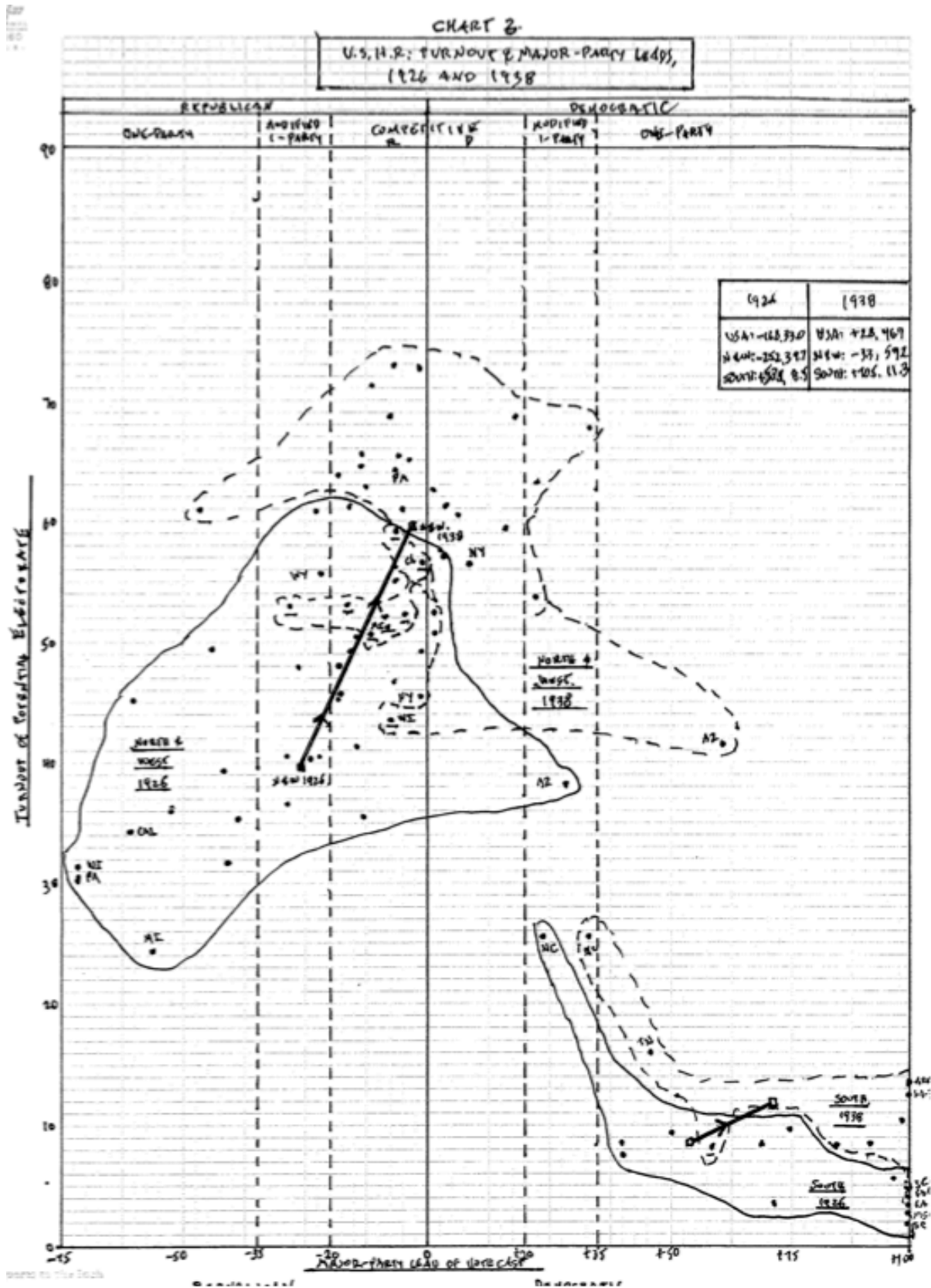
The subject then turned to Southern (white) primary elections. When the white primary was established by state legislation that was explicitly race-exclusionary, this was a bridge too far: in *Nixon v. Condon*, 286 U.S. 73 (1932), the Supreme Court ruled that such action was an unconstitutional deprivation of equal protection of the laws under the 14th Amendment. The state (Texas) promptly repealed its primary laws, converting the hegemonic Democratic Party into a private organization that—like the Elks or the Kiwanis Club—was free to determine the qualifications of its members. This dodge was affirmed by the Supreme Court in *Grovey v. Townsend*, 295 U.S. 45 (1935). After all, if the Democratic Party's processes were those of a private organization, its activities and processes did not constitute state action. As well, in *Smith v. Allwright*, 321 U.S. 649, (1944), the Court concluded that the primary election system was an integral part of the state's election procedures, and *Grovey v. Townsend* was explicitly overruled. By now, seventy-four years had passed since the 15th Amendment was ratified. But the end was not yet.

The poll tax as a requisite for voting was an integral part of the purge machinery in many of the Southern states in the 1890- 1908 period, and by the 1930s was duly challenged in the Supreme Court. The Court in 1937 ruled (unanimously) that such taxes were valid state controls over elections (*Breedlove v. Suttles*, 302 U.S. 279). With extremely few exceptions, the legal norm favored state controls over elections, until the voting-rights revolution of the mid-1960s culminated in the 24th Amendment (1964), barring the poll tax as a prerequisite for voting in federal elections, and the Voting Rights Act of 1965. But what about state elections? As of 1966, three states, of which Texas was one, retained the poll tax at that level. In that year, the Supreme Court invalidated this requirement in *Harper v. Virginia State Board of Elections*, 383 U.S. 663. Douglas, J.'s opinion for the six-man majority asserted that political franchise is "so fundamental a right that it cannot be denied because of wealth, property or economic status"; that such efforts to do so violated the equal-protection clause of the 14th Amendment. This was rather sweeping; the real issue here was racial rather than economic, and it is noteworthy that the decision drew three dissents from justices Black, Harlan and Stewart. Their view continued this age-old, singularly American debate: the dissenters claimed that there was a rational basis for the Virginia poll tax, and that states should have broad constitutional leeway under the equal-

protection clause to establish voter qualifications. From this perspective, both property qualifications and poll taxes are legitimate parts of the constitutional framework.²¹ As we have been at pains to emphasize, the states have been and still are quasi-sovereign concerning the conduct of their elections, chiefly subject since the 1960s to federal constraints on "suspect classifications"; i.e., race-based.²¹

There is a reason for our brief discussion here of what Key and others, especially J. M. Kousser have so thoroughly documented over the past 60 years. The one-party South, buttressed by small-to-tiny turnouts, ensured that whatever happened elsewhere in the country, the Democratic party could not be dislodged during the lifetime of the System of 1896-1932. More than this, the regional variant of the politics of domination and control that were at the core of that system persisted all the way through the New Deal, surviving a full generation after the accession of Franklin D. Roosevelt to the presidency. It is well known that FDR's second term was a much less happy experience than his first. His court-packing initiative of 1937 foundered, in part because he was outmaneuvered by Chief Justice Hughes; then came his effort to purge the Democratic party of conservative undesirables in the party's 1938 primaries; and also the return of economic slump from October 1937 through 1938-39, and the spectacular Republican gains in the 1938 elections, followed by the clear emergence of a "conservative coalition" in Congress that was to survive into the 1960s.²²

