

How Close Votes Influenced World Events

The Sequels to Many Issues Which Were Decided by Single Votes—Are Our Methods of Consulting Public Opinion Faulty?

THERE'S no gainsaying that an election is close when the balance of millions of votes is decided by thousands, or even hundreds. But there have been closer elections, and too many of that kind. The present election is still in its primary stage. The record for closeness cannot be approached until it is found necessary to reach a decision through a secondary and extra-legal stage, as was done in the Hayes-Tilden contest. That turned upon the single vote of the fifteenth member of the Electoral Commission, who was chosen by four Judges of the Supreme Court. In a score or more of decisions he cast the deciding vote, and always cast it with the same partisan leaning. Elections like that, or even this, are rather seeds of future trouble than settlements of current issues. The recollection of that decision at this time of another narrow balance of the popular and electoral vote increases regret that it is so difficult to

learn the popular will by the method of counting votes. Our history abounds with instances in which the course of events has turned upon single votes, and some of them may be conveniently selected from the compilation made by Speaker Clark for one of his Chautauqua lectures.

General Jackson was elected Major General of Tennessee militia by one majority. Without that one vote he could not have fought the battle of New Orleans, and politics would have been different for a quarter of a century.

Martin Van Buren won the Presidency through his defeat by one vote on the confirmation of his nomination as Minister to England.

John C. Calhoun, as Vice President, cast the deciding vote which gave to Van Buren what Calhoun never got for himself, although his claims were not inferior.

Edward Everett lost the Governorship of Massachusetts by one vote, and that

took him out of the list of availables for the Presidency.

Thomas H. Benton was elected to the Senate by a single vote. The loss of that one vote not only would have cost him his career of thirty years, but would have meant the loss to the Senate of one of its strongest and most famous members in a most trying era. One of the great characters of American history might never have emerged from obscurity.

Henry Clay cast the deciding vote in the Constitutional Convention which admitted Kentucky to the Union as a slave State. If Kentucky had entered the Union as a free State it is hardly doubtful that Missouri would have done the same, and it is conceivable that there might have been no Missouri Compromise, and perhaps even no civil war.

The Walker tariff passed the Senate by a single vote. Taft lost the vote of Idaho through a tie in the precinct of Boise. If one more man had voted for

Taft, Roosevelt would have lost control of the State.

There is at least one case in which a single vote was the entire election. At the primaries for the Prohibition nomination for Judge in Schuylkill County, Penn., one vote was cast. There being no other candidate or voter, Richard H. Koch was unanimously chosen. A miss is said to be as good as a mile, and under some conditions one vote is as good as a million.

On the other hand, a majority of 100,000 may be worthless, as was actually the case in Indiana. At the general election in November, 1900, a proposed amendment that "the General Assembly shall by law prescribe what qualifications shall be necessary for admission to practice law in all courts of justice" was submitted to the electors.

Nearly 100,000 more votes were cast for the amendment than against it. But it did not receive a majority of the votes cast for Presidential Electors and Gov-

error. The Supreme Court held that it had not been carried by the constitutional majority required for the ratification of a proposed amendment. That was a case where an actual majority at the polls lost in the courts—an evil omen for what may lie ahead, considering the perplexing questions lawyers are capable of raising about plain questions.

In Maine the vote on prohibition as officially canvassed was: "For repeal, 60,487; against repeal, 60,461; majority for repeal, 26." The State was dry and wet longer than doubt lasted over this election. According to contemporaneous reports, there was a "frenzy of excitement due to the conflicting reports that gave the State to the wets one day and to the dries the next. On the day of the election services in the churches lasted all day, and when the Prohibitionists were not on the field they were in the churches praying that the State be saved to prohibition. The advocates of the repeal were just as busy as the Prohibitionists, and they saw to it that every man known to be in favor of local option got to the polls and voted." It is sad to reflect that Providence turned out to be on the side of the most voters, as it is said to be on the side of the heaviest battalions.

There would be no end to the precedents regarding the value of a few votes if the search were extended to foreign history. One example will suffice to show that the count of the votes is as important as the casting of them. In 1911 the Monis Ministry fell in France because it was thought to be in a minority of 14, when in fact it had a majority of 5. According to the contemporary cablegram:

The crisis arose over an interpellation regarding the attitude of the Government as to the chief command of the army in the event of war, and the official list showed 228 votes against the Government and 24 in favor.

Mr. Monis was still on a sick bed as the result of an accident and his colleagues decided on resignation.

The curious fact has now been brought to light, however, that at the moment of the fatal division there was considerable confusion in regard to the votes for and against.

A number of Deputies announced that their names had appeared on the wrong division list. An official rectification was made, with the result that so far from having been defeated the Government had the narrow majority mentioned above.

Though this discovery may be the source of much personal satisfaction to the ex-Premier, it is, of course, too late to affect the fate of his Ministry.

