

# Reconsidering the “Southern Veto”: The Two-Thirds Rule at Democratic National Conventions, 1832–1936

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## Research Article

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### Abstract

Beginning from 1832, the Democratic Party required a two-thirds majority at national conventions for the nomination of presidential candidates. Despite assessments that this “two-thirds rule” produced excessively long and disruptive nomination battles and low-quality presidential candidates, the rule survived until 1936. The rule’s longevity is generally attributed to it functioning as a “Southern veto”: while the Democratic Party performed strongest electorally in the South in this period, the region’s representation at conventions was small in comparison. By setting the bar for presidential nominations high, the South was given the ability to block unacceptable candidates. However, while the “Southern veto” argument is pervasive, there are little data and few concrete examples of Southern delegates blocking Democratic nominations through the two-thirds rule. In this paper, I reassess the two-thirds rule’s history and appliance and show that Southern states barely had enough votes to block nominations and generally would need to vote against a candidate at a rate of nearly 90 percent to do so. As a result, the South almost never vetoed candidates: in only one case (Martin Van Buren in 1844) was Southern opposition pivotal in preventing a candidate with majority support from winning the nomination. Additionally, the two-thirds rule was generally accepted by broad majorities in the party (both Southern and non-Southern) and, while Southerners were among the defenders of the rule, representatives of the region were also among those *opposing* it. These findings suggest that the two-thirds rule rarely functioned as a Southern veto—not because the South had no power in the Democratic Party but because the necessity of maintaining intraparty consensus applied regardless of the existence of the two-thirds rule.

At the first Democratic National Convention—held in 1832—the Democratic Party set a surprisingly high bar for nominating its presidential and vice-presidential candidates. Unlike other political parties at the time, or the Whigs and Republicans later on, Democrats required a two-thirds majority of delegate support, thereby allowing a minority of delegates to block nominations. Scholarly and contemporaneous assessments of the effects of this “two-thirds rule” have largely been negative. The high bar to nomination has been blamed for causing extraordinarily long nomination fights—including the record-breaking 1924 convention, which required 103 ballots to come to a nomination. These extensive fights, as a delegate to the 1928 convention wrote, subjected the Democratic Party to “a terrific nervous strain and often leaves it on the verge of a presidential election in a state of spiritual exhaustion.”<sup>1</sup> Additionally, both contemporary political actors and scholars blamed the rule for producing low-quality candidates: as the San Francisco *Daily Evening Bulletin* noted in 1876, the rule’s effect “for a great many years has been to bring on the stage mediocre men”<sup>2</sup> since more compelling (but, therefore, more controversial) candidates were believed to be unable to win two-thirds majorities.

Combined, a clear sentiment exists that the two-thirds rule was a net negative for the Democratic Party. Yet, despite these assessments, the two-thirds rule survived for a full century before it was finally abolished in 1936. This long survival of the rule is particularly surprising when considering that all other decisions at Democratic conventions—including whether to *maintain* the two-thirds rule—required only a simple majority. If a majority of delegates could have ended a (broadly considered) bad rule, why did the two-thirds rule survive for so long?

In answering this question, scholars have long argued that the two-thirds rule served a particular purpose within the Democratic Party. Throughout most of its existence, but particularly after the Civil War, the South was the area of the country where Democrats performed strongest

<sup>1</sup>Gilchrist Baker Stockton, *The Two-Thirds Rule* (Jacksonville, FL, 1928), 42–43.

<sup>2</sup>“The Approaching National Conventions,” *Daily Evening Bulletin*, February 11, 1876.

electorally—largely due to Southern Democrats’ disenfranchisement of Black voters. However, the size of each state’s delegation at Democratic national conventions in this period was linked to states’ shares of the electoral college vote, regardless of whether they voted for the party or not. As a result, the South’s representation at national conventions was smaller than its position within the party arguably warranted. The two-thirds rule provided a solution: because the bar to nomination was so high, the South was effectively granted a veto over Democratic presidential selection. While Southern states could not single-handedly nominate a presidential candidate, they could veto candidates they found objectionable. As a result, under the two-thirds rule, any Democratic nominee would “have to be acceptable to the South insofar as he pledged not to interfere with the southern social and economic caste system.”<sup>3</sup>

But while the idea of the two-thirds rule as a Southern veto is pervasive, scholarly literature presents little data and even few concrete examples of the South successfully vetoing a presidential candidate in this way. To be sure, at least one clear example of such a Southern veto does exist: in 1844, Martin Van Buren received support from a majority of delegates but failed to win a two-thirds majority. Southern opposition to Van Buren was pivotal in his defeat: even if all non-Southern delegates had supported Van Buren, he would still have been unable to win the nomination. But while the Van Buren case is important, it is unclear how common such Southern vetoes were otherwise. Nor is there much known about how cohesive the South’s voting would need to be to veto candidates at Democratic conventions in this period.

The goal of this article is to assess whether the two-thirds rule was indeed systematically used by the South as a veto to control presidential selection at conventions between 1832 and 1932. To test the “Southern veto” thesis, I focus on three questions that should clarify the extent to which the South *could* and *did* use the rule to dominate presidential selection within the Democratic Party in this period. First, I look at whether Southern delegates had enough votes at Democratic national conventions to block nominations if they should choose to. Second, I look at how often nominees failed to win the Democratic presidential nomination due to Southern opposition. Finally, I identify how frequently the two-thirds rule was challenged—and, when it was—whether support and opposition for the rule fell along regional lines.

The answers to each of these questions suggest that the two-thirds rule largely did not function as a Southern veto. First, the “South” as a region had enough votes to prevent a nomination only if we rely on a relatively broad definition of the South as existing of both the eleven states that made up the Confederacy and all possible Southern border states. Even then, internal cohesion within these states needed to be high to block a nomination: from 1876 onward, Southern delegates needed to vote together in opposition to a leading candidate by at least 89 percent or more. And this number increased over time: by 1932, a Southern veto required 99 percent of Southern delegates to vote against a leading candidate. Thus, a truly Southern veto required a coalition of “broad” Southern states to be in near-complete consensus that a candidate was unacceptable.

Second (and likely related), actual Southern vetoes were exceptionally rare. Across all conventions, by far most candidates who led on the first ballot eventually won their nomination. Looking at ballots on which a candidate received the most votes but failed to win the nomination between 1832 and 1932, in only two instances

was Southern opposition so unified that the candidate could not have won the nomination even if they had received full support from all non-Southern delegates: Van Buren in 1844 and Al Smith in 1924. However, Smith was altogether far removed from the nomination, with roughly 50 percent of non-Southern delegates also opposing him. Thus, the only case of a “true” Southern veto by way of the two-thirds rule is the failed Van Buren nomination in 1844.

Third, challenges to the two-thirds rule were rare. At by far most conventions, the two-thirds rule was reconfirmed by substantial majorities of both Southern *and* non-Southern delegates. In the limited cases where the rule was debated and challenged, Southern delegates often supported the rule, but that support was rarely unanimous. Indeed, in some cases (such as in 1876 and 1932), *opposition* to the rule largely came from Southern party leaders and delegates who were concerned that their favored candidates would be unable to meet the high delegate support bar necessary for a nomination. Meanwhile, when challenges did occur, the rule’s survival always depended on robust support from the non-South. And, in each case prior to 1936, delegates from outside of the South supported the rule in substantial numbers.

These findings suggest that the two-thirds rule was not, in fact, used as a Southern veto. This does not mean that the South had no meaningful influence over the selection of Democratic presidential candidates in this period. Instead, the two-thirds rule may have largely been a symbolic one. Throughout the period in which the rule applied, the Democratic Party existed of a coalition of different groups with conflicting preferences. Nominating a presidential candidate at a convention represented only a part of the puzzle of maintaining such a party: even if a small majority would have been able to force a preferred candidate on the party at a convention, the candidate would be unable to win without support from the party’s minority factions in the general election. This was particularly true for Southern electoral support: while the South alone could not elect Democrats to the White House, a Democratic nominee *without* Southern support would need to radically reinvent the electoral map to have any chance at all at winning. Prior to the New Deal realignment, the South’s support was thus practically non-negotiable. This meant that, throughout the period in which the rule was maintained, Democratic leaders faced the political reality that broad intraparty consensus was a necessity independent of whether a two-thirds majority was actually required for presidential nominations or not. The long survival of the two-thirds rule, then, may have been less an attempt at providing the South with a weapon it needed to control the party, but rather a de-facto public acknowledgement of what was obvious to all participants involved: that any nominee would need to be acceptable to the South, as well as other relevant constituencies within the party.

## 1. Democratic National Conventions and the two-thirds rule

In the late eighteenth and early nineteenth centuries, newly formed American political parties largely nominated presidential candidates through Congressional caucus votes. Starting in 1796—the first presidential election without George Washington as a candidate—John Adams, Thomas Pinckney, Thomas Jefferson, and Aaron Burr were “nominated” by “informal caucuses of the congressional members of the respective parties.”<sup>4</sup> In subsequent

<sup>3</sup>Nicol C. Rae, *Southern Democrats* (New York: Oxford University Press, 1994), 11.

<sup>4</sup>Richard C. Bain and Judith H. Parris, *Convention Decisions and Voting Records*, 2nd ed., *Studies in Presidential Selection* (Washington: Brookings Institution, 1973), 12.

years, parties took mostly similar approaches. The Democratic-Republicans selected their candidates through Congressional caucuses between 1800 and 1820. The Federalists relied on conventions in 1808 and 1812<sup>5</sup> though “these meetings were [...] quite unlike the conventions subsequently introduced in the Jacksonian period” as they existed of “small groups of Federalist leaders designated in widely different ways” who “met in secrecy.”<sup>6</sup> By 1824, there no longer was a coherent party process of selecting nominees for the Democratic-Republican party, and candidates were instead “selected” through a variety of different approaches—including nomination by state legislatures.

After Andrew Jackson’s victory in the presidential election of 1828, multiple parties began organizing national conventions in the run-up to the 1832 election. The Anti-Masonic party nominated William Wirt at a convention in September 1831, while the National Republicans nominated Henry Clay at their national convention in December 1831.<sup>7</sup> The Democratic Party saw little disagreement about renominating Jackson. However, a major schism existed within the party between supporters of Vice President John C. Calhoun and former Secretary of State Martin Van Buren. Over the course of his administration, Jackson had become estranged from Calhoun and had determined that Van Buren should be his next running mate and (over time) successor as president. To ensure success in this regard, Jackson required a nomination method that would not allow for multiple candidates to claim the “title” of Democratic vice-presidential candidate, which nomination by state legislatures would make extremely likely. Indeed, by spring of 1831, several names (aside from Van Buren and Calhoun) were in circulation in this regard. Thus, the Democrats also organized their first national convention, which, as Chase argues, “originated in the endless list of names advanced for the vice-presidency and the consequent need to solidify the party behind a single ticket.”<sup>8</sup>

At this first Democratic convention—which met in May 1832 in Baltimore—the delegates decided to require a two-thirds majority for the nomination of the vice-presidential candidate. Specifically, the convention described the process as follows:

*Resolved*, That the delegates from each State in this convention, be entitled to as many votes in selecting a suitable person for the office of Vice-President, as such State will be entitled to in the Electoral College [...] and that two-thirds of the whole number of the votes given be required for a nomination, and on all questions connected therewith.<sup>9</sup>

While the rule agreed on in 1832 only concerned the question of a vice-presidential nomination (and there was no vote on Jackson’s presidential renomination) subsequent Democratic conventions applied the two-thirds rule to the selection of the entire presidential ticket. Notably, all other decisions at these conventions—including settling disputes regarding the seating of delegates, the selection of officers of the convention, determining a party platform, and

setting rules for the convention itself—required only a simple majority. From the start, the two-thirds rule was a unique element to Democratic conventions: neither the Anti-Masonic party nor the National Republicans relied on a two-thirds rule to select their nominees for the 1832 election. And, later, after the formation of the Whig and Republican parties, they too relied on simple majorities in selecting their presidential tickets. Why did the Jacksonian Democrats decide to set such a high bar for selecting a presidential ticket?