The New Deal and After: Up and Down the Roller-Coaster



In discussing the New Deal and its aftermath, we probably break no new ground, except perhaps in some details. Some remobilization occurred with the Al Smith-Hoover election, in 1928, in which the Democratic candidate's Catholic religion and other ethno cultural factors played the crucial role. The first clear account of this was presented not by a professional political scientist, but by a particularly astute journalist, Samuel Lubell, in 1952.²⁴ Lubell coined the term "the Al Smith revolution" as a stage setter for the massive national swing in metropolitan areas that was central to the New Deal realignment that began in 1932. This was true for the Upper West Side of New York City and other places with substantial numbers of Catholics, but there was also a marked Hoover surge that year in metropolitan areas such as Detroit, Denver, Seattle and Los Angeles. It is also noteworthy that political scientists did not predict or expect that Harry Truman would be the victor in 1948. Only then, it seems, did light dawn that 1948 was a maintaining election, a systemic property not dependent upon the existence of a candidate named Roosevelt.²³

For a very long time it has commonly been understood that the New Deal realignment—the first time in American political history—entailed a new system in which the electorate was very significantly polarized along the lines of social classes. The sociologist Robert R. Alford, reviewing evidence from AIPO (the Gallup organization) found that 1940 and 1948 represented the high points of salience in this explanatory variable.²⁴ Perhaps a personal word may be offered here. In 1940 the author, a ten-year old with an already developed interest in politics, lived in a

“real” (i.e., bourgeois) Pittsburgh suburb, Mt. Lebanon Township. Political socialization worked very well in my case for quite a considerable time. The partisan balance in this township in 1940 was 18.1% for Roosevelt, 81.9 for Republican candidate Wendell Willkie. In the town of Homestead, overwhelmingly inhabited by steelworkers and their families, the tally was Roosevelt 84.3%, Willkie 15.7%. Turnout was close to identical: 10,388 of a total 1940 population of 19,571 (in Mt. Lebanon (53.1%), 9,307 of 19041 in Homestead (48.8), with quite a few more aliens in its population than Mt. Lebanon had. Anyway, shortly before election day I took the bus from the suburb to downtown Pittsburgh with a Willkie button on my jacket. Very shortly after I got off the bus, I was surrounded by not very well dressed men in cloth caps, who made it very clear that they objected to that button. I took it off; they dispersed. Later, I encountered Alford in graduate school and came to his discussion of the class polarization in 1940. I could very easily relate to that!

Beginning in 1964, and with a much more useful series, from 1968 and on, the Bureau of the Census has produced Series P20, on registration and voting participation. What we present below, on as 1968-1988 base, are estimates of turnout by occupation at various stated levels from 30 to 90 per cent. The occupational stratification is taken from the male labor force in 1980 as a benchmark. Since the female segment of the labor force was (and probably still is) disproportionately concentrated in lower-to-middle status white-collar jobs, lumping this segment together with the other tends to blur the class-stratification pattern.

US: Estimates of Turnout by Occupations, Male Labor Force, and Posited Global Level of Turnout, US Census P-20 (Base: 1968 - 1988)

% of 1980 MLF Electorate	Category	Posited Global (US) Turnout Rate (%) (And estimated turnout in each category at each global level)						
		30	40	50	60	70	80	90
30.6	“Owning” middle	60.0	65.4	70.7	75.9	81.3	86.7	91.0
11.4	Subaltern middle	42.7	51.6	60.5	69.4	78.2	87.0	95.8
42.0	Middle class/ white collar	55.2	61.5	67.8	74.1	80.4	86.7	93.0
28.1	Upper working	20.4	32.2	44.0	55.6	67.3	79.0	90.6
29.9	Lower working + unemployed	10.9	22.1	33.2	44.3	55.5	66.8	78.1
58.0	Working class + unemployed	15.5	27.0	38.4	49.8	61.2	72.7	84.2

US: Social/Economic Class Composition of the Electorate and of the “Party of Voters” at Posited Global Levels of Turnout

% of 1980 MLF Electorate	Category	Posited Global (US) Turnout Rate (%) (And estimated turnout in each category at each global level)						
		30	40	50	60	70	80	90
30.6	“Owning” middle	57.0	48.2	42.6	38.7	35.9	33.7	32.0
11.4	Subaltern middle	15.1	14.2	13.6	13.2	12.9	12.6	12.4
42.0	Middle class/ white collar	72.1	62.4	56.1	51.9	48.7	46.4	44.4
28.1	Upper working	17.8	21.8	24.3	26.0	27.3	28.2	29.0
29.9	Lower working + unemployed	10.1	15.9	19.5	22.1	23.9	25.4	26.6
58.0	Working class + unemployed	27.9	37.6	43.9	48.1	51.3	53.6	55.6

Categories:

1. “Owning” middle: Professional-technical, Managers except Farm, Farm owners & managers
2. Subaltern middle: Sales, Clerical
3. Upper Working: Service, Craftsmen & Foremen
4. Lower Working: Operatives, Laborers, Farm Laborers

Naturally, the data in Table 4 is just a snapshot from a particular slice of historical time. But it seems to be a reasonable approximation of the real relationship between social class and voting participation. The chart is divided into two parts: first, the notional turnout rate at each SES level; and second, the share of the “party of voters” (Nonvoters = 1 - PV in each turnout category) for each SES group.²⁵ At a posited 90% turnout (about that in contemporary Sweden), the “turnout” in each SES category except the bottom two is very close to the global total. Conversely, at notional 30%, the turnout rate for what I call the owning middle-class male labor force is 30% higher than its share of the MLF and it has 57% of the party of voters vote, though constituting only 30.6% of the 1980 MLF electorate. And somewhere between 35 and 40% corresponds to virtually all off-year elections to the U. S. House of Representatives since 1974. As the structure of these summary turnouts shows, at the bottom of the participation roller-coaster the party of voters is very distinctly higher in mean SES level than when the roller coaster reaches some sort of peak. If, as is common abroad, participation levels are very high and invariant, there is little or no gap between the political *pays légal* and *le pays réel*. In the USA, this has not always been true, and it is not true now. For a time—the New Deal realignment did (outside the South, of course) considerably reduce that gap.

We take two faces from the crowd: here, not individuals as with Senator Cotton Ed Smith (D) of South Carolina, but two urban areas at the heart of the regional Metropole that dominated the national political economy for much of the 20th century. The time frame is 1912 through 1980. The urban areas are metropolitan Pittsburgh (some 150 units of Allegheny Co., including the thirty-two wards of the city) and the forty-six cities and towns in the greater Boston metropolitan area that were part of that area in 1940. Ecological regression was performed on the relationship between SES categories of the male labor force -- in the case of Pittsburgh, including both ethnicity and social class, and in the Boston area just social class alone.²⁶

Table 5
Realignment, Mobilization, Demobilization: A Tale of Two Cities
(Percentages of Potential Electorate)
Pittsburgh Metro Area, 1912 - 1980 (ca = 150)

Year	Solid Anglo-Saxon Bourgeois				Solid Ethnic Working Class			
	NON-VOTING	DEM	REP	OTHER	NON-VOTING	DEM	REP	OTHER
1912	28.8	20.9	<u>55.3*</u>	-5.0	54.8	8.1	<u>24.5*</u>	12.6
1916	25.3	16.1	<u>57.2</u>	1.4	57.4	19.1	<u>20.1</u>	3.4
1920	30.0	10.7	<u>57.7</u>	1.6	77.8	5.0	<u>10.5</u>	6.7
1924	37.6	7.2	<u>53.0</u>	2.2	68.1	1.7	9.7	20.5
1928	19.9	11.4	<u>68.8</u>	0	59.1	<u>36.7</u>	3.5	0.7
1932	30.5	13.9	<u>55.3</u>	0.3	58.6	<u>35.9</u>	2.8	2.7
1936	23.0	12.1	<u>63.2</u>	1.7	33.0	<u>4.2</u>	0.8	2.0
1940	14.5	0.4	<u>84.7</u>	0.4	28.3	<u>70.0</u>	1.5	0.2
1944	21.4	3.8	<u>74.5</u>	0.3	39.6	<u>58.4</u>	1.8	0.2
1948	24.4	-2.6	<u>77.8</u>	0.4	35.3	<u>63.4</u>	0.8	0.5
1960	18.5	12.4	<u>69.1</u>	...	37.4	<u>71.9</u>	-9.3	...
1980	17.5	12.3	<u>59.6</u>	9.6	63.1	<u>44.9</u>	-7.0	-1.0