These are cases merely of misadventure in the working of the machinery of voting. The cases of malicious falsifying of popular sentiment are too numerous to admit of more than one example, chosen from a State which now has shown a surprising change in its political form. There is no present suggestion that this election was affected in the manner to be described. The example is chosen only because of the official character of the proof of bribery on a scale which otherwise it would be difficult to believe practiced. In Adams County, Ohio, in a voting population of 6,000, 1,071 were indicted for selling their votes, and there was an incomplete record of 371 who pleaded guilty upon promise of lenity in consideration of saving the necessity of trials by the hundred. One preacher sold his vote. Elders and deacons testified that they bought votes. Judge Blair, who tried the cases, said:

I saw a farmer worth \$40,000 stand on a soap box, in front of the Court house in West Union, and auction off his vote. The Mayor, the Prosecuting Attorney, and the Town Marshal watched the auction and did nothing. I have seen twenty-seven men in one precinct sold in a block by a leader. When I ran for office the first time, 127 men in Manchester organized and told me I'd have to pay them or be defeated. I would not pay. I was elected in the judicial district, but I lost Adams County.

The idea that a vote is a thing of little worth ought not to survive the evidence that one, a dozen, a score, or a hundred votes may decide an election in which thousands or multiples of thousands vote on one side or the other. Those who have the vote ought to value it as do those who are striving to get it.

A beginning of the revaluation of the suffrage would be best made by raising the standards of the individual voter. That is not the task of a day, and there remains much to be thought of in connection with the improvement of our election machinery. A beginning was made when there was a separation of State and city elections in this State.

There seems a similar necessity for the separation of State from national elections, if either is to be treated on its merits. The current election, like all

elections, abounds in cases where candidates on one ticket have carried other candidates who failed to make appeal on their individual merits. The confusion between the multiplicity of national issues is bad enough without being complicated with State issues. Besides the separation of the two sorts of issues there would seem to be need of some process of deciding what the issues are. In a court the process of pleading is for the purpose of deciding what the issue in the case is. Oftentimes the counsel make a mistake on the point, and the Judge settles the case on an issue chosen by himself, and which the counsel has overlooked.

In politics there is no similar process. It is true that there are conventions, but they fail in their purpose. Platforms a column or more long rather muddle than select the issues. Mentioning everything any voter thinks about, "pointing with pride" and a blunderbuss, promising everything, and evading responsibility for previous promises unfulfilled—that is the manner of our convention system.

There would be less objection if there were any way of learning what the issues were which were thus selected and decided the election. As it is, platforms are scrapped as soon as conventions adjourn. Candidates seek to learn what the voters are thinking about, and to take a position appealing to popular sentiment. The voter goes his way without too much attention either to platform or candidates, and, after the election which ought to have settled something, there is a dispute as to what the election was about.

If the convention system is not a failure, at least it is not a success. The extent to which Legislatures have taken control of the machinery of elections is one measure of the dissatisfaction with the operation of the system of conventions and platforms. Popular dissatisfaction is shown by the editorial comments upon the electoral system, which antedates the convention system, having come down to us from the first of "the Fathers."

To The World it seems "a crude and clumsy piece of mechanism," a "menace to the political stability of the United States," "undemocratic," and so on.

There are other expressions to the same effect, both Democratic and Republican, and not without reason. It is easy to criticize an institution which substitutes for the rule of the majority of the nation the rule of the majorities in many States. A narrow majority in a State controls the entire electoral vote of that State—in Minnesota, with nearly 360,000 votes, twelve Electors were chosen by a majority of about 300. The result is that the aggregate of State majorities may give a majority in the Electoral College, yet fail to give a majority of the popular vote.

In a country where the rule of the majority is sacrosanct the chief official is not seldom chosen by a minority, and may not be able to carry a majority even of his own election district or State. The Herald points to another anomaly of the State system in the fact that there are different values in the votes. Some States allow women to vote, and others do not. The result in California, Kansas, and Washington apparently was determined by the votes of women, but their ballots are not counted separately.

Hughes may have lost the vote of New Hampshire because that State made no provision for its soldier vote, while other States did. Ten States allow aliens to vote before they have attained full national citizenship. "Split" Electoral tickets are a present annoyance. Deaths or resignations, or similar unexpected and unprovided for happenings may cause complications where the majority is narrow. There is a case where an Elector is disqualified through holding a Senatorship when elected. There is a case involving all the Electors of a State because the ballot made no provision for voting for them individually.

There is even a possibility of an Elector voting according to his personal views, instead of according to the mandate of the party which elected him. Such cases are on the record. The maximum vote of a minority party may be larger than the minimum vote of the majority party, and an Elector may be chosen contrary to the sentiment of the State's majority.