One argument—presented by Senator William R. King (AL) who chaired the rules committee at the 1832 convention—was that “a nomination made by two-thirds of the whole body would show a more general concurrence of sentiment in favor of a particular individual, would carry with it a greater moral weight and would be more favorably received than one made by a smaller number.”<sup>10</sup> Others argued the two-thirds rule was intended to block attempts at nominating Calhoun—though, given that the Jacksonians aimed to use the convention to nominate Van Buren, increasing the bar for a nomination would have also complicated their own efforts.<sup>11</sup> Chase notes that an alternative explanation is that setting a high bar for a nomination could help “meet criticism leveled at the convention prior to its meeting”: specifically, opponents of the national convention had argued a nominee would “not represent the whole party, since each state was to cast the same number of votes as it had in the Electoral College without reference to its Democratic strength.”<sup>12</sup> As a result, states that were unlikely to vote for Jackson in the presidential election could theoretically nominate the vice-president. Romulus Saunders, a delegate from North Carolina, explained how the two-thirds rule provided a solution: “the question of what States would be allowed to vote, threatened a [...] serious disturbance to the harmony of our proceedings” since blocking states from voting entirely would be “unjust and impolitic” but allowing those same states to nominate a vice-president by themselves was unacceptable as well. The two-thirds rule would “obviate this difficulty, and [...] guard against the objection of suffering those non-effective States to decide the question.”<sup>13</sup> By setting a two-thirds majority for nominations, the 1832 convention thus tried to solve a problem of legitimacy and balancing power dynamics within the party on the basis of geographic electoral strength. On the one hand, states where the party underperformed still were allowed a major say in intraparty matters. On the other hand, a two-thirds majority made it so that those states could not single-handedly determine the make-up of the presidential ticket.

From 1832 onward, each Democratic convention until 1936 applied the two-thirds rule in some form.<sup>14</sup> But while there may

<sup>10</sup>Stockton, *The Two-Thirds Rule*, 3.

<sup>11</sup>Paul T. David, Ralph M. Goldman, and Richard C. Bain, *The Politics of National Party Conventions*, Rev. edn (Lanham, MD: University Press of America, 1984), 208.

<sup>12</sup>Chase, *Emergence of the Presidential Nominating Convention*, 265.

<sup>13</sup>Quoted in *ibid*, 266.

<sup>14</sup>The unit rule—a distinct but related rule maintained at Democratic conventions in this period—was introduced at the 1835 convention. This rule allowed state delegations the right to determine whether to split their vote based on intra-delegation preferences or to vote collectively as one unit based on the preferences of the majority of the delegation. As historian Carl Becker explained in 1899, the linkage between unit- and two-thirds-rules was based on the assumption that if the two-thirds rule were to be dropped (thereby lowering the bar for a nomination to a simple majority) but the unit rule was nonetheless maintained, “a few very large states being nearly evenly divided on candidates, and yet enforcing the unit rule, might secure a majority for a candidate whose actual strength would measure only a small minority. While the use of the two-thirds rule does not make this condition of affairs impossible, it lessens the probability that it will occur; and we may therefore consider those two rules as practically inseparable—two parts of a single system,

<sup>5</sup>For a full history of national party conventions prior to 1832 see: James S. Chase, *Emergence of the Presidential Nominating Convention, 1789-1832* (Urbana: University of Illinois Press, 1973).

<sup>6</sup>Bain and Parris, *Convention Decisions and Voting Records*, 12.

<sup>7</sup>See: Chase, *Emergence of the Presidential Nominating Convention*.

<sup>8</sup>*Ibid*, 241. Notably, the first call for holding a Democratic convention did not come from Jackson or his advisers but from Democratic Party leaders in New Hampshire in June 1831 (see, *Ibid*, 244).

<sup>9</sup>*Summary of the Proceedings of a Convention of Republican Delegates from the Several States in the Union, for the Purpose of Nominating a Candidate for the Office of Vice-President of the United States Held at Baltimore, in the State of Maryland, May 1832* (Albany, NY: Packard and Van Benthuysen, 1832), 6.

have been good logic for introducing the rule in 1832, by most accounts, the continued reliance on the rule had considerable negative effects. For example, Aldrich notes that the rule was “controversial and at times costly” to the party since it ensured lengthy nomination ballot fights—including the 1924 convention which required a record 103 ballots to result in a presidential nomination—“and such rancorous and lengthy divisions could only hurt the party at the polls.”<sup>15</sup>

Additionally, the two-thirds rule was blamed for producing low-quality nominees. As Nichols has argued, the original aim of the Democratic convention system was to effectively ratify decisions made by the national party leaders (that is, nominate Van Buren as the vice-presidential nominee in 1832 and, later, as the presidential nominee in 1836).<sup>16</sup> However, in practice, the new convention system meant that—as Ceaser notes—

the power of choosing the nominees came increasingly into the hands of state and local politicians, men who may have been less inclined than Congressmen to view problems from a national perspective and more disposed, at least in the long-run, to introduce narrow considerations of local patronage in the selection process.<sup>17</sup>

To be sure, this was not a problem unique to the Democratic convention: battles over federal patronage would become a defining characteristic of Republican Party convention politics as well.<sup>18</sup> But the kind of negotiations and haggling these local party leaders engaged in certainly could have been further complicated with the added hurdle of having to produce a two-thirds majority. David, Goldman, and Bain argue the rule “was a major factor in producing the weak executive leadership of the period, since its normal effect was to eliminate anyone with sufficient character and record to have aroused serious opposition.”<sup>19</sup> This assessment was not limited to retroactive analysis from scholars: Gilchrist B. Stockton, a delegate at the 1928 convention and the author of an extensive study published that year on the history of the two-thirds rule, described it as

a cancer continually sapping the vigor and unity of the Party. Whenever an outstanding and generally accepted candidate has gone into a convention,

and that system the casting of state votes as a unit” (Carl Becker, “The Unit Rule in National Nominating Conventions,” *The American Historical Review* 5, no. 1 (October 1899): 65). From this perspective, Southern states would (presumably) have opposed maintaining the unit rule in case of the end of the two-thirds rule. Yet, according to Bass, by 1936, the unit rule was “steadfastly defended by advocates of states rights and party federalism” (Harold F. Bass, “Presidential Party Leadership and Party Reform: Franklin D. Roosevelt and The Abrogation of The Two-Thirds Rule,” *Presidential Studies Quarterly* 18, no. 2 (1988): 309). Notably, since states were able to determine for themselves whether or not to apply the unit rule in any given convention year, they were not necessarily consistent in applying it: for example, the Ohio delegations in 1848 and 1860 appear to have voted as a unit but in 1884 and 1924 did not. Similarly, the Virginia delegation in 1848 voted as a unit but not in 1884. Such shifts in strategy in part may have reflected inconsistent state and regional interests but frequently appear to have come down to year-specific conflicts over preferred candidates and how best to support their efforts to win the nomination. Notably, even after the end of the two-thirds rule the unit rule remained in place until the reforms following the 1968 Democratic convention.

<sup>15</sup>John H. Aldrich, *Why Parties?: The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995), 133.

<sup>16</sup>Roy F. Nichols, “Adaptation versus Invention as Elements in Historical Analysis,” *Proceedings of the American Philosophical Society* 108, no. 5 (1964): 404–10.

<sup>17</sup>James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979), 148–49.

<sup>18</sup>See: Boris Heersink and Jeffery A. Jenkins, “Southern Delegates and Republican National Convention Politics, 1880–1928,” *Studies in American Political Development* 29, no. 1 (April 2015): 68–88; Boris Heersink and Jeffery A. Jenkins, *Republican Party Politics and the American South, 1865–1968* (New York: Cambridge University Press, 2020).

<sup>19</sup>David, Goldman and Bain, *The Politics of National Party Conventions*, 209.

there has been no efficacy in this rule, for such a candidate is usually nominated by an overwhelming vote on the first ballot [...]. On the other hand, whenever there have been a number of candidates of almost equal merit and almost equal popular support, it has been a tedious proceeding to obtain two-thirds for any of them.<sup>20</sup>

Contemporaneous newspaper coverage was also often critical of the rule. In 1876, for example, the *New York Herald* argued that the rule

tends to imbecility in the government by additional facilities for foisting weak and obscure men into the highest position. It is hard enough to unite the majority of a convention on a really good candidate, but when one-third of the members are permitted to override such a majority weakness and obscurity have every advantage over established character and recognized merit.<sup>21</sup>

That same year, the San Francisco *Daily Evening Bulletin* made a similar argument, claiming the rule’s “usual effect has been to kill off prominent men” as “no one can be long in public life without contracting more or less enmity. Under the two-thirds rule that enmity is always sufficient to shelve him.”<sup>22</sup>

The common perspective that the two-thirds rule hurt the Democratic Party raises a puzzle regarding the rule’s century-long survival. After all, while nominating a presidential ticket required two-thirds majorities, the specific rules each convention applied to the nominating process were determined by simple majorities. This meant that at any convention between 1832 and 1936, a majority of Democratic delegates could have ended the rule. Why did the two-thirds rule survive so long given both its downsides and this (seemingly) easy solution?

## 2. The two-thirds rule as a Southern Veto

The common explanation for the longevity of the two-thirds rule has focused on the South and its role in the Democratic Party. For much of the period in which the rule was maintained, the South was the region where Democrats performed strongest electorally, largely because of Southern Democrats’ disenfranchisement of Black voters. With the Democratic Party performing inconsistently in other parts of the nation in the first decades after the Civil War, and with Republicans dominating the non-South during the System of 1896, the South had a particularly important position within the party. Indeed, during the first decades of the twentieth century, it was not uncommon for the region to provide the party with a majority of its seats in the House and Senate and in electoral votes in presidential elections.

But while the South dominated the Democratic party-in-office, the region had no such strength at Democratic conventions since the number of delegates awarded to each state was still linked to their electoral votes, regardless of whether the states voted for Democratic candidates. As a result, the South’s representation at Democratic conventions was lower than its contribution to the party’s electoral performance arguably warranted.<sup>23</sup> The South’s

<sup>20</sup>Stockton, *The Two-Thirds Rule*, 42.

<sup>21</sup>“The Democratic National Convention – The Two Thirds Rule,” *New York Herald*, April 12, 1876.

<sup>22</sup>“The Two-Thirds Rule,” *Daily Evening Bulletin*, May 3, 1876.

<sup>23</sup>This phenomenon was not unique to the Democratic Party: in the Republican Party in the same time period, delegates were generally also divided through a similar process. Since the GOP systematically underperformed in the South, this meant Southern states had more influence in the Republican Party than their electoral haul would arguably warrant. As Heersink and Jenkins have shown, this perceived Southern overrepresentation produced



position in the party in relation to its delegation size represented a problem from the perspective of intraparty management. For example, similar to the arguments made in 1832, delegates at the 1844 convention noted that the delegate apportionment system meant that “delegations from states not representing a majority of the Party” could nominate presidential and vice-presidential candidates, “which might jeopardize the Party’s interests at the polls.”<sup>24</sup> This was—at least theoretically—a particular concern to the South as it introduced the possibility that non-Southern states could nominate a presidential candidate hostile to Southern interests—that is, maintaining slavery and (later) segregation.