*1912 R Vote: 15.5 REP, 39.8 PROG (55.3) TOT 9.9 REP, 14.6 PROG (24.5) TOT

Boston Metro Area, 1912 - 1988 (N = 46)

Year	Solid Bourgeois (Middle Class)				Solid Working Class			
	NON-VOTING	DEM	REP	OTHER	NON-VOTING	DEM	REP	OTHER
1912	22.7	16.4	<u>61.3*</u>	-0.4	36.2	<u>27.2</u>	32.8*	3.8
1916	16.6	14.5	<u>68.6</u>	0.3	37.0	<u>42.0</u>	17.9	3.1
1920	19.3	8.6	<u>72.6</u>	-0.5	57.1	19.2	<u>19.6</u>	4.1
1924	28.8	5.0	<u>67.6</u>	-1.4	49.7	18.51	<u>18.5</u>	13.2
1928	11.0	8.6	<u>81.0</u>	1.4	31.7	<u>54.2</u>	3.0	1.1
1932	14.1	4.8	<u>81.0</u>	0.1	36.6	<u>53.7</u>	6.8	2.9
1936	13.0	2.2	<u>84.7</u>	0.1	27.8	<u>59.3</u>	3.7	9.2
1940	8.4	0.3	<u>91.1</u>	0.2	26.2	<u>65.5</u>	7.6	0.7
1944	6.9	9.0	<u>84.0</u>	0.1	40.7	<u>52.7</u>	6.5	0.1
1948	16.6	-1.1	<u>83.1</u>	1.4	33.8	<u>63.6</u>	0.8	1.8
1960	4.4	20.2	<u>75.3</u>	0.1	27.1	<u>74.9</u>	-2.1	0.1
1980	9.8	28.0	<u>43.5</u>	21.0	59.5	<u>28.8</u>	9.6	0.1
1988	-1.6	<u>53.7</u>	47.9	...	74.0	<u>18.0</u>	8.0	...

*1912 R Vote: 29.8 REP, 31.5 PROG (61.3) TOT 17.1 REP, 15.7 PROG (32.8) TOT

There are quite a few stories that can be told from these arrays. One aspect of background: At the time, the steel capital Pittsburgh was controlled by a Republican machine, as was the state, before the New Deal realignment (see Chart 1 for turnout/partisanship dynamics in the latter.)²⁷ The region's working class was a medley of ethnic groups, chiefly from Eastern Europe. The middle class was, of course, not exclusively Anglo-Saxon, but had few in its composition of what Boston Mayor James Michael Curley called "the newer races." The Boston area had multiple manufacturing industries, but was sharply socially segregated: the working class was heavily Irish Catholic (although with some Yankee, French and other minorities); the middle classes were predominantly Yankee Protestants. "The war between the top and the bottom of Beacon Hill" was legendary and persisted for many decades. Even before Al Smith came on the scene in 1928, the Democratic party was much more robust than in the Pittsburgh area: hence the differences in mobilization rates.

At all times before 1936 (Pittsburgh) or 1928 (Boston), middle-class turnout was very much higher than in this modeled working-class segment of the potential electorate. Afterwards, this declined, but persisted. Turning to the Pittsburgh area, the dynamics of realignment, 1928-1940, were those of bilateral mobilization, toward the Republicans among the middle-class segment (note the Hoover surge in 1928)²⁸ and with a huge evacuation of the party of nonvoters, very nearly all of whom moved from NV into the Democratic column. By 1940 we have a political profile that closely mirrors the differences between Mt. Lebanon and Homestead that we have discussed earlier. Noteworthy in both settings is the significant conversion effects as well—the post-1924/28 decline in the Republican share of the potential electorate.* This same profile is evident in the 1922-1960 registration data for San Francisco. The frequently discussed question of whether mobilization or conversion was chiefly responsible for the expanded Democratic share of the voting universe indicates that in San Francisco, at least, the contribution of each was about the same.