This is not all, but it is enough for a grievous indictment of the electoral system as it is worked, rather than as it was designed to work. Most of the inconveniences which the system has de-

veloped might be avoided by more efficient administration of the system or by more intelligent voting. The women voters are new at the work, but they showed many men how to make their votes count. The male voters scattered their ballots among several parties. The women massed their votes where they would count; that is, on the candidates of the two leading parties.

The multiplicity of parties is more a menace to constitutional government than the Electoral College worked as it might be worked. The multiplicity of parties is in part responsible for the multiplicity of issues which creates the doubt what elections decide and for frittering away votes so that we have minority Presidents. Even Mr. Wilson is a plurality President.

At the other extreme from the abolition of the electoral system is the idea of using it as it was designed to be used, as a representative body with power and discretion to act upon both candidates and issues. It is only after a century that the defects in its operation suggest its abolition. It was not thought undemocratic in the first generation after its adoption. It was thought then that Electors chosen by the people could act for the people more wisely than the people could act for themselves. There were difficulties of travel and communication then which do not exist now. The need of the dual system—the States within the nation—was then felt so acutely that there could not have been any nation without it.

The centripetal sentiment now is as strong as the centrifugal sentiment was then, so strong in fact that Elihu Root warned the States to use their powers unless they wished to lose them to the nation. That question is too broad to be argued in this connection. It is sufficient to say that the proposal to abolish the Electoral College is a proposal to reconsider the fundamental basis of our institutions, which have merits with all their faults.

The idea of a mass national vote has its attractions, but it is not so simple as it looks. The institution of Federal election machinery has many objections. It would require an army of officials exercising functions within the States which most citizens would prefer to have exercised in the present manner, under home control rather than under orders of a distant power.

It is not desirable that such questions as now are pending in the doubtful States should be settled primarily at Washington. There is a provision now for Federal review of the Federal aspect of questions arising in the States. If all parties are not equally satisfied with all that is done under the electoral system, neither is it to be supposed that they would be satisfied always under any system. That is why examples are given above of miscarriages under systems other than electoral.

Compromise and toleration are necessary under any system which is worked; only unworked systems can be so described as to be thought faultless. The system of mass voting upon everything has not given complete satisfaction in the States where the voters have found themselves overworked, and some of their decisions are regrettable. That cautionary experience ought to give pause to proposals so thorough as either to abolish the Electoral College or to revive its original functions of free deliberation and decision. The powers which the college lost to the people are not likely to be restored to it by those who assume and exercise them.

A step in a similar direction, a possible

middle course, might be to require that the people should choose a President by an actual or by a larger majority, say two-thirds, or that in default the election should take the course by which failures to elect by a mere "majority" of electoral votes are now decided. The friction of the present method lies in the fact that only contentious and doubtful questions are taken over from the Electoral College for decision. If the people were put on constitutional notice that they must make a better job of electing a President for themselves they would have themselves to complain of if they failed to do so.

The electoral system can be made to work and any other system can be made to fail. No system will work itself. It is idle to deny that the electoral system has developed imperfections, but some of the inconveniences under it are due to those who cause what they complain of, not by intention, but in practical effect.

The notion that there is anything "progressive," or advanced, in altering the old method is not consistent with the history of the Electoral College. When the Constitution was framed the method of election by popular vote was proposed by Gouverneur Morris, and rejected upon full consideration. As the people adopted the Constitution, which took from them the direct election of President, the present method is popular in its origin, and will remain popular until the people reconsider their decision. Until then, all arguments from the alleged aristocratic character of the Electoral plan are irrelevant.

Perhaps no other subject gave the Constitutional Convention of 1787 more trouble than the election of the President. The method which held favor until the last few days was election by Congress. The final alternative was choice of Electors by Legislatures. Finally both methods were rejected in favor of choice of Electors in such manner as the Legislatures might direct. Originally no one knew how the Electors would vote until the official announcement was made, with some few cases of instructions to them. With the beginning of the nineteenth century, and through its first quarter, Congressional caucuses nominated the candidates, and thus bound party members to vote for the successful nominee.

This system expired, after seven caucus nominations, with the extinction of the Federal Party. There was then but one party from which to select a candidate, and it was felt that the caucus system gave Congress practically the power of election, which the convention and the Constitution had withheld. The caucus of 1824 did more harm than good to its nominee, and the system expired in 1828 when the nominations were made by Legislatures. In 1832 began the system of nomination by conventions which ended the discretionary power of Electors.

The method of the convention in devising the electoral system shines in comparison with that of Congress in administering it. Until 1887 the method was to wait for trouble to arise and then to deal with specific cases. That was an abdication of the power given to Congress to deal with the subject, and the blame for the troubles until then lies rather with Congress than with the system. The longer a plan is worked the more it is refined, and the less grows the chance of troubles not anticipated, and, therefore, not provided against. It is well to be open-minded about proposals for reform, but they might well be adopted only after the thorough consideration for which an example was set by the original convention. "Try all things, hold fast that which is good."