Scholars have long argued that the two-thirds rule functioned as a solution to this problem since it provided the South with an ability to veto such undesirable potential nominees: while the division of delegates did not allow the South to *select* a nominee, the two-thirds rule could allow it to *prevent* selection when it believed candidates were in opposition to Southern interests. As Aldrich notes, requiring two-thirds of delegate support during the Jacksonian era meant “the South held an effective veto over nominations in the Democratic party for president and vice-president in the face of a free-state delegate majority.”<sup>25</sup> By placing a higher threshold for nominating a presidential candidate the

two-thirds rule effectively ensured that the South would have to agree to any nominee, made certain that no extremist, whether pro- or anti-slave, could be nominated, helped produce balanced tickets, and effectively attained and maintained the intersectional alliance in the Jacksonian Democratic Party.<sup>26</sup>

Other political scientists and historians have made the same argument. For example, Bass observes that the rule throughout its existence was defended by “chiefly southern-based advocates” who believed “its retention as protective of their philosophical and regional interests”<sup>27</sup> and that criticism of the two-thirds rule only increased as “the Democratic Party began to expand from its southern base into the north and west.”<sup>28</sup> Milkis describes the rule as originating “in the South, which regarded it as vital hallowed protection against the nomination of candidates unsympathetic to its problems” and that, even after the Civil War, the rule protected the South “against the imposition of an unwanted nominee by the [...] North, East, and West.”<sup>29</sup> Rae claims the rule institutionalized a “southern veto” which ensured that any Democratic nominee would “have to be acceptable to the South insofar as he pledged not to interfere with the southern social and economic caste system.”<sup>30</sup> And Landis has argued that the rule meant “Southerners, though a numeric minority, could, with the aid of a few willing Northerners, dictate policy and candidates.”<sup>31</sup> Meanwhile, other scholars have

considerable intraparty conflict and was eventually addressed by a change in the delegate allocation formula after 1912 which incorporated electoral performance. See: Heersink and Jenkins, *Republican Party Politics and the American South, 1865-1968*.

<sup>24</sup>Stockton, *The Two-Thirds Rule*, 5–6.

<sup>25</sup>Aldrich, *Why Parties?* 132.

<sup>26</sup>Ibid.

<sup>27</sup>Bass, “Presidential Party Leadership and Party Reform,” 305.

<sup>28</sup>Ibid.

<sup>29</sup>Sidney M. Milkis, *The President and the Parties: The Transformation of the American Party System since the New Deal* (New York: Oxford University Press, 1993), 69.

<sup>30</sup>Rae, *Southern Democrats*, 11. Notably, this perspective is common outside of academia as well. Reporter Carroll Kilpatrick, writing in 1952, noted that “before the abolition of the two-thirds rule in 1936, the South, of course, did exercise virtual veto power over the choice of a Democratic presidential nominee.” See: Carroll Kilpatrick, “The Political Facts of Life,” *The Virginia Quarterly Review* 28, no. 3 (1952): 471–76.

<sup>31</sup>Landis also claims the two-thirds rule applied to the “passage of resolutions, platforms, and nominations” at national conventions. As noted before, this is incorrect: the two-thirds

argued that the abolition of the two-thirds rule in 1936 meant the South was no longer able to exert the kind of control it previously had. For example, Boyd wrote that the nomination of Harry Truman in 1948 (in the face of considerable Southern opposition and a Dixiecrat walk-out at the convention) came about “because of the abolition of the two-thirds rule in the Convention.”<sup>32</sup>

To be sure, some scholars have been cautious about describing the rule as centering on the South’s ability to veto candidates. Nonetheless, they too generally identify the two-thirds rule as a mostly Southern tool used to try and control the Democratic Party. For example, Stockton referred to it as a Southern “weapon,”<sup>33</sup> while Black and Black portrayed the two-thirds rule as allowing the region “to exert considerable leverage over the policies and candidates of the party.”<sup>34</sup> And Reiter described the two-thirds rule as one of the South’s “major weapons”<sup>35</sup> in intraparty politics.

The scholarly argument for the survival of the two-thirds rule is thus that the South—due to its special position within the Democratic Party—was underrepresented at Democratic conventions and that it required some level of protection against other parts of the country nominating candidates it strongly opposed. The two-thirds rule provided a solution: if Southern delegates found a potential nominee (backed by non-Southerners) to be objectionable it could block their nomination by collectively voting for other candidates.<sup>36</sup>

### 3. Reassessing Southern reliance on the two-thirds rule

It is self-evident that, when the threshold for a convention nomination rises, it becomes easier for any minority group of delegates to try and prevent a candidate from being nominated. Since the South represented a minority interest at Democratic national conventions in this period, the two-thirds rule on that basis would have assisted its efforts to prevent any potential unwanted nominations. But this logic applies to any minority combination of delegates—whether they be Southerners or non-Southerners. To what extent did the South *in particular* rely on the two-thirds rule to veto potential Democratic presidential nominees it found objectionable?

There is one very notable and important example of the South doing exactly that. At the 1844 convention, former president Martin Van Buren attempted a political comeback and received a simple majority on the first ballot. However, he remained short of the two-thirds majority on the first and each subsequent ballot (see Figure 1). As balloting continued, Van Buren’s vote dropped and the convention nominated James K. Polk. Crucially, the failed renomination of Van Buren was the product of Southern opposition: on the first and strongest ballot, Van Buren was thirty-one votes short of the nomination and the bulk of opposition came

rule applied only to the nomination of candidates, all other decisions—including platforms and decisions regarding the operation of the convention were made by a simple majority. See: Michael Todd Landis, *Northern Men with Southern Loyalties: The Democratic Party and the Sectional Crisis* (Ithaca, NY: Cornell University Press, 2015).

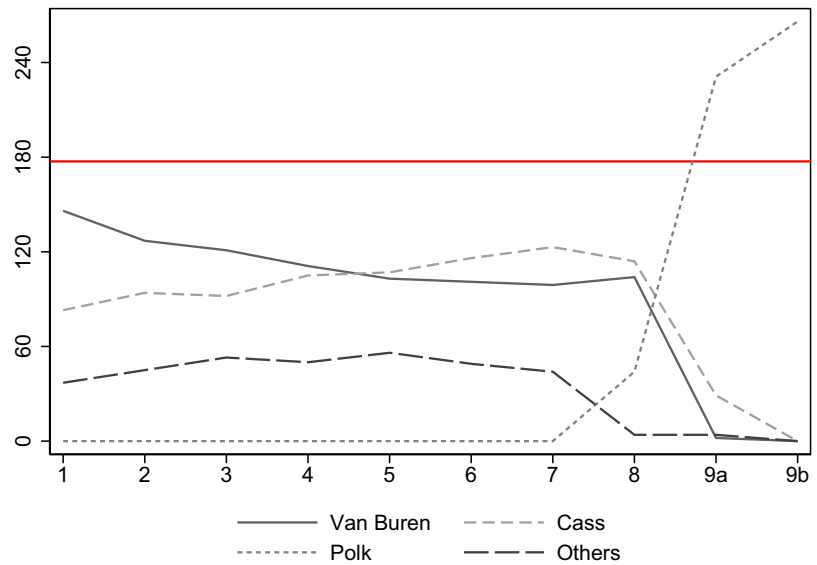
<sup>32</sup>William M. Boyd, “Southern Politics, 1948-1952,” *Phylon* (1940-1956) 13, no. 3 (1952): 226–35.

<sup>33</sup>Stockton, *The Two-Thirds Rule*, 47.

<sup>34</sup>Earl Black and Merle Black, *The Vital South: How Presidents Are Elected* (Cambridge, MA: Harvard University Press, 1992), 92.

<sup>35</sup>Howard L. Reiter, *Selecting the President: The Nominating Process in Transition* (Philadelphia: University of Pennsylvania Press, 1985), 135.

<sup>36</sup>The Southern strategy in this regard would not require the region to vote for the same candidate; as long as enough delegates opposed a leading candidate to prevent them from achieving a two-thirds majority the “Southern veto” would be successful.



**Figure 1.** Candidate Performance by Ballot at the 1844 Democratic National Convention.

Sources: *CQ Press Guide to U.S. Elections* (Washington, D.C.: CQ Press, 2010, 6th edition); “Proceedings of the Conventions,” *Baltimore Sun*, May 29, 1844.

Notes: On the ninth ballot, as it became clear Polk would win the nomination, several states shifted their original votes. The original ninth ballot votes are presented as 9a, the votes after these switches are presented as 9b. The horizontal line denotes the number of votes required to win the nomination.

from Southern delegates. Even if Van Buren had received unanimous support from the non-Southern states, Southern opposition was so unified that it would not have been enough for him to win the nomination.

But while 1844 is an important example, it is not clear how common Southern vetoes were otherwise. Nor is it apparent that the South was particularly more likely to use such a veto in comparison to other groups within the party. Indeed, the two-thirds weapon was sometimes used *against* a candidate with considerable support from the South. In 1924, William G. McAdoo received majority support of Southern delegates but failed to win the nomination due to non-Southern opposition—leading Stockton to conclude that the rule had now been “effectively turned against”<sup>37</sup> the South. Meanwhile, at the 1932 convention, Franklin Delano Roosevelt won comfortable simple majorities with considerable Southern support on the first three convention ballots but remained below the two-thirds bar. After the third ballot, there was concern in the Roosevelt camp that delegates could begin abandoning him unless a breakthrough was forged on the fourth ballot.<sup>38</sup>

Relatedly, some scholars have noted that the South’s position on the two-thirds rule was more complex than we might expect if the rule was understood by all to be a Southern veto. For example, David, Goldman, and Bain acknowledge that “the South has frequently been credited with responsibility for preventing the rules amendment until 1936” and “provided most of the active leadership in defending the old rule.”<sup>39</sup> But they also point out that Southern delegations were split on maintaining the rule when it was challenged at the 1932 convention. And, while, when the two-thirds rule was abolished in 1936, opposition was strongest among delegates of Southern states, a majority of Southern states supported ending the rule.<sup>40</sup>

<sup>37</sup>Stockton, *The Two-Thirds Rule*, 47.

<sup>38</sup>Indeed, according to author Steve Neal, FDR practically conceded the nomination in a phone conversation with Newton D. Baker who was seen as a plausible compromise candidate. See: Steve Neal, *Happy Days Are Here Again: The 1932 Democratic Convention, the Emergence of FDR—And How America Was Changed Forever* (New York: William Morrow, 2004), 271.

<sup>39</sup>David, Goldman, and Bain, *The Politics of National Party Conventions*, 211.

<sup>40</sup>Bass, “Presidential Party Leadership and Party Reform,” 311.

Combined, then, there is reason to question to what extent the two-thirds rule really represented a Southern veto and how often it was applied as such. Answering these questions is complicated in no small part because the existence of the two-thirds rule possibly also affected strategic behavior before and during conventions. That is, throughout this period, Democratic politicians likely functioned under the assumption that any presidential nomination at an upcoming convention would need a two-thirds majority. As a result, the persistence of the rule may have had a preemptive effect on the kind of strategic choices these actors made. In particular, the rule could have functioned as a form of a “second face of power,” in which a group of actors under the control of a more powerful group decides not to engage in actions challenging that power because they know they cannot win a potential confrontation.<sup>41</sup> If a majority of convention delegates from outside of the South believed a potential candidate would never be able to receive the necessary two-thirds majority to actually be nominated due to Southern opposition, they may have decided simply not to introduce the candidate or to not vote for them to avoid confrontations. However, it is worth remembering that the non-Southern states needed only a simple majority to end the two-thirds rule. While the “non-South” was not a monolithic political region within the party, if the argument is that the persistence of the two-thirds rule reflected a Southern stranglehold over the interests of other regions, we might expect to see at least some evidence of attempts by non-Southerners to end it and of Southerners to defend the rule.