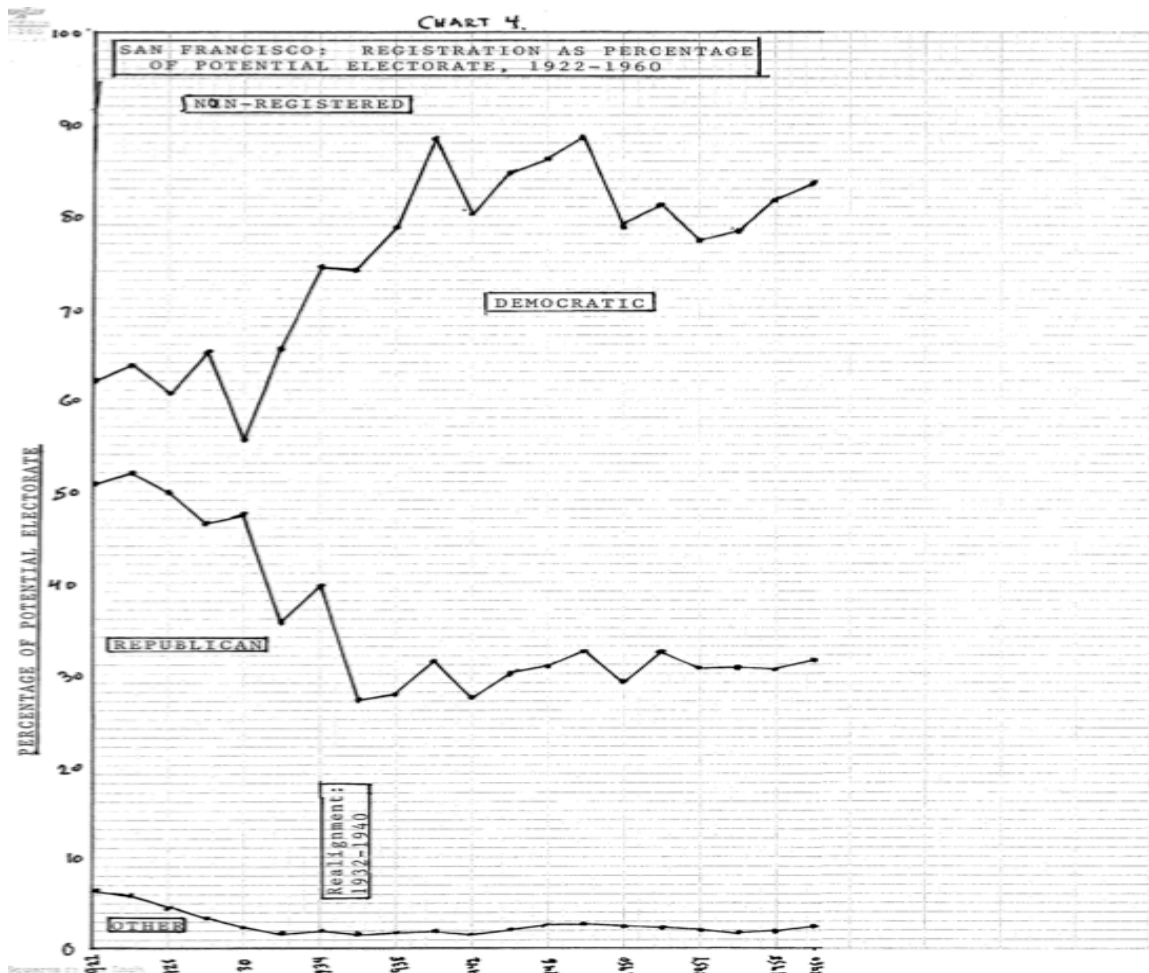
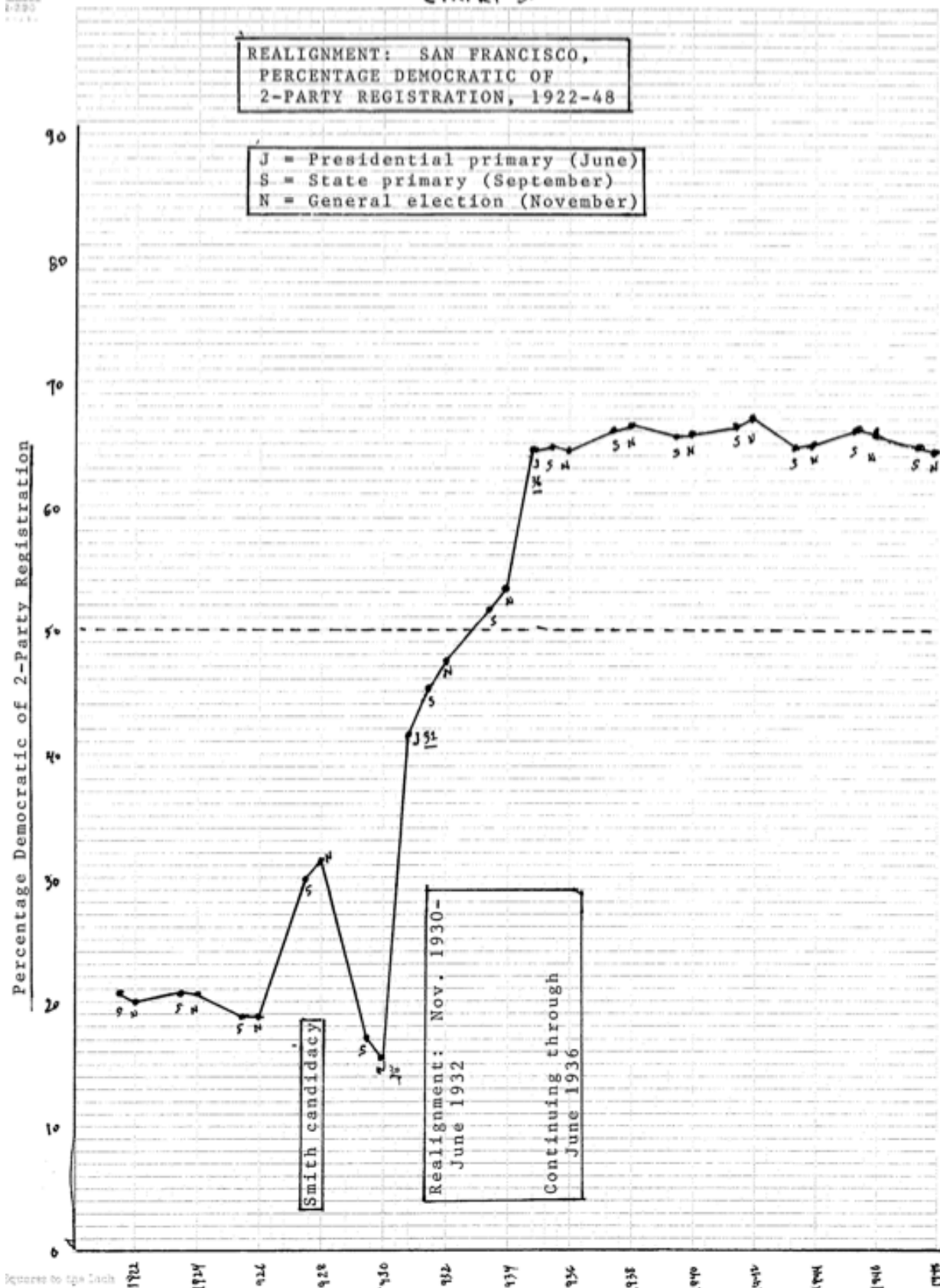


CHART 5



The profiles in Table 5, once established, persisted with respect both to partisanship and turnout through 1960, though it is perhaps worthy of note that in that year John F. Kennedy won a notably larger share of the middle-class portion of the potential electorate in the Boston area than any previous Democrat had achieved, though Wilson came close to that level in 1912 and 1916. What happened across the quarter century and later had two countervailing themes: a shift toward the Democrats among the middle-class vote (particularly, by 1988, in the Boston area), and an enormous collapse toward demobilization, not conversion, in the working-class segments in both cities.

In the Pittsburgh region the "party of nonvoters" among the solid ethnic working class segment rises from 37.4% to 63.1% between 1960 and 1980, even higher than any election from 1920 through 1932. The situation in the Boston area, by 1988, is even worse among the solid working-class category: up from 27.1% in 1960 to 59.5% in 1980, to fully 74.0 eight years later -- the latter, one may infer, higher than at any time since well before 1840. By contrast, the nonvoting segment of the potential electorate among both solid-middle-class categories is tiny and essentially invariant from 1940 onward. Nor is this merely an artifact of a possibly defective methodology: there is a 1992 Harvard University B.A. dissertation by Marshall Louis Ganz, *Where Have All the Voters Gone? The Decline of Voting and the Disintegration of the New Deal Alignment*, with subtitle: "A Case Study of Five Boston Wards, 1960-1988". The title more or less says it all.

Ganz spelled out the post-Watergate partisan profiles so astutely that an extensive quotation seems appropriate. Written in the early 1990s, it seems a remarkably accurate picture of the situation in 2010 (and beyond?):²⁹

(In 1988) Republicans based their success on a combination of the three elements referred to throughout this inquiry -- ideology, social groups, and institutions. They developed a conservative laissez-faire ideology which emerged from the Goldwater campaign of 1964 and reached fruition in the two terms of the Reagan presidency. The ideology successfully defines the middle class as needing protection from government, rather than protection by

it. Within this context, conservative Republicans identified a coalition of social groups both North and South, a substantial number of whom used to be Democrats, who provided their base. They also created a set of party institutions well tuned to modern fundraising and media campaigns in combination with a capacity for grassroots mobilization based on conservative activists and evangelical churches.

Democrats did not have a clear ideological message and seemed to vacillate between Carter's "outsiderism," Mondale's traditional liberalism and Dukakis' technocratic Progressivism. While their new social base of ethnic (i.e., racial --WDB) minorities, feminists and environmentalists remains reasonably loyal when they participate, many do not participate. Their relationship to the white working and middle class voters -- many of whom, outside the South, have remained loyal -- remains tenuous and tense. They have turned to modern electronic campaigning, but their traditional institutions have decayed and their grassroots activists do not seem driven by the same ideological commitment that provides the conservative populists and religious right with so much of their energies.

Meanwhile, about 50% of the electorate remains entirely outside the process, aligned only in their dealignment. Of some 85 million citizens who failed to vote in the 1988 presidential election, at least 55 million had become eligible since and they may never have cast a ballot.

Musing on this analysis on the threshold of the momentous 2010 congressional election, I find myself trying to place President Barack Obama among the three Democrats Ganz mentioned. "Outsider," yes; "Technocratic Progressive," definitely; "Traditional liberal," not really--hence the manifestly apathetic-to-disaffected base (and his disaffection with the base is also only too apparent). A Democrat might well say, in the words of the first stanza of William Butler Yeats' prophetic poem "The Second Coming" (1922):

The best lack all conviction, while the worst are full of passionate intensity.

I would, however, part with Mr. Ganz on one point: the vast turnout decline among working-class voters has counted for considerably more than any voting apathy on the part of those fragments of new middle classes that form so important a part of the modern Democratic party. Most of it comes far lower down the social stricture, among people who are condescended to by Democrats who refer to them as wedded to their "religion and guns."

One may add one final note from the two places in Allegheny Co., Pa., which we discussed earlier: Mt. Lebanon Township and the borough of Homestead. As noted earlier, Mt. Lebanon in 2008 looked as prosperous and "desirable" a suburb as it was in 1940. With the complete disappearance of the steel industry, Homestead is depopulated and desolate. It remains heavily Democratic, with Obama winning 88.5% of the vote, but with that vote only 28% of the 1940 total. Mt. Lebanon, on the other hand, managed to gain 3.4% even while the county as a whole has been losing population for several decades. The most striking feature of Mt. Lebanon's behavior is that in 2004, it went Democratic for president for the first time since it was founded in 1911. And, in 2008, Obama won 54.9% of the vote to John McCain's 45.1%. It's still very much of a middle-class place, but the composition of the middle class has undergone enormous change, just as the steel-oil empires of Pittsburgh's past are now replaced as major industrial sectors by health care, higher education and electronics. (Within the city limits, the total population is less than one-half of what it was in 1940).

Margaret Thatcher of the United Kingdom believed and said that there was no such thing as society, just individuals. Her policies were aimed at dissolving traditional social solidarities among the ruled classes, from breaking the grip of the unions (e.g., in the declining coal industry), to selling off council housing to former tenants, and more. The advent of Ronald Reagan launched a new era, whose objectives were similar to those of his British soul mate. Laissez-faire ideology prevailed: in the words of its prophet in the heyday of the System of 1896, William Graham Sumner, this proposed way for people to relate to their world was, simply, root, hog or die.

The post-1960 decline in voter participation has presented certain problems or puzzles for political scientists operating within the survey research

tradition. For a powerful predictor of an individual's propensity to vote is her or his education level: the higher the latter, the more likely to one is to vote rather than abstain. Of course, for many purposes education level can be read as a surrogate or proxy for position in the class structure, though it is not always clearly understood that way. Access to higher education in particular has always been an economically rationed fact of life. Using material found in the *Historical Statistics of the United States, Colonial Times to 1970*,³⁰ the following is the number of B.A.s or equivalent per thousand population at various times: 1920, 26 (includes my father's 1922 B.S. degree); 1940, 81; 1960, 160; 1970, 223; and it's much higher than that in 2010. So the puzzle: the electorate is much better educated now than it was in 1960, and vastly more so than in 1940 (as a careful listening to the actors' accents in the 1930s movies presented on Turner Classic Movies will convey). But despite this, turnout—which could be expected to rise with a rising levels-of-formal-education variable, instead falls, in some cases (outside the South, of course) to levels not seen since the 1820s or earlier.

Nor can this be attributed to the addition of the eighteen to twenty age cohort to the electorate in 1971. At an increment of about 1.06 x the 21-and-over base, it is too small to do the job. Tightening of personal-registration requirements, for example, has also not occurred, but rather the converse.³¹

One possible answer to the puzzle is that—with all that we have said so far about an electoral system whose leaders have never fully committed themselves to the basic canonical rule of democracy—one person, one value, one vote—and its implications for organizing the political system, the post 1960s shift toward massive abstention levels is essentially to be found in the behavior (or nonbehavior) of the electorate. In other words, transformations in the contexts of the electoral process since the 1960s *have progressively hollowed out the active electorate*. (A full enumeration of these changes would require an essay far, far longer than this one can be.) A catalogue of such changes virtually compiles itself when one thinks about them, many of them prophetically evaluated by V. O. Key, Jr., more than fifty years ago; of which the insulation of major state elections from national political tides is one of the more important.³²

Some Concluding Reflections

As we have seen, interested elites and their allies have frequently gamed the machinery of elections for more than a century now, and they continue to do so. For example, the computer-led, frequently bipartisan, drawing of congressional-district boundaries has—except in upheaval or wave crises such as 1994, 2000, 2008 and 2010—significantly contributed to the number of one-party seats in the House of Representatives and in situations in which, as in 1988 and other years, well over 95% of incumbents running are duly re-elected.³³

A major contributor to this hollowing out of the electorate has almost certainly been the huge, and greatly increasing, input of interested money into campaigns in recent decades, and the continuing constitutional problems presented by the courts in creating and sustaining anything looking like coherent controls by government over the money flow. A complex *per curiam* decision by the Supreme Court in 1976, *Buckley v. Valeo*, 424 U.S. 1, ruled that the Federal Election Campaign Act, as amended in 1974, was constitutionally void so far as candidate expenditures were concerned; in other words, in this interpretation of the first Amendment, money is speech and thus its expenditure by candidates, or independent groups was thus shielded from regulation. In 1996 came *Colorado Republican Federal Campaign Committee v. Federal Election Commission*, 518 U.S. 604 (1996), which virtually completed the task of demolishing expenditure constraints. As the editors of a leading textbook put the matter, "the Court seems to have placed the First Amendment squarely across the path of those wanting to curtail independent spending by either parties or groups."³⁴

It goes without saying that any such license by private groups to buy the government would be unthinkable in any other western democracy. But there is more.

In January 2010, the Supreme Court handed down a case which President Obama criticized to the justices' faces in his 2010 State of the Union message: *Citizens United v. Federal Election Commission*. Back in 1907, at the behest of a Republican President (Theodore Roosevelt), an overwhelmingly Republican congress enacted a corrupt practices statute, forbidding corporations to make direct contributions to political campaigns. This was done out of some revulsion with heavy and obvious corporate giving in the elections of 1896 through 1904. Now, back in

1886 the Court decided a case, *Santa Clara County v. Southern Pacific Railroad*, 118 U.S. 394. This otherwise obscure case retains one vitally distinctive element. In the words of a statement of the case,³⁵

In an unusual preface, entered before argument, Chief Justice Morrison R. Waite observed that the Court would not consider the question "whether the provision in the Fourteenth Amendment to the Constitution which forbade a state to deny to any person within its jurisdiction the equal protection of the Constitution, applied to those corporations. We are all of the opinion that it does."

And there matters rested. Obviously no one in 1907 imagined that these creatures of the state, as constitutional persons like you and me, could not find their political money cut off by government action. But an ideological right-wing majority in 2010 linked this juridical personally to the money-is-speech rationale of *Buckley* and its successors to strike down this precedent of 103 years and turn the money taps back on. The circle launched by Roscoe Conkling's argument in the Gilded Age, and embraced without dissent in the *Santa Clara* case and now fused with *Buckley et seqq.* fully closed the circle.