To assess to what extent any of this occurred, I look at three types of data. First, I establish whether Southern states had enough votes at Democratic conventions to block nominations, and at what rate they would need to vote together against a candidate to successfully do so. Second, I look at the extent to which the South was actually pivotal in preventing nominations from occurring. To do so, I look at both successful nominations and at failed candidates, the extent to which they were opposed by the South, and whether Southern opposition was pivotal to failed nominations. Finally, I look at how often attempts were made to end the rule and any

<sup>41</sup>Peter Bachrach and Morton S. Baratz, “Two Faces of Power,” *American Political Science Review* 56, no. 4 (1962): 947–52.

evidence of consistency in regional support and opposition to such attempts.

#### 4. Defining the South

Before doing any of this, it is first necessary to define what combination of states actually counts as “the South.” While it is common to refer to the South as a comprehensive region with particular relevance in American political history, there is no universally agreed upon definition for what states make up its membership. As Bullock and Rozell note in *The Oxford Handbook of Southern Politics*, “various suggestions have been made concerning which states constitute the South” but the “most common definition considers the South to be the eleven states that seceded from the Union and formed the Confederacy”<sup>42</sup>—that is, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. Indeed, Confederacy membership is the definition used by a number of scholars of the South, including Lublin, Black and Black, and others.<sup>43</sup> Alternatively, scholars have considered the South to consist of these eleven states but on a different definitional basis. For example, V.O. Key Jr., in *Southern Politics in State and Nation*, focuses on the same states but based on their support for Democratic candidates in presidential elections after they were brought back into the union.<sup>44</sup>

Focusing on the Confederate South as a comprehensive region during the Civil War and in the subsequent periods of Reconstruction, Redemption, and Jim Crowism (and beyond) is sensible—though it is worth noting that even within this region relevant political differentiation existed.<sup>45</sup> However, relying on the Confederacy as the core definition of what “counts” as the South introduces the problem that the set of states that ended up seceding from the union after the 1860 election were not predetermined to be that exact set of states. That is, while from 1861 onward, viewing the South as the (former) Confederacy may be reasonable, prior to the start of the Civil War there were other states that also could have ended up seceding but (for various reasons) did not. Even after the Civil War a subset of Southern border states shared the Confederate South’s general support for segregation. On this basis, other, more expansive, definitions of the South also exist. In addition to the Confederate states, the U.S. Census Bureau considers Delaware, Kentucky, Maryland, Oklahoma, West Virginia, and the District of Columbia to be Southern. However, of those additional “Census states,” the *Southern Political Report* considers only Kentucky and Oklahoma to be Southern states. Alternative definitions include all

<sup>42</sup>Charles Bullock III and Mark J. Rozell, “The Evolving Politics of the South,” in *The Oxford Handbook of Southern Politics*, ed. Charles Bullock III and Mark J. Rozell (New York: Oxford University Press, 2012), 6.

<sup>43</sup>See: David Lublin, *The Republican South: Democratization and Partisan Change* (Princeton, NJ: Princeton University Press, 2004); Earl Black and Merle Black, *The Rise of Southern Republicans* (Cambridge, MA: Belknap Press of Harvard University Press, 2003); Terrel L. Rhodes, *Republicans in the South: Voting for the State House, Voting for the White House* (Westport, CT: Praeger, 2000); Heersink and Jenkins, *Republican Party Politics and the American South, 1865–1968*; Boris Heersink, Jeffery A. Jenkins, and Nicholas G. Napoli, “Southern Republicans in Congress during the Pre-Reagan Era: An Exploration,” *Party Politics* 29, no. 3 (2023): 540–53.

<sup>44</sup>V. O. Key and Alexander Heard, *Southern Politics in State and Nation*, New ed. (Knoxville: University of Tennessee Press, 1984).

<sup>45</sup>For example, there were notable differences in political outcomes in Confederate border states and those in the Deep South. See: Robert Mickey, *Paths out of Dixie: The Democratization of Authoritarian Enclaves in America’s Deep South, 1944–1972*, Princeton Studies in American Politics (Princeton, New Jersey: Princeton University Press, 2015); Heersink and Jenkins, *Republican Party Politics and the American South*.

**Table 1.** Defining the South

Confederate South	Southern border states	“Broad South”
Alabama	Delaware	The Confederate South +
Arkansas	Kentucky	Southern border states
Florida	Maryland	
Georgia	Missouri	
Louisiana	Oklahoma	
Mississippi	Washington DC	
North Carolina	West Virginia	
South Carolina		
Tennessee		
Texas		
Virginia		

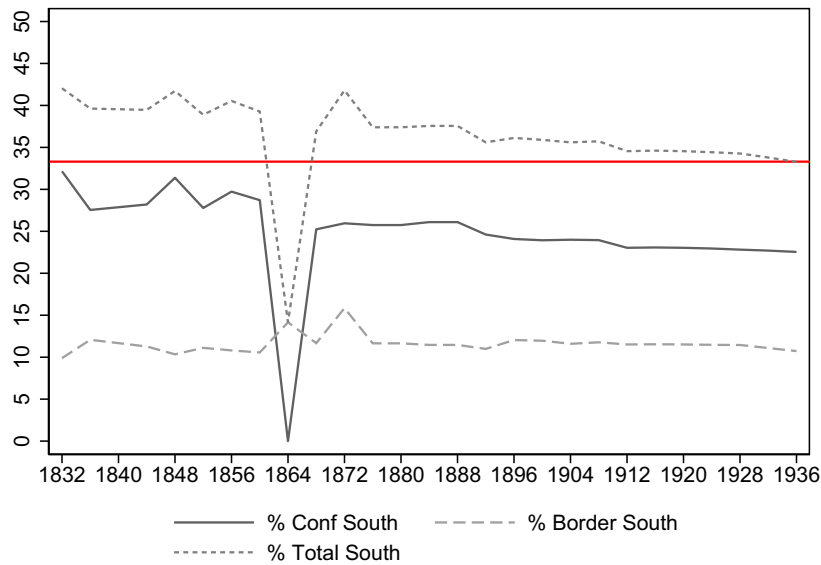
former slave states not part of the Confederacy, which would also add Missouri.<sup>46</sup> Meanwhile, Bateman, Katznelson, and Lapinski define the South as the seventeen states “in which racial segregation in schools was mandated by law before *Brown v. Board of Education* was adjudicated by the Supreme Court in 1954.”<sup>47</sup> And Price relies on a scale of “Southernness” incorporating (amongst others) support for Strom Thurmond during the 1948 presidential election, the size of Black population in states in 1950, whether states allowed slavery in 1860, and states requiring school segregation as of 1954.<sup>48</sup>

Determining which definition of the South is the “correct” one across American history is, perhaps, impossible, and certainly outside of the scope of this paper. For the purposes of this study, the goal is to rely on a broad measure of the South (so as not to miss any Southern veto efforts through the exclusion of relevant states) while also remaining cautious about the fact that a more expansive definition of the South runs the risk of overestimating the impact of these states as a comprehensive regional political force. To cover all bases, I, therefore, rely on a combination of definitional approaches and present data for the Confederate South, the border states, and the combination of the two, which I will refer to as the “broad South” (see Table 1).

<sup>46</sup>Hugh Douglas Price, *The Negro and Southern Politics: A Chapter of Florida History* (New York: University Press, 1957).

<sup>47</sup>Notably these seventeen states also were the only states to still outlaw interracial marriage by the time the Supreme Court began considering *Loving v. Virginia*, and—with the exception of West Virginia and Oklahoma (which did not exist yet at the time)—were the fifteen states that still practiced slavery by the start of the Civil War. However, as Bateman et al also note, in some cases arguments have been made that the “South” should exclude even some of the former-Confederate states since they no longer fit within the “true Southland.” It is also worth noting that citizens of these different states themselves have mixed feelings about whether or not they consider their states to be Southern. In a 1999 survey, respondents living in former-Confederate states consider themselves to live in the South by a rate of 82 percent or higher. In contrast, of the border states surveyed only two (Kentucky and Oklahoma) had a majority of respondents consider their home state to be Southern. In the other states a minority of respondents defined their state as being Southern—ranging from West Virginia (45 percent) to the District of Columbia (7 percent). See: David A. Bateman, Ira Katznelson, and John S. Lapinski, *Southern Nation: Congress and White Supremacy after Reconstruction* (Princeton, NJ: Princeton University Press; Russell Sage Foundation, 2018), 21–22; John Shelton Reed, “Where Is the South?,” *Southern Cultures* 5, no. 2 (1999): 116–18.

<sup>48</sup>Price, *The Negro and Southern Politics*; Bullock III and Rozell, “The Evolving Politics of the South” 6–7.



**Figure 2.** Percentage of Southern Delegate Vote at Democratic National Conventions, 1832–1936.

Sources: CQ Press Guide to U.S. Elections (Washington, D.C.: CQ Press, 2010, 6th edition); *Proceedings of the Democratic National Convention held at Baltimore, June 1-5 1852* (Washington DC: Robert Armstrong, 1852); *Official Proceedings of the National Democratic Convention held at New York, July 4-9, 1868* (Boston, MA: Rockwell & Rollins Printers, 1868); *Official Proceedings of the National Democratic Convention held in St. Louis, Missouri, June 5-7 1888* (St. Louis, MO: Woodward & Tiernan Printing Co., 1888); *Official Proceedings of the Democratic National Convention held in Chicago, Ill., July 7-11, 1896* (Logansport, IN: Wilson, Humphreys & Co., 1896); *Official Report of the Proceedings of the Democratic National Convention held in Baltimore, Maryland, June 25-July 2, 1912* (Chicago, IL: The Peterson Linotyping Co., 1912); *Official Report of the Proceedings of the Democratic National Convention held in San Francisco, California, June 28-July 6, 1920* (Indianapolis, IN: Bookwalter-Ball Printing Company, 1920); *Official Report of the Proceedings of the Democratic National Convention held in Madison Square Garden, New York City, June 24-July 9, 1924* (Indianapolis, IN: Bookwalter-Ball-Greathouse Printing Company, 1924); *Official Report of the Proceedings of the Democratic National Convention held at Philadelphia, Pennsylvania, June 23-27, 1936* (Washington DC: Democratic National Convention, 1936).

### 5. Southern delegate shares at Democratic conventions

To what extent were Southern delegates able to act as a veto on presidential nominations through the two-thirds rule? To answer this question, we can identify the percentage of delegates Southern states held at each convention in comparison to the total number of delegates and see whether Southern states had enough votes to block a nomination. Doing so is possible for all conventions with one exception: at the 1840 convention, incumbent president Martin Van Buren was renominated by acclamation. While this is not uncommon, 1840 is a unique case since there were no other votes at the convention.<sup>49</sup> As a result, there are no ballots indicating the exact number of votes each state had. While a list of delegates does exist, the number of individual delegates each state sent to a convention did not necessarily align with the number of votes the states were given. For example, in the proceedings for the 1832 convention, only one delegate is listed representing Massachusetts even though the state had fourteen votes. As a result, it is not possible to identify the actual division of votes each state had in 1840.<sup>50</sup> For all other conventions, we do have these numbers. Figure 2 shows the percentage of Confederate, border, and broad Southern delegates for each convention except 1840 between 1832 and 1936. In the figure, the horizontal line reflects the two-thirds majority bar necessary for a nomination to be successful.