It may be true, in the contemplation of Pius X and other Catholic popes, that error has no rights, no matter how long persisted in. While this may be satisfactory for defenders of religious doctrine, it is harder to defend if people are supposed to accept *stare decisis* as a normal canon of judicial action. There is, however, another precedent for the century of error, bringing us back to the 1895 Income Tax case, *Pollock v. Farmers Loan & Trust Co.*, There were, as we have seen, emotional issues involved in the disordered, crisis-ridden atmosphere of 1895. The specific legal-constitutional issue was whether certain kinds of federal taxes had to be apportioned among the states. (If so, they essentially could not be created in practice). The issue was raised and decided by the Court in 1796, so far as a federal tax on carriages was concerned (*Hylton v. United States*, 3 Dal 171): such a tax did not have to apportion among the states. There matters rested for ninety-nine years. Meanwhile during the Civil War, the IRS was created in 1862, and an income tax was imposed, lasting from 1862 to 1872, when it expired. In the 1894-95 arguments in the *Pollock*

case, Joseph Choate and others argued explicitly that it was time to "reverse a century of error," which (by 5-4, as in *Citizens United* in 2010) the Court's majority duly did. Restoration of this segment of federal taxing power had to wait until 1913, with ratification of the 16th Amendment.³⁶

In an outraged dissent, Justice Henry Brown got right to the point:³⁷

The outcome of this case involves nothing less than a surrender, of the taxing power to the moneyed class. ... Even the spectre of socialism is conjured up to frighten Congress from laying taxes upon the people in proportion to their ability to pay them. It certainly is a strange commentary ... that Congress has no power to lay a tax which is one of the main sources of revenue of nearly every civilized State. ... I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth.

I hope that readers will agree that the Supreme Court's activities in 1895 and 2010 have a remarkable parallelism. The System of 1896 was one in which the Supreme Court was the most important of the three branches of government, not in what it positively did but in what it forbade Congress and state legislatures from doing, in areas of direct concern to the moneyed class. It may be asserted that *Citizens United* was not, after all, such a big deal, since the curtailment of federal efforts to find a way to control the huge flood of interested money was already very far advanced. But, as they say, "it's the principle of the thing." I certainly share Justice Brown's "hope that it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth," but think that hope is pretty forlorn: in the domain of money in elections, of buying America, *Citizens United* is not the first step, but the last. Welcome to 1895 everybody! Indeed, one wonders whether we might change the country's name to "United States of Plutocracy," or, if one prefers, "The Plutocratic States of America."³⁸

The hollowing out of the electorate, reflected in substantial part by the declines in turnout, has, I think, had much to do with the emergence of money-driven, media-saturated "permanent campaigns" as traditional partisan and other solidarities have disintegrated. If so, the connection between nonvoters whose chief

explanation is in the "not interested" category and voters who are disaffected with "Washington" and available (as with the Perot candidacy in 1992) for third-candidate insurgencies against "the system" would seem clear enough. As I remarked at the time, the fact that Ross Perot won 18.9% of the total vote in 1992 (with a significantly rising turnout, by the way) was a warning. Not that Perot was in any sense a dangerous character; but the fact that this was the largest third-candidate vote in our post-civil war history³⁹ was telling us something. Given a large enough crisis -- especially economic -- active and passive disaffection can make all sorts of pathologies envelop the electoral system and the country as a whole. In previous critical-realignment crises, the transition at the level of the electorate very much involved large-scale entries by previous nonvoters, the large majority of whom lined up with the winners. The same interplay between former nonvoters and winners of realignment also happened in the history of the Weimar Republic, with the Nazis filling the lion's share of the previous vacuum.⁴⁰

Predictions are not offered here. A general review of the multiple crisis points afflicting the USA today is far beyond the scope of this paper. It is perhaps enough to say here that the contradictions have reached the point where they are standing on their hind legs and screaming at the top of their voices. A key element reflecting them is what the journalist Ronald Brownstein has termed *The Second Civil War*.⁴¹ There is a general legitimization crisis at work, and it has grown a lot more intense since the bank-driven near-collapse of the economy into the Great Recession of 2008-2010. This should not be surprising. It is well understood that capitalism had a near-death experience in the Great Depression that started in 1929. President Herbert Hoover, who is often miscast as an unthinking apostle of laissez-faire, put his hand on a major part of the problem. "The trouble with capitalism," he commented, "is capitalists. They're too damned greedy." Much debate followed during the 1930s, raising such questions as, "Can capitalism be saved? Should it be saved? What can government do to save it? The ultimate answer that was found, here and elsewhere, was the liberal (or social-democratic) welfare state. In 1929 as in 2008, foundational relations of power in political economy and society are stripped bare, and stand forth in their true nakedness. A chief virtue of the so-called interest-group liberal state was its ability--among other things--to put the Emperor's clothes back on. The twin fulcra were government regulation of

potentially runaway enterprise on one hand, and the pursuit of social harmony through welfare-state payments for the bulk of the ruled classes. This meant that the Lords of Creation had to accept that the costs of doing business had gone up, but many surely realized that the price of social peace was worth paying; in particular, because the adoption of Keynesian demand-side economic policies contributed to the flattening out the business cycle.

Of course, in the postwar period a lot more than economic policy was going on. We became an empire after 1945, and eventually a very costly and deeply unpopular war in Vietnam shattered much of the consensus of the Eisenhower years. (The response was characteristic. As the Viet Cong and the North Vietnamese won the war while we looked the other way, policy makers abolished the draft and thus neutralized dissent on college campuses. But the empire was kept anyway.)⁴² To this was added the large upheavals, north and south, involved with the Second Reconstruction and the civil-rights revolution. But we need not attempt any further recitation here of the historically obvious. From the advent of Ronald Reagan in 1980, New Deal liberalism and its supporting coalition became increasingly passé. The so-called Great Moderation of 1984-2007 - led especially by the then-venerated Federal Reserve Board Chair Alan Greenspan (1987-2006) - appeared to justify conservative rule and the liberation of the (of course, always-efficient) free marketplace. Undercurrents of popular discontent did not cease, of course; witness Ross Perot's exceptional showing in 1992. These undercurrents were muted, as in reality the banks essentially seized control of the government. After mergers and liquidations, the six largest banks—obviously too big to fail—by 2009 were “worth” some 64% of GDP, up from 19% in 1995. They had now become a near-hegemonic force in our politics; perhaps only equaled by the military/imperial sector.⁴³

In 2010, as everyone knows, vast rage permeates the population. With the nakedness of oligarchy fully exposed, the collision between republican ideals and a certain populism on one hand, and the realities of power on the other is jarringly obvious to almost anyone without a job, in fear of losing his or her job, the millions whose houses are underwater, (that is, their mortgages are larger than their sale value), those whose incomes have been stationary (or declining) in constant-dollar terms since 1973, those who worry about the future of

their children in an ever-more globalized and fragmented labor market -- well, the list goes on and on.

Disappointed expectations are endemic, and no wonder. The question arises: who or what will be able to formulate a narrative that will explain what has been happening to people like you and me? The comparison is worth making in detail, even granted that the Great Depression was much worse by any measure than today's Great Recession: what does the political *mise en scène* look like in the 1930s compared/contrasted with the 2010s? Who or what will seize control of the narrative? The omens are not bright. For, as the political theorist Louis Hartz once observed, "where there is no socialism (i.e., organized social democracy), even liberals look demonic."⁴⁴ The final word might, however, rest with Justice Oliver Wendell Holmes, Jr. who, speaking in 1913, during some then present discontents, he observed: "When the ignorant are taught to doubt, they do not know what safely they may believe."⁴⁵

Endnotes

1. Walter Dean Burnham, *Voting in American Elections: The Shaping of the American Political Universe Since 1788*, edited by Thomas Ferguson and Louis Ferleger (Palo Alto: Academica Press, 2010).
2. Cf. the discussion in Burnham, Walter Dean. "Those High American 19th-Century Turnouts: Fact or Fiction?" *Journal of Interdisciplinary History*, 1986: 16, 613-44, but especially, Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: Norton, 1970). Persistent conflicts seem endemic in this whole field of action. See, e.g., Burnham, Walter Dean, "A Political Scientist and Voting-Rights Litigation," *Washington University Law Quarterly*, 1971: 335-358 and the statistical assessment of the controversies *Critical Elections* generated in Thomas Ferguson and Jie Chen, "Investor Blocs and Party Realignment in American History," *Journal of the Historical Society* 2005: 5, 503-46.
3. An excellent summary of all this history, and more, is Rokkan, Stein, *Citizens Elections Parties* (Oslo: Univeritetsforlaget, 1970).
4. Cf. Rokkan, *ibid.*, especially chapters 1 ("The Comparative Study of Political Participation," pp. 13-45) and 3 ("Nation-Building, Cleavage

- Formation and the Structuring of Mass Politics," pp. 72-143). For an earlier but still valuable analysis, see Herbert Tingsten, *Political Behavior: Studies in Election Statistics* (London P.S. King, 1937). And for a typically thorough and detailed German survey of historical developments in European democracies, D. Sternberger & B. Vogel, *Die Wahl der Parlamente: Europa* (Berlin: De Gruyter, 1969).
5. This is not entirely a matter of inference. As late as 1970 the attorney general of Texas, defending the January 30 registration cutoff date in the 1966 Texas statute on grounds of "maintaining the purity of elections" evoked the 1647 colloquy in this writer. See Burnham, "Voting Rights Litigation," *op. cit.*, pp. 341-342. In 1970, yet...
 6. Der Landeswahlleiter, Berlin, *Election to the 13th German Bundestag in Berlin on 13 October 1994: Final (Official) Result* (Berlin: Statistisches Landesamt (1995).
 7. *Reichsfeinde: Enemies of the Reich*. About one-third of the German population was Roman Catholic. In the 1870s Otto von Bismarck launched a *Kulturkampf* against them, which in the end led only to a consolidation of Catholic support for their confessional party, the Zentrum; and he also secured enactment of anti-socialist legislation to stunt the growth of the other "enemy." For a graphic presentation of this mobilization pattern, see Walter Dean Burnham, "Political Immunization & Political Confessionalism," *Journal of Interdisciplinary History* Vol. 3, pp. 1-30 (1972).
 8. Berghahn, V.R., *Germany and the Approach of War in 1914*, 2nd ed., Ch. 8 (The paralysis of the monarchy at home,) (NY: St. Martin's, 1993) pp. 156-174.
 9. E.g., for the South: Kousser, J. Morgan, *The Shaping of Southern Politics, 1890-1910* (New Haven: Yale U. Press, 1975); for the North: McGerr, Michael E., *The Decline of Popular Politics: The American North, 1865-1928* (New York: Oxford U. Press, 1986).
 10. For various reasons, my work in this genre has recommended itself more to historians than political scientists. See, Paul Kleppner, *Continuity and Change in Electoral Politics, 1893-1928* (Westport, CT: Greenwood, 1987); and note especially his Appendix, "Realignment Theory After Key", pp.239-251. Also Walter Dean Burnham, "The System of 1896: An Analysis," in Kleppner, Paul, *The Evolution of American Electoral Systems* (Westport, CT: Greenwood, 1981), pp. 147-202.
 11. For a starkly unfriendly account of politics (and constitutional law) in this period, see Beatty, Jack, *Age of Betrayal: The Triumph of Money in America* (New York: Knopf, 2007); and also Robert Wiebe's analysis of the "distended society" in his *The Search for Order, 1877-1920* (New York: Hill & Wang, 1967).
 12. Lerner, Max (ed., *The Mind and Faith of Justice Holme* (Boston: Little, Brown, 1943), p. 390.
 13. Wiecek, William M. *The Lost World of Classical Legal Thought: Law & Ideology in America, 1886-1937* (NY: Oxford, 1998).
 14. Paul, Arnold M., *Conservative Crisis and the Rule of Law: Attitudes of Bar and Bench* (Ithaca, NY: Cornell U. Press, 1960), pp. 192-193.
 15. New York: Knopf, 1941.
 16. Cf. Burnham, *Critical Realignment*.
 17. See, e.g., David Burner, *The Politics of Provincialism: The Democratic Party in Transition, 1918-1932* (N.Y.: Knopf, 1968). One of the distinguishing characteristic of the 1896-1932 system was that it was the most sectionally polarized in US history. The GOP usually dominated the Metropole (or "core") and the Pacific coast except when it committed binary fission in 1912-14. It had become virtually invisible in the Southern "colony" or periphery, while it had to contend with progressive and even socialist in the other periphery (far Midwest and Mountain states). By 1920, the "search for order" had largely been consummated. But -- as Wiebe and others have pointed out -- by 1917-20, the Great American Middle underwent two huge scares: the first, the Great Hun Scare, against the numerous German-American minorities, especially in the Midwest; and the second, the Great Red Scare (1918-20), which destroyed what was left of the American socialist movement, by no means always peacefully. Finally (in 1921-25), the Ku Klux Klan became something of a national force for the first time. It is a pity that the Great American Middle. is often prone to panic

attacks and scapegoat-hunting. Just the out-group targets change with time, it seems.

18. Reynolds, *ibid.*, pp. 168-171. Of course, by no means everything serving to depress turnout in New Jersey -- especially recently -- can be traced to the Geren Registration Act of 1911. A summary by period and office from 1876 through 2008 provides a useful overview. Indeed, in 1986, just 28.3% of the potential electorate voted for U. S. House, the lowest since the 1822 election! As elsewhere in the non-Southern states, a remarkable and abrupt downshift in turnout for U. S. House occurred in the off year 1974, without significant recovery in 1978 through 2006. *
19. The classic study of the South's *Apartheid* regime not long before its termination is, of course, V. O. Key, Jr., *Southern Politics in State and Nation* (N.Y.: Knopf, 1950). See especially Part V, "Restrictions on Voting", pp.531-663. Key's (typically understated) judgment was that, overall, in a disorganized politics the have-mores profit more than the have-lesses.
20. We can take a face from the crowd: Ellison Durand Smith (D) (1866-1944), South Carolina Senator, 1909-1944). Smith, a colorful character universally known as "Cotton Ed," was very conservative as well as an outspoken racist. (When he attended the 1936 Democratic convention, a Black minister delivered the invocation. Smith exclaimed, "That man is as black as the ace of spades!" and walked out of the convention hall.) We provide a brief summary of his electoral career from 1920 through 1938. As was usually the case, Roosevelt lost; only death removed Smith from the scene (1944). **
21. *The Future of American Politics* (New York: Harper, 1952). Nevertheless, Lubell was the first to identify the "revolt of the city" as crucial to the formation of the New Deal majority coalition.
22. This is discussed in Rosenof, Theodore, *Realignment: The Theory that Changed the Way We Think About American Politics* (Lanham, MD: Rowman & Littlefield), 2003. Rosenof quotes a letter from Austin Ranney to fellow political scientist E. E. Schattschneider that is worth including here (p. 13): Rosenof notes:

... however pleased they were about the electoral result as Democrats, 'as political scientists we should be downright depressed.' The outcome indicated 'that we just don't know as much about the nature of American politics and public opinion as we may have thought we did on November 1st. Not that we are any worse than any other kinds of "experts" but it's humiliating all the same.
23. *Party and Society* (.Chicago: Rand McNally, 1962). Today, Mt. Lebanon remains a quite desirable and prosperous place. Homestead, with the steel mills gone, is a desolate wasteland where few people still live.
24. The only American case that H.L.A.Tingsten was able to find in his early but still valuable study, *Political Behavior* London: King, 1937 was Delaware, Ohio in the 1924 election (p. 158). While categories differ, the pattern is obviously similar. The days when Ohio could and did produce turnouts in excess of 90% were long gone by 1924.
25. In the case of Pittsburgh, two other categories, while available, are omitted here (solid ethnic bourgeois, and solid Anglo-Saxon working class).
26. See Stave, Bruce M., *The New Deal and the Last Hurrah: Pittsburgh Machine Politics* (Pittsburgh: University of Pittsburgh Press, 1970). This is a very well documented city. In 1912, for example, the Russell Sage Foundation produced a mammoth, six-volume *Survey* of Pittsburgh and its environs which was an extraordinary "tour de force" of early social science.
27. Ganz, *ibid.*, pp. 45-46.
28. Washington, D. C.: Government Printing Office, 1975.
29. A positive point for Texas: after the end of the 1966 registration statute, it moved toward an extremely user-friendly system. (1) registration by mail: postcards in English & Spanish, available at grocery stores, etc.; (2) no-fault absentee voting

before election day. Despite which the turnout in 2006 was less than one-third of the potential electorate.