These data immediately underline the importance of how to define the South. The Confederate South at no convention had

enough delegates to veto a presidential nomination. Indeed, over the entire period 1832–1936, the Confederate South, on average, represented just 25.6 percent of convention votes.<sup>51</sup> This average reflects two broad periods of time: before and after the Civil War. Between 1832 and 1860, the states that would go on to form the Confederacy on average held 29.4 percent of delegate votes. At the 1864 Civil War convention, no Confederate delegates were present. After delegates from the now former-Confederate states were again represented in 1868, the vote share for their region began to decline: between 1868 and 1932, as more states were admitted and territories were also granted convention votes, the Confederate South’s delegate vote share dropped to an average of just 24.2 percent.

But including the border states produces a considerably stronger position for the South. In 1832, the broad South controlled 42 percent of convention delegates—more than enough to veto presidential or vice-presidential candidates. And while this share of the total number of delegates also declined over time, it consistently remained above the number necessary to function as a (broad) Southern veto. On average, the broad South through the period 1832–1860 (arguably a more correct way of thinking about the South as a political region since the existing border states at the time also practiced slavery) held 40.2 percent of convention votes, while for the period 1868–1932 the average was 35.9 percent. To be sure, even the broad South saw its delegate share drop over time: by 1932, the broad South held 33.8 percent of convention votes, just barely enough to prevent an undesirable candidate from winning the nomination without non-Southern support in

<sup>49</sup>There was no consensus on selecting a vice-presidential nominee for the ticket, and the convention simply never voted on this question.

<sup>50</sup>*Proceedings of the National Democratic Convention, Held in the City of Baltimore on the 5th of May, 1840, Embracing Resolutions, Expressive of the Sentiments of the Democratic Party of the Union* (Baltimore, MD: The Office of the Republican, 1840), 7.

<sup>51</sup>This average number excludes the 1864 Civil War convention at which no Confederate states were present.



**Table 2.** Southern Consensus Required to Veto Nominations

Year	Total delegates	# Necessary to veto	Confederate Southern delegates	Border Southern delegates	"Broad" Southern delegates	% Broad Southern consensus necessary to veto
1832	283	95	91	28	119	79.8
1836	265	89	73	32	105	84.8
1840	-	-	-	-	-	-
1844	266	90	75	30	105	85.7
1848	290	98	91	30	121	81.0
1852	288	97	80	32	112	86.6
1856	296	100	88	32	120	83.3
1860	303	102	87	32	119	85.7
1864	226	76	0	32	32	237.5
1868	317	107	80	37	117	91.5
1872	732	245	190	116	306	80.1
1876	738	247	190	86	276	89.5
1880	738	247	190	86	276	89.5
1884	820	274	214	94	308	89.0
1888	820	274	214	94	308	89.0
1892	910	304	224	100	324	93.8
1896	930	311	224	112	336	92.6
1900	936	313	224	112	336	93.2
1904	1,000	334	240	116	356	93.8
1908	1,002	335	240	118	358	93.6
1912	1,094	366	252	126	378	96.8
1916	1,092	365	252	126	378	96.6
1920	1,094	366	252	126	378	96.8
1924	1,098	367	252	126	378	97.1
1928	1,100	368	251	126	377	97.6
1932	1,154	386	262	128	390	99.0
1936	1,100	368	248	118	366	100.5

Sources: *CQ Press Guide to U.S. Elections* (Washington, D.C.: CQ Press, 2010, 6th edition); *Official Proceedings of the National Democratic Convention held in St. Louis, Missouri, June 5-7 1888* (St. Louis, MO: Woodward & Tiernan Printing Co., 1888); *Official Report of the Proceedings of the Democratic National Convention held at Philadelphia, Pennsylvania, June 23-27, 1936* (Washington DC: Democratic National Convention, 1936).

a veto-effort. This means that, throughout the century-long existence of the two-thirds rule, for the South to block nominations it would need to vote in opposition in a relatively unified manner across both Confederate and border states.

Table 2 presents the necessary number of votes to block a nomination at each convention and the percentage of broad Southern delegates that needed to vote in opposition together to meet that threshold. These numbers show Southern consensus needed to be very high in by far most years. With the exception of the convention of 1864 (in which the border Southern states had nowhere near enough votes to block an undesirable candidate), the broad South at each convention prior to 1936 had the theoretical possibility to block a nomination. But to do so, Southern states needed, on average, a 90.7 percent level of delegate opposition to the leading candidate. And, as the South's share of convention votes decreased, that level of required consensus went up. By the

1920s, a Southern two-thirds veto required roughly 97 percent of Southern Confederate and border delegates to oppose a candidate. By 1932, that number was 99 percent. And, had the 1936 convention maintained the two-thirds rule, even complete consensus could not have blocked a nomination: while 368 votes would have been needed to deny a nomination, the broad South by then only had 366 delegates.<sup>52</sup>

To be sure, Southern delegates need not have relied exclusively on their own region to block a nomination: if non-Southerners also opposed a candidate, some variation in Southern voting would still allow for a two-thirds veto. Given the high level of del-

<sup>52</sup> After delegate reapportionment changes the South's representation at Democratic conventions increased again for a while. For example, at the 1948 convention, broad Southern delegates made up a little more than 35 percent of all delegates.

egate consensus necessary to achieve a nomination, a sizeable Southern bloc in combination with opposition from other regions could very well sink a nomination. But the more such blockades would have relied on mixed regional opposition, the less realistic it would be to interpret the rule as reflecting a “Southern veto.” And the numbers presented here suggest that, while a Southern veto was possible (and, as we saw in the case of 1844, not just in a purely theoretical way), to achieve such a veto without substantial non-Southern support required considerable regional consistency. While Confederate and border states would not have to agree on which candidate to *support*, they would need to vote together against a candidate at a remarkably high level to produce a Southern veto.

## 6. Southern opposition to presidential contenders

To what extent then did Southern delegates actually vote collectively to block presidential nominations? To assess this, I collected data from presidential nominating ballots at each convention between 1832 and 1932. While many Democratic conventions in this period were able to nominate a candidate on the first ballot, in other cases additional rounds of voting were required. To provide a manageable oversight, I focus on two types of ballots: (1) the deciding ballot on which a candidate was nominated and (2) any ballots on which a candidate received the most votes *and* came closest to winning the nomination but failed to do so. Combined, this provides a universe of candidates who either were actually nominated or who had a reasonable chance of winning the nomination but did not.

Table 3 shows the results of each deciding ballot at Democratic conventions across this period. In 1832, 1840, 1888, and 1916, no actual vote was held since the nominee (in each case an incumbent president running for reelection) was nominated by acclamation. Aside from these years, the nominated candidates generally received considerable support from both Southern and non-Southern delegates.<sup>53</sup> Half of Democratic nominees won with over 80 percent of the vote and with little to no Southern opposition. Even in closer races, five of the nominees (Cass in 1848, Tilden in 1876, Bryan in 1896, Parker in 1904, Cox in 1920, and Davis in 1924) won majority support from Confederate and border Southern delegates.

Of course, focusing on the actual nominees is not a great test of the Southern veto thesis as these candidates were the ones who were able to overcome the two-thirds hurdle. Nonetheless, the data in Table 3 do provide a small number of cases in which the South as a region was “rolled” and failed to veto candidates a majority of Southern delegates opposed. In two convention years, the eventual candidate was opposed by a majority of broad Southern delegates (1860 and 1928), while in 1892 the nominee was opposed by a majority of Confederate Southern delegates. The most peculiar of these concerns the 1860 nomination of Stephen Douglas: Democratic delegates had gathered in Charleston, South Carolina, in April 1860, but were unable to come to a nomination. After fifty-seven ballots, the convention disbanded and reconvened again in Baltimore in June. While the two-thirds rule applied at both conventions, its interpretation shifted. At Charleston, the rule was interpreted to apply to the total number of votes as a concession to

Southern delegates after a number of Southerners had left the convention. However, after more Southern defections, the Baltimore version of the convention decided to interpret the two-thirds rule as applying to just the number of votes cast. As a result, Douglas was nominated with a little less than 63 percent of all possible delegate votes.<sup>54</sup>

The two other cases concern Grover Cleveland’s third nomination in 1892 and Al Smith’s nomination in 1928. In both cases, the failure to veto largely was the product of a lack of unity in Southern opposition. Of the two, Cleveland was the least controversial: while a small majority of delegates from the Confederate South opposed his candidacy, a considerable majority of delegates from border Southern states supported him. As a result, the Southern opposition consensus percentage was just 44 percent—well below the nearly 94 percent needed to veto the nomination. Smith saw opposition of two-thirds of Confederate Southern delegates and 41 percent of border state delegates. Combined, 58.7 percent of broad Southern delegates opposed Smith, also well below the now even higher threshold of consensus necessary. Indeed, the fact that the South was unable to block Smith—whose Catholicism and opposition to Prohibition made him particularly unappealing to Southern Democrats—underlines just how hard it was for the South to have enough internal consensus to block a candidate.

The more important question is whether Southern delegates were pivotal in blocking any of the failed nominees. To produce a comprehensive list of failed potential nominees, I identified every candidate who at one point during the nomination process received the most votes on a ballot, but still failed to win the nomination. For each of those candidates, I look at Southern opposition and whether it was pivotal in sinking their nomination.<sup>55</sup> Table 4 presents the complete list of these candidates. The first thing to note is that the number of failed possible nominees by this definition is surprisingly small. Indeed, at by far most Democratic conventions the candidate who eventually became the nominee (regardless of how many rounds of voting it took for them to hit a two-thirds majority) always was the highest performing candidate: in 1832, 1836, 1840, 1848, 1856, 1860, 1864, 1872, 1876, 1880, 1884, 1888, 1892, 1900, 1904, 1908, 1916, 1928, and 1932, the candidate who was nominated also received the most votes on every single ballot or was nominated by acclamation. At the remaining seven conventions, only fourteen candidates at some point in the balloting process received the most votes on at least one ballot but were *not* nominated.

How important was the South in blocking these failed nominees? To assess this, I identify whether Southern opposition was pivotal in denying the candidate the nomination. That is, if the candidate could have won the nomination with non-Southern support, Southern opposition was not by itself decisive in the outcome. For example, at the 1912 Democratic convention, Speaker of the House Champ Clark was the leading candidate on the first twenty-nine ballots. He came closest to winning the nomination on the tenth ballot, on which he received 556 votes. With 1,094 total votes available, Clark needed 729 votes to surpass the two-thirds majority required, meaning that, on his strongest ballot, Clark was 173 votes short. Clark received 41.5 votes (out of 252) from delegates from the former Confederacy and 110 votes from Southern border

<sup>54</sup>Stockton, *The Two-Thirds Rule*, 8–9, 52. Note that a similar outcome occurred during the 1848 convention that nominated Lewis Cass, though in that case a majority of Southern delegates supported this candidate and the interpretation of the rule.

<sup>55</sup>That is, of all ballots a candidate led I focus on the one on which they received the highest number of votes.

<sup>53</sup>In part, this reflects switches in the votes on the last ballot as it became obvious a candidate was going to become the nominee.

**Table 3.** Southern Opposition to Democratic Presidential Nominees on Final Convention Ballots, 1832–1932

Year	Ballot	Candidate	Total votes	Two-thirds needed	Votes won	Votes over	Conf. South opposition votes	Border South opposition votes	% Broad Southern opposition	% Non-Southern opposition
1832	0 <sup>a</sup>	Jackson	288	190	–	–	–	–	–	–
1836	1	Van Buren	265	177	265	88	0	0	0	0
1840	0 <sup>a</sup>	Van Buren	–	–	–	–	–	–	–	–
1844	9 <sup>b</sup>	Polk	266	177	266	89	0	0	0	0
1848	4	Cass	290	193	179	–14	18	6	19.8	51.5
1852	49	Pierce	288	192	279	87	0	0	0	5.1
1856	17	Buchanan	296	197	296	99	0	0	0	0
1860	59 <sup>d</sup>	Douglas	303	202	190.5	–11.5	63.5	17.5	68.1	17.1
1864	1 <sup>b</sup>	McClellan	226	151	202.5	51.5	–	14	43.8	4.9
1868	22 <sup>b</sup>	Seymour	317	211	317	106	0	0	0	0
1872	1	Greeley	732	488	686	198	6	38	14.4	0.5
1876	2	Tilden	738	492	535	43	29	12	14.9	35.1
1880	2 <sup>b</sup>	Hancock	738	492	705	213	0	2	0.7	6.7
1884	2 <sup>b</sup>	Cleveland	820	547	683	136	43	30	23.7	12.5
1888	0 <sup>a</sup>	Cleveland	820	547	–	–	–	–	–	–
1892	1	Cleveland	910	607	617.33	10.33	119.67	23	44.0	25.6
1896	5	Bryan	930	620	652	32	0	27	8.0	42.3
1900	1	Bryan	936	624	936	312	0	0	0	0
1904	1 <sup>b</sup>	Parker	1000	667	679	12	4	48	14.6	41.8
1908	1	Bryan	1002	668	888.5	220.5	22	15	10.3	11.9
1912	46	Wilson	1094	729	990	261	7	22	7.7	10.5
1916	0 <sup>a</sup>	Wilson	1092	728	–	–	–	–	–	–
1920	44 <sup>a</sup>	Cox	1094	729	–	–	–	–	–	–
1924	103 <sup>b</sup>	Davis	1098	732	844	112	30	12	11.1	29.4
1928	1 <sup>b</sup>	Smith	1100	733	849.17	116.17	169.84	51.5	58.7	4.1
1932	4	Roosevelt	1154	769	945	176	0	0	0	27.4

Source: CQ Press Guide to U.S. Elections (Washington, D.C.: CQ Press, 2010, 6th edition).

Notes: <sup>a</sup>Nomination by acclamation.

<sup>b</sup>Numbers reflect votes after switch within the same ballot.

<sup>c</sup>The convention chair interpreted the two-thirds rule to apply to the percentage won of the number of votes cast not the total number of delegate votes.

<sup>d</sup>The 1860 convention was split into two conventions: the first took place in Charleston and ended after fifty-seven ballots without a nominee. The second reconvened—without many Southern delegates—in Baltimore and nominated Douglas on its second ballot. Opposition percentages include votes not cast.

<sup>e</sup>No delegates from Confederate states present at this convention.

states (out of 126). This means there were 226.5 broad Southern delegate votes against his nomination on this ballot. However, from *outside* of the South, Clark lost 311.5 votes. This means there were enough non-Southern delegate votes available to achieve a two-thirds majority. While Southern opposition was part of the reason for Clark's defeat, it was not pivotal.

As shown in Table 4, by this metric, only two candidates lost their nomination due to Southern delegates refusing to support them: Van Buren in 1844 and Smith in 1924. As noted above, Van Buren was thirty-one votes short of winning the nomination with only twenty-seven non-Southern delegates opposing him. Even if Van Buren had won unanimous support from the non-Southern delegates, he would have failed to win a two-thirds majority and the

nomination. The Smith case in 1924 is a little more complicated: on the 88th ballot Smith received 362 votes, slightly less than 33 percent of the total of 1,098 delegate votes, and quite far removed from winning the nomination. Nonetheless, a large part of Smith's failure to break through was due to near unanimous Southern opposition: Smith received just one vote from the Confederate South and zero from the border states. As a result, while non-Southern opposition was robust as well (359 votes in opposition), even if each non-Southern delegate had switched their vote, Smith would still have been eleven votes short of winning the nomination.<sup>56</sup>

<sup>56</sup>The Smith "veto" highlights the issue of our inability to know what delegates' true preferences were in the face of Southern opposition to a candidate. It is possible that Smith's

**Table 4.** Southern Opposition to Failed Democratic Presidential Contenders, 1832–1932

Year	Ballot	Candidate	Total votes	Two-thirds needed	Votes won	Votes short	Conf. South opposition votes	Border South opposition votes	% Broad Southern opposition	% Non-Southern opposition	Southern opposition pivotal?
1844	1	Van Buren	266	177	146	31	72	21	88.6	16.7	Yes
1844	7	Cass	266	177	123	54	15	19	32.4	67.7	No
1852	22	Buchanan	288	192	104	88	34	29	56.3	68.8	No
1852	31	Douglas	288	192	92	100	56	23	70.5	66.5	No
1852	35	Cass	288	192	131	61	65	0	58.0	52.3	No
1852	46	Marcy	288	192	98	94	34	31	58.0	71.0	No
1868	8	Pendleton	317	211	156.5	54.5	24.5	7	26.9	64.5	No
1868	18	Hancock	317	211	144.5	66.5	10	18	23.9	72.3	No
1868	22	Hendricks	317	211	145.5	65.5	57.5	23	68.8	45.5	No
1896	3	Bland	930	620	291	329	108	71	53.3	77.4	No
1912	10	Clark	1094	729	556	173	210.5	16	60.0	43.5	No
1920	33	McAdoo	1094	729	421	308	146	91	62.7	60.9	No
1924	69	McAdoo	1098	732	530	202	105	37	37.6	59.2	No
1924	88	Smith	1098	732	362	370	251	126	99.7	49.9	Yes

Sources: *CQ Press Guide to U.S. Elections* (Washington, D.C.: CQ Press, 2010, 6th edition);

"Proceedings of the Conventions," *Baltimore Sun*, May 29, 1844; *Proceedings of the Democratic National Convention held at Baltimore, June 1-5 1852* (Washington DC: Robert Armstrong, 1852); *Official Proceedings of the National Democratic Convention held at New York, July 4-9, 1868* (Boston, MA: Rockwell & Rollins Printers, 1868); *Official Proceedings of the Democratic National Convention held in Chicago, Ill., July 7-11, 1896* (Logansport, IN: Wilson, Humphreys & Co., 1896); *Official Report of the Proceedings of the Democratic National Convention held in Baltimore, Maryland, June 25-July 2, 1912* (Chicago, IL: The Peterson Linotyping Co., 1912); *Official Report of the Proceedings of the Democratic National Convention held in San Francisco, California, June 28-July 6, 1920* (Indianapolis, IN: Bookwalter-Ball Printing Company, 1920); *Official Report of the Proceedings of the Democratic National Convention held in Madison Square Garden, New York City, June 24-July 9, 1924* (Indianapolis, IN: Bookwalter-Ball-Greathouse Printing Company, 1924).

While these two cases are notable, the large majority of failed nominees were not the victim of a Southern veto. To be sure, most failed candidates (ten out of fourteen) saw a majority of delegates from the broad South oppose them, but six of those candidates (Buchanan, Douglas, Cass, and Marcy in 1852; Bland in 1896; McAdoo in 1920) also had a majority of *non-Southern* delegates oppose them. And, crucially, unlike with Van Buren and Smith, in a number of cases where a majority of Southern delegates opposed a candidate, they still received a non-negligible level of Southern support. Buchanan, Cass, and Marcy (all in 1852), Bland (1896), and Clark (1912) each received over 40 percent of Southern delegate votes, indicating considerable internal regional division *and* non-Southern opposition. Only four candidates who received majority support from non-Southern delegates failed to win the nomination. Of those, only two received a majority of all delegate votes: Van Buren in 1844 and Clark in 1912. And while Clark won only 16.5 percent of Confederate state delegates, he received a large majority of Southern border state votes (87.3 percent). On the other hand, four of the failed candidates (Cass in 1844; Pendleton and Hancock in 1868; McAdoo in 1924) received majority support of Southern delegates but lost their nomination because

support among non-Southern delegates on the ballot was lower than it otherwise might have been if a subset of delegates (having determined that his nomination was doomed in the face of overwhelming Southern opposition) began supporting other candidates instead. On the other hand, the non-South was, of course, no coherent political region: a lack of support for Smith among non-Southern delegates could also simply have reflected genuine opposition and not a broader two-thirds rule based convention strategy.

of non-Southern opposition, proving that the two-thirds rule cut both ways.

These data suggest there is little evidence that the South systematically used the two-thirds rule to veto undesirable candidates. By far, most nominees were always the leading candidate over however many ballots it took them to reach a two-thirds majority. For candidates that failed to win the nomination but were genuinely in the running, Southern opposition was rarely pivotal to their defeat. Indeed, in many cases, the candidates were quite far removed from even a simple majority, let alone a two-thirds one. In only two cases, did any of these candidates win a simple majority, but in the case of Clark in 1912 the broad support he received from Southern border states undermines the argument that his defeat was the product of a Southern veto. Across the entire century of two-thirds rule Democratic conventions, only one candidate received majority support *and* was still blocked from the nomination due to Southern opposition: Martin Van Buren in 1844.

## 7. Southern defense of the two-thirds rule

Of course, it remains possible that the South did not need to veto candidates because those known to be unacceptable to the region were never seriously considered. That is, if non-Southern delegates knew a candidate could not reach a two-thirds majority due to unified Southern opposition, they may have never nominated the candidate or chose to not vote for them if they were. But if this were a regular occurrence, we might also expect those non-Southerners to have attacked the rule. And we would likely expect a strong, unified defense of the rule from the South in response.



However, based on secondary literature assessments of the lifespan of the two-thirds rule (particularly Stockton and Bass<sup>57</sup>), the two-thirds rule was readopted with little to no debate in the large majority of conventions: in 1840, 1852, 1856, 1864, 1872, 1880, 1888, 1892, 1896, 1900, 1904, 1908, 1912, 1916, and 1928, delegates either readopted the two-thirds rule with overwhelming support (and majority backing from both Southern *and* non-Southern delegates) or by acclamation. In some cases, the rule was simply applied without even having a vote: at the 1920 convention, the two-thirds rule was not explicitly part of the set of convention rules adopted, but the chair of the convention nonetheless applied it without challenges throughout the forty-four ballots necessary to nominate James Cox.<sup>58</sup>

At the remaining conventions, debate about the two-thirds rule roughly fell into two categories: at some conventions, there was general consensus that *a version* of the two-thirds majority requirement would apply but disagreement existed about what counted as a two-thirds majority. Specifically, this concerned the question of whether a candidate needed to win two-thirds of all possible delegate votes or two-thirds of the votes cast. This was relevant particularly in cases where delegates boycotted a vote or bolted the convention entirely. In 1848 and 1860, the rule was (eventually) interpreted as applying to votes cast, resulting in the nominations of Cass (with support of the South) and Douglas (overriding a Southern boycott) without a two-thirds majority of the total delegate vote.

The more relevant debates concerned the question of whether the two-thirds rule should be ended entirely. Such attempts at challenging the rule directly were rare. In some cases, delegates called for a vote on the rule after balloting on the presidential nomination had already begun. In each of these cases, such challenges were ruled as out of order by the convention chair or dismissed by a majority of delegates. For example, in 1912, the two-thirds rule was readopted without debate at the outset of the convention. After the fifth ballot (on which Clark received nearly 41 percent of the vote), a delegate from Oklahoma proposed discontinuing the rule. The proposal was deemed out of order by the chair of the convention and the rule remained in place.<sup>59</sup> Similarly, during the 1924 convention, multiple attempts were made to reconsider the rule as the number of failed presidential nomination ballots began to add up: on the 11th day of the Convention (after seventy-three ballots), a delegate from Texas proposed dropping the lowest scoring candidate in each subsequent ballot until two candidates remained and that should neither candidate win a two-thirds majority on the ballot after, both the unit-rule and the two-thirds rule would be abrogated and a simple majority would suffice. After extensive debate, the proposal was voted down by voice vote.<sup>60</sup> Another attempt was made to end the rule after the 97th ballot—this time by

a delegate from Oklahoma—but the resolution was again rejected by voice vote.<sup>61</sup>

In the limited number of cases where the rule was extensively debated, Southern states were often (though, not always) among the core defenders of the rule. Yet, that support was rarely unanimous within the region and drew support from many non-Southern states as well. The rule was most frequently challenged in the first years of its existence. In 1836, a majority of delegates in fact rejected the two-thirds majority. However, in response to the surprise defeat of the rule (231 delegate votes in favor to 210 against), a second vote was immediately called to reconsider, and the two-thirds rule was reinstated by voice vote.<sup>62</sup> In the run-up to the 1844 convention, former president Martin Van Buren appeared to be the most likely candidate to win the nomination. However, in April, Secretary of State John C. Calhoun signed a treaty for the annexation of Texas. Many Democrats—including former president Andrew Jackson—publicly supported immediate annexation of the territory, but Van Buren argued against doing so. In response, Southern Democrats (including Jackson) “[commenced] a search for another candidate.”<sup>63</sup> At the convention in May, a long and rowdy debate ensued over whether to apply the two-thirds rule, which was decided with a 148 to 116 vote in favor.

As Lambert notes, strong support for the rule came from the South but—given that the decision to apply the rule required a simple majority and the broad South held only 42 percent of delegates—support from other regions was required. And the South was not even unanimous in its support for the rule: “sectionally, the South, including Missouri, Kentucky, Delaware and Maryland, cast ninety votes for the rule and fourteen against it.” As a result, “the key to the adoption of the rule was that it was voted for by over one-third of the delegates from the Northern states. [...] Severe defections in Pennsylvania, Indiana, Illinois, and the New England states accounted for the margin of victory by which the rule was adopted.”<sup>64</sup> These non-Southern defections indicated the relatively weak support Van Buren may have had among a subset of delegates who did end up voting for him on the nomination ballots: since it was clear to the delegates present that applying the two-thirds rule would result in Van Buren losing the nomination, “the vote on the two-thirds rule is a far more valid test of Van Buren’s real strength [...] than that cast for him on the first ballot for candidates.”<sup>65</sup> Still, in 1844, nearly 86 percent of broad Southern delegates supported the rule while only 36 percent of non-Southern delegates did.

Four years later, in 1848, another debate on the rule occurred though this time “more moderate in expression.”<sup>66</sup> That convention eventually decided in a 176 to 78 vote to maintain the rule. As in 1844, support was strongest in the South: every single delegate from the future Confederate states supported the rule, and over 93 percent of border state delegates did as well. In contrast, a small majority of non-Southern delegates (52.6–47.4 percent) opposed the rule.<sup>67</sup> However, as in 1844, the non-South had a majority of delegate votes and could have ended the rule if it wanted to. In

<sup>57</sup>Stockton’s detailed assessment of the history of challenges to the rule covers the period 1836–1924. Based on the 1928 convention proceedings, there was no debate about the rule and the convention accepted applying the rule by acclamation. Bass covers both debate about the rule at the 1932 convention and the end of the rule at the 1936 convention. See: Stockton, *The Two-Thirds Rule*; Bass, “Presidential Party Leadership and Party Reform.”

<sup>58</sup>Stockton, *The Two-Thirds Rule*, 13.

<sup>59</sup>*Official Report of the Proceedings of the Democratic National Convention held in Baltimore, Maryland, June 25–July 2, 1912* (Chicago, IL: The Peterson Linotyping Co., 1912), 30, 212.

<sup>60</sup>*Official Report of the Proceedings of the Democratic National Convention held in Madison Square Garden New York City, June 24–July 9, 1924* (Indianapolis, IN: Bookwalter-Ball-Greathouse Printing Co., 1924), 756–87.

<sup>61</sup>*Ibid.*, 923.

<sup>62</sup>Aldrich, *Why Parties*, 133.

<sup>63</sup>Robert S. Lambert, “The Democratic National Convention of 1844,” *Tennessee Historical Quarterly* 14, no. 1 (1955): 6.

<sup>64</sup>*Ibid.*, 11.

<sup>65</sup>*Ibid.*

<sup>66</sup>Stockton, *The Two Thirds Rule*, 7.

<sup>67</sup>New York sent competing delegations to the convention and the state was not allowed to vote on the rule decision since the convention had not yet decided which delegation to

both 1844 and 1848, the rule survived because of strong Southern support but in combination with non-Southern backing.

With the exception of a brief debate in 1868, Democratic conventions consistently approved some version of a two-thirds rule between 1852 and 1872.<sup>68</sup> However, in the run-up to the 1876 convention, there was speculation in newspapers that the two-thirds rule could be abrogated. At the meeting of the Democratic National Committee (DNC) in February of that year, a DNC member from Nebraska offered a resolution recommending delegates to abolish the rule, though the resolution was not actually voted on by the committee.<sup>69</sup> Newspapers noted that different presidential hopefuls would push for the rule to be abolished, though San Francisco's *Daily Evening Bulletin* warned that "the Democracy is always a great stickler for 'time honored custom.' The two-thirds rule is old enough to be entitled to that designation."<sup>70</sup> Notably, there were widely divergent theories of how the continuation of the rule would affect the different candidates. Several papers confidently predicted New York governor Samuel J. Tilden would only be able to win the nomination without the rule in place.<sup>71</sup> But others predicted the two-thirds rule would instead end the presidential aspirations of Indiana governor Thomas Hendricks, Tilden's main competitor. And the *New York Herald* claimed the two-thirds rule would effectively end all possible candidacies as it would "not only kill off Mr. Tilden, [Ohio senator Allen G.] Thurman and [Delaware senator Thomas F.] Bayard, but also Mr. Hendricks and [former vice-presidential nominee George H.] Pendleton."<sup>72</sup>

These newspapers generally had a negative view of the two-thirds rule: the *New York Times* described it as "an embarrassing feature of the Democratic Convention,"<sup>73</sup> while the *Herald* called it "absurd."<sup>74</sup> But, at least at this moment in time, they rarely connected the rule to Southern influence. One exception concerned an article published in the *Richmond Dispatch*, explaining that the survival of the rule "was formerly considered by Southern statesmen as ample guarantee that the interests of the South would be safe in their hands;" however, the "South has now no slaves to protect, and no property which its people cannot carry with them into any of the territories of the United States" and, as a result, the rule "has now no reason for being."<sup>75</sup> Crucially, the *Dispatch* connected the need to abolish the rule to its preference of nominating Tilden: "Southern Democrats must go to St. Louis and, refusing to readopt the two-thirds rule, render the nomination of

Tilden certain beyond a doubt."<sup>76</sup> Despite this attention on the possible abolishment of the two-thirds rule, state conventions largely sidestepped the issue. When they did engage it—for example in Iowa and Illinois—motions to pledge state delegations to ending the rule were defeated or withdrawn before a vote.<sup>77</sup> However, some of the rare exceptions of state delegations supporting ending the rule came from the South: the Arkansas and Mississippi delegations were both pledged to vote for repealing the rule.<sup>78</sup>

Despite all this build-up, at the convention itself, the debate was settled quickly: the committee on organization proposed applying the rules and regulations of the 1872 convention—including the two-thirds rule—and delegates accepted this proposal without debate.<sup>79</sup> However, after the presidential and vice-presidential nominations had been concluded a delegate from Michigan introduced a resolution describing the two-thirds rule as "unwise and unnecessary" and called on delegates to the convention in 1880 to determine "whether it be desirable to continue the two-thirds rule longer in force."<sup>80</sup> In a subsequent vote on whether to table the resolution—that is, whether to remove it from formal consideration by the convention—a majority of delegates voted no and the resolution was subsequently adopted without further vote or debate.<sup>81</sup> While a majority of Southern delegates voted in favor of tabling the resolution (see Table 5), the numbers were very close: ninety-six of the delegates representing the Confederate South voted in favor of tabling, but ninety-four voted against. Among the border states, support for the rule was stronger, but across the broad South only a small majority of delegates (53.3–46.7 percent) voted to protect the two-thirds rule. Crucially, the vote came after the nomination of Tilden was assured. Thus, Southern delegates who voted against tabling the resolution were not voting to try and help their preferred candidate win the nomination. Instead, delegations from Arkansas, Delaware, Louisiana, Maryland, Mississippi, South Carolina, Virginia, and a considerable subset of delegates from Missouri (seventeen Ayes and thirteen Nays) and Texas (two Ayes and fourteen Nays) voted to undermine a rule supposed to protect Southern interests.

However, with Tilden barely losing the contested election of 1876, by 1880, the mood on the two-thirds rule had shifted back to acceptance. While there was some speculation in the year leading up to the convention that maintaining or rejecting the rule was part of a larger strategy to either keep Tilden from getting renominated or winning the nomination, by late spring 1880, there was general consensus at state conventions that the rule should be maintained. Indeed, Democratic state conventions across all regions (including many whose delegations had supported the 1876 instruction to end the rule) now pledged their delegates to support it, including Texas, Vermont, Connecticut, Pennsylvania, California, New Hampshire, Ohio, Minnesota, Virginia, Delaware, Missouri, Indiana, Georgia, and Illinois. In New York, where a split between Tilden and the Tammany Hall machine resulted in

seat. However, its thirty-six votes would not have changed the result of the two-thirds rule vote. See: "Proceedings of the Democratic National Convention," *The Sun*, May 24, 1848.

<sup>68</sup> At the 1868 convention, the former Confederate states were represented again after the end of the Civil War. The convention's Committee on Organization unanimously agreed to continue using the two-thirds rule and that the majority would apply to all delegates not to the number of votes cast. A delegate from Illinois announced his support for relying on the two-thirds rule at this convention but that he would introduce a motion to end the rule after a candidate was nominated but did not follow through. See: *Official Proceedings of the National Democratic Convention Held at New York, July 4-9, 1868* (Boston, MA: Rockwell & Rollins Printers, 1868), 63.

<sup>69</sup> See: "National Democratic Committee," *The Cincinnati Commercial*, February 23, 1876; "Washington," *New York Herald*, February 23, 1876; "Washington," *New York Herald*, February 24, 1876.

<sup>70</sup> "The Approaching National Conventions," *Daily Evening Bulletin*, February 11, 1876. See also: "Political Notes," *Albany Evening Journal*, February 24, 1876.

<sup>71</sup> "The Tildenites Endeavoring to Combine with Indiana," *New York Times*, June 22, 1876; "Tilden Out of the Contest," *New York Times*, June 23, 1876.

<sup>72</sup> "The Democratic National Convention," *New York Herald*, February 24, 1876.

<sup>73</sup> "The Presidency: A Western View of the Situation," *New York Times*, April 23, 1876.

<sup>74</sup> "The Democratic National Convention," *New York Herald*, February 24, 1876.

<sup>75</sup> Quoted in "The Two-Third Rule," *The Baltimore Sun*, May 13, 1876.

<sup>76</sup> As cited in "Richmond Dispatch," *The Cincinnati Commercial*, May 24, 1876.

<sup>77</sup> See: "Political," *Albany Evening Journal*, May 18, 1876; "The Illinois Convention," *New York Times*, June 23, 1876. Meanwhile, the Kansas delegation at the convention voted to support the rule: "Tilden's Trumps," *Cincinnati Daily Gazette*, June 27, 1876.

<sup>78</sup> "Political," *The Daily Picayune*, June 15, 1876; "Tilden's Trumps," *Cincinnati Daily Gazette*, June 27, 1876.

<sup>79</sup> *Official Proceedings of the National Democratic Convention held in St. Louis, Mo., June 27-29, 1876* (St. Louis, MO: Woodward, Tiernan, & Hale, Printers and Binders, 1876).

<sup>80</sup> *Proceedings 1876*, 166.

<sup>81</sup> *Ibid.*, 166–69.

**Table 5.** Southern and Non-Southern Voting on Tabling Anti-Two-Thirds Rule Resolution at the 1876 Democratic National Convention

	% in favor	% Opposed
Confederate South	50.5	49.5
Border South	59.3	40.7
Broad South	53.3	46.7
Non-South	45.9	54.1
Full convention	48.6	51.4

Source: *Official Proceedings of the National Democratic Convention held in St. Louis, Mo., June 27-29, 1876* (St. Louis, MO: Woodward, Tiernan & Hale, Printers and Binders, 1876), 167.

Notes: The votes by state listed in the proceedings incorrectly show Delaware casting twelve delegate votes, while the state only had six. The total number of votes reported in the proceedings is correct and counts Delaware as having just six votes. The numbers presented here reflect the corrected votes.

two competing state conventions, both voted to support the rule.<sup>82</sup> The *New York Herald* concluded that the two-thirds rule “is evidently regarded as a greater preventive of acrimonious quarrelling and of log rolling and an important help to good work.”<sup>83</sup> At the convention, the rule was readopted without debate.<sup>84</sup>

The last challenge to the two-thirds rule prior to its abrogation in 1936 was at the 1932 convention. While New York governor Franklin Delano Roosevelt was in a strong position throughout the months leading up to the convention, it was unlikely he would command a two-thirds majority of delegates on the first ballot, in part due to a series of primary losses in states like Massachusetts and California. As early as December 1931, there was speculation that FDR’s campaign would attempt to end the rule at the convention. However, there was concern that attempting to do so would “meet with opposition which might react against the cause of the Governor.”<sup>85</sup> Indeed, the *New York Times* suggested a longer term plan to use the 1932 convention to convince the 1936 convention to drop the rule was more likely, as any strategy at abrogating the rule can “not be delayed until the meeting of the national convention, when changes are almost certain to be rejected because of the special advantage they might yield to some candidate.”<sup>86</sup>

Despite this, several state party conventions—including in Wisconsin, Washington, and Georgia—instructed their delegates to oppose the two-thirds rule at the convention. Additionally,

<sup>82</sup>See: “Tilden,” *Daily Inter Ocean*, April 21, 1880; “Political Matters,” *Boston Evening Journal*, April 22, 1880; “Legislative Acts,” *The Philadelphia Inquirer*, April 22, 1880; “Legislative Acts,” *New Haven Evening Register*, April 28, 1880; “Washington,” *Times-Picayune*, April 30, 1880; “Democratic State Convention,” *New Hampshire Patriot*, May 6, 1880; “Legislative Acts,” *Daily Inter Ocean*, May 7, 1880; “Legislative Acts,” *Daily Evening Bulletin*, May 20, 1880; “Minnesota Democracy,” *New York Herald*, May 21, 1880; “Political,” *The Salt Lake Weekly Tribune*, May 22, 1880; “Delaware Democrats,” *The Journal of Commerce*, May 26, 1880; “The Missouri Democrats,” *The Indianapolis Daily Sentinel*, May 27, 1880; “Indiana Democracy,” *Cincinnati Daily Gazette*, June 10, 1880; “Georgia’s Democrats,” *Omaha Daily Herald*, June 10, 1880; “General Political News,” *Cincinnati Daily Gazette*, June 11, 1880.

<sup>83</sup>“Legislative Acts,” *New York Herald*, May 21, 1880.

<sup>84</sup>Stockton, *The Two-Thirds Rule*, 11. A similar attempt occurred in 1884 when a delegate from Arkansas introduced a resolution criticizing the rule as “the means of defeating the express will of a majority of the Delegates” and calling on “[abrogating] and [discontinuing]” the rule in future conventions “unless made obligatory by an affirmative vote of such Convention upon that question” (*Official Proceedings of the National Democratic Convention held in Chicago, Ill., July 8-11, 1884* (New York: Douglas Taylor’s Democratic Printing House, 1884) 192). While delegates from Alabama and California supported a vote on the resolution, after some back-and-forth the convention voted to indefinitely postpone debate on the resolution (*Ibid.*, 195).

<sup>85</sup>“Again Plan Drive On Two-Thirds Rule,” *New York Times*, December 28, 1931.

<sup>86</sup>*Ibid.*

Democratic politicians such as William G. McAdoo, former DNC chair Homer S. Cummings, Arizona Senator Henry F. Ashurst, and Louisiana Senator Huey P. Long all publicly called for the rule to be abolished.<sup>87</sup> The actual attempt at ending the rule appears to have been mostly uncoordinated. At a gathering of FDR supporters in the days prior to the start of the convention, a number of state party leaders reportedly criticized the two-thirds rule. Notably, many of those calling for the end of the rule were Southerners: according to press reports, Long, South Carolina governor Ibra C. Blackwood, South Carolina Democratic Party chair Claude N. Sapp, Tennessee senator and former DNC chair Cordell Hull, and other politicians from North Carolina, Alabama, and Arkansas all pushed for the FDR campaign to try and abolish the rule.<sup>88</sup>

Roosevelt himself was reportedly kept largely unaware of many of the specifics but the meeting activated his campaign to try and act on ending the rule at the 1932 convention. Initially, these efforts looked like they could pay off: internal estimates of delegate opinion from inside the FDR campaign published by the *New York Times* suggested that a majority of delegates (60.4 percent) were in support of ending the rule. Crucially, this included support from the South: according to these numbers, 61.3 percent of broad Southern delegates were in favor of ending the rule (70.6 percent of the Confederate Southerners and 42 percent of the border state delegates).<sup>89</sup> However, as predicted, news coverage of the campaign’s plan to abolish the rule caused major uproar. Al Smith (FDR’s main challenger) argued that “a new rule should not be adopted in the heat of political battle. The spirit of American fair play will not tolerate any eleventh-hour, unsportsmanlike attempt to change the rules after the game has been started.”<sup>90</sup> Similar criticism arose from former presidential nominees James M. Cox and John W. Davis and from other 1932 candidates Newton D. Baker and Maryland governor Albert Ritchie.<sup>91</sup> Meanwhile, Mississippi senator John Sharp Williams argued it would be “idiotic”<sup>92</sup> for the South to turn against the rule. The backlash quickly complicated matters: just 2 days after the FDR campaign’s internal polling suggested a comfortable majority on board with ending the rule, new delegate polling showed this majority had all but dissipated and support for ending the rule was now down to just 50.6 percent of delegates, with broad Southern support at 49.5 percent.<sup>93</sup>

With passage of an abrogation of the two-thirds rule now doubtful, FDR’s allies on the rules committee decided to pass a compromise of sorts: in the new plan, the two-thirds rule applied but only in the first six ballots. However, if no candidate won the nomination after the sixth ballot, the seventh (and any necessary subsequent ballots) would require just a simple majority. On the convention’s rules committee, Southern delegates representing Arkansas, Delaware, Florida, Georgia, Louisiana, Kentucky, Mississippi, Tennessee, and West Virginia supported this rule change, while those representing Alabama, Missouri, Maryland,

<sup>87</sup>“Washington Instructs for Roosevelt,” *Los Angeles Times*, February 7, 1932; Urges Democrats Let Majority Rule,” *New York Times*, March 22, 1932; “W.G. McAdoo Urges Farm Price-Fixing,” *New York Times*, March 23, 1932; “Smith’s Stand Stirs Wrath of Georgians,” *New York Times*, April 24, 1932; “Ashurst Asks End of Two-Thirds Rule,” *New York Times*, May 18, 1932; “Long at Chicago Backs Roosevelt,” *New York Times*, June 22, 1932.

<sup>88</sup>“Move to Alter Rule Surprised Governor,” *New York Times*, June 25, 1932.

<sup>89</sup>*Ibid.*

<sup>90</sup>“Opposition Opens Fire,” *New York Times*, June 25, 1932.

<sup>91</sup>*Ibid.*; “Baker Warns Foes of Two-Thirds Rule,” *New York Times*, June 26, 1932; “Ritchie for Plank on Federal Budget,” *New York Times*, June 26, 1932.

<sup>92</sup>“Lines Shift on Rule, With South Divided,” *New York Times*, June 26, 1932.

<sup>93</sup>“Poll Shows 584 Against the Two-Thirds Rule, To 565 Delegates Who Favor Sustaining It,” *New York Times*, June 27, 1932.



North Carolina, Texas, and Virginia were opposed.<sup>94</sup> But while a majority on the rules committee voted in favor of the change, the Roosevelt campaign at the last minute decided to drop the effort: FDR himself was reportedly (once again) not involved in the decision to attempt the compromise effort and later ordered his campaign manager James Farley to call off the attempt in a telegram. Subsequently, Farley burst into a meeting of rules committee members who had voted against the compromise to inform them that the campaign would drop its efforts after all and accept the original rule. While the committee still recommended reconsidering the two-thirds rule in 1936, there was now consensus the rule would apply in 1932.<sup>95</sup>

After the uncoordinated failure of ending the rule in 1932, Roosevelt (now safely in the White House and preparing his first renomination) and Farley began planning their next attempt well in advance. In 1935, Farley began the “working up of sentiment for revocation of the two-thirds convention rule”<sup>96</sup> and at a January 1936 DNC meeting, he ensured the call for the convention included the request for state delegations to take positions on whether to maintain the rule.<sup>97</sup> Given that FDR’s renomination was effectively guaranteed, in 1936, there would be no problem of being branded a spoiler by changing the rules “during the game.” Yet, the convention would still need to vote in favor of abrogating the rule. Notably, unlike in 1876 and 1932, in 1936, the debate on the rule was framed in newspapers as a clash between “leaders in Northern states”<sup>98</sup>—who favored ending the rule—and Southern party leaders who favored saving it. Yet, as Bass notes “such reports rarely specified individuals or actions resisting the reformers.”<sup>99</sup> Indeed, while a small number of Southerners—like Virginia Senator Harry F. Byrd—defended the rule, the *Los Angeles Times* reported that “there is nothing like unanimity” among “Bourbon bigwigs”<sup>100</sup> about how to respond to the two-thirds rule challenge and the *Washington Post* noted that “other Southerners have remained silent.”<sup>101</sup> Meanwhile, some Southerners such as Senator Josiah W. Bailey and Rep. Robert W. Doughton (both NC) and Senate Majority Leader Joseph T. Robinson (AR) indicated they backed ending the rule.<sup>102</sup>

One of the strongest supporters of this goal was border state senator Bennett C. Clark (MO). The son of Champ Clark, Bennett

<sup>94</sup>“New Rules Adopted,” *Los Angeles Times*, June 28, 1932.

<sup>95</sup>Farley reportedly told the minority members: “Look here, just so there won’t be any misunderstanding. I want to tell you what our position is. We are for the rules as they now stand and we’re for them 1,000 per cent – the two-thirds rule all the way through and not ending with the sixth ballot or any other ballot” (“Rules Action Looks to a Change in 1936,” *New York Times*, June 29, 1932).

<sup>96</sup>“Farley Will Quit Cabinet in January to Pilot Campaign,” *New York Times*, September 11, 1935. See also: “Campaign Wheels Started by Farley,” *New York Times*, December 5, 1935. One explanation for why FDR pushed for ending the rule in 1936 is that he was hoping to use the leverage of broad support for his renomination to make it easier for future Democratic conventions to nominate either himself or a New Deal supporter. See: Milkis, *Presidents and the Parties*, 71.

<sup>97</sup>Bass, “Presidential Party Leadership and Party Reform.”

<sup>98</sup>“Two-Thirds Rule Expected to Go,” *New York Times*, January 19, 1