30. V.O. Key, J., *American State Politics: an Introduction*
31. A just published book, not available to me yet as of mid- October 2010, is Scher , Richard K., *The Politics of Disenfranchisement: Why Is It So Hard to Vote in America?* (Armonk, NY: M.E. Sharpe, 2010). I can't, therefore, review it, but the table of contents appears to cover all the available bases. There have been some very recent parades of horrors -- notable in the infamous 2000 election in Florida (since Professor Scher is at the University of Florida, there should be plenty of gory details on view. But other such cases occur. Once upon a time, I taught at Kenyon College in Gambier, Ohio (1961-1963). Gambier is a very small, intimate town. I voted there in the 1962 election, before personal registration had been extended in that part of the state. One went in to the polling place, received four ballots for deposit in four milk cans on a dais, said "howdy" to everybody, and departed. In the 2004 election, Gambier gained national exposure when students who persevered had to stand in line -- in some cases, I gather, for more than 8 hours -- to cast their votes. Whether there was a deliberate effort to suppress the vote, or sheer administrative incompetence, I do not know. Either way, the notable Gambier Incident of 2004 starkly revealed one of the themes which Professor Scher is discussing: in the words of his table of contents, "Disenfranchisement as Public Policy: The Great American Tradition." See also the discussion in Spencer Overton, *Stealing Democracy* (New York: Norton, 2006).
32. Mason , Alpheus T. and Donald G. Stephenson, Jr., *American Constitutional Law* (12th ed.; Upper Saddle River, NJ: Prentice-Hall, 1999), p. 454.
33. Hall, Kermit L. (ed.), *The Oxford Companion to the Supreme Court of the United States* (New York: Oxford University Press, 2nd ed. 2005), p. 881.
34. An historical note: The 16th Amendment achieved the necessary 2/3 of both Houses of a solidly Republican Congress, in 1909, and was ratified by the necessary 3/4 of the state

legislatures, a substantial majority of which were controlled by the GOP.

35. Paul, op. cit., p. 212
36. Cf. the discussion in Thomas Ferguson, *Golden Rule* (Chicago: University of Chicago Press, 1995), but also the story in USA Today, October 15, 2010, p. 4A: "Campaign spending by groups gone wild: Amount double that of the 2006 midterm elections." Excerpts from this story (byline: Fredreka Schouten):

Spending by outside groups to influence congressional races surged past the \$220 million mark this week, as party committees and conservative groups pump last-minute cash into ads in advance of the Nov. 2 elections.

The total is roughly twice the \$111 million similar groups spent at this point in the last midterm elections in 2006, an analysis by the non-partisan Sunlight Foundation shows.

Many of the most active players, including the U.S. Chamber of Commerce, operate under tax code provisions that do not require them to publicly disclose their donors, even as they spend at an unprecedented rate. A Supreme Court ruling in January (i.e., Citizens United- WDB) freed groups to spend unlimited corporate and union money on independent ads that call for the election or defeat of candidates.

"We are standing at the precipice of unlimited political spending": said Ellen Miller, the Sunlight Foundation's executive director....

Richard Hasen, a campaign-finance expert at Loyola Law School in Los Angeles, said the "staggering" spending also demonstrates that special-interest groups are prepared to spend heavily in the 2012 fight for the White House. "We may look back at the 2008 election and its \$4.2 billion price tag as a quaint time when money in politics didn't matter so much."

End of story. And of democracy? Only in America -- literally!

37. Excluding the TR Progressives of 1912, product of a Republican rupture
38. Walter Dean Burnham, "Political Immunization and Political Confessionalism: The United States and Weimar Germany," *Journal of Interdisciplinary History* 3, 1-30 (1972). This article has acquired a certain intellectual history. The confessionalism model it develops is considered, along with radicalized lower-middle-class and mass -society explanations in what is probably the definitive work on the origins of the Nazi vote, Jurgen Falter, *Hitlers Wahler* (Munchen: Bock, 1991). It has also been reprinted in Robert I. Rotberg (ed.), *Politics and Political Change* (Cambridge, MA: MIT Press, 2001), pp. 131-160.
39. New York: Penguin, 2007. Its subtitle: "How Extreme Partisanship Has Paralyzed Washington and Polarized America." Books with a "decline and fall" tendency have recently become legion. See, e.g., Lawrence Jacobs and Desmond King (eds.), *The Unsustainable American State* (N. Y. Oxford U. Press, 2009).
40. The literature on the Empire and its malign influence on democracy at home is now enormously large.
41. Data taken from Simon Johnson and James Kwak, *13 Bankers: The Wall Street Takeover and the Next Financial Meltdown* (New York: Pantheon, 2010), p. 203. The "Big 6," in order of bigness, are: Bank of America, JPMorgan Chase, Citigroup, Wells Fargo, Goldman Sachs and Morgan Stanley. 2009 data: Q 3.
42. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace, 1955).
43. The quotation is from a penetrating speech on the judiciary that Holmes gave: "Law and the Court," in Max Lerner (ed.), *The Mind and Faith of Justice Holmes* (Boston: Little, Brown, 1943), p. 388.

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Period	Presidential		
	President	Governor	U.S House
1876 - 1892	91.9	74.6	75.3
1894 - 1910	84.9	74.1	78.1
Gerens Registration Act, 1911			
1912 - 1919	69.9	57.8	52.8
Woman Suffrage, 1920			
1920 - 1931	65.3	51.2	44.9
1932 - 1949	71.0	52.6	52.2
1950 - 1970	71.3	55.5	50.6
18 - 20 year-old Suffrage, 1971			
1972 - 1984	60.8	43.7	40.9
1985 - 1998	57.4	41.6	32.6
2000 - 2008	62.3	39.1	36.3

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Senatorial General Election

<i>Year</i>	<i>Potential Electorate</i>	<i>Smith</i>	<i>Republican</i>	<i>Total</i>	<i>% of P.E Total</i>	<i>% of P.E Smith</i>
1920	777,000	64,388	...	64,388	8.3	8.3
1926	801,000	14,560	...	14,540	1.8	18.8
1932	852,000	104,472	1,976	106,448	12.5	12.3
1938	955,000	45,751	508	46,259	4.8	4.8

Senatorial Primary

<i>Year</i>	<i>Potential Electorate</i>	<i>Smith</i>	<i>Other(s)</i>	<i>Total</i>	<i>% of P.E Total</i>	<i>% of P.E Smith</i>
1920	777,000	65,861	42,735	198,596	14.0	8.5
1926	801,000	82,753	77,559	160,312	20.0	10.3
1932	852,000	150,468	114,840	265,308	31.1	17.7
1938	955,000	186,519	150,437	336,958	35.3	19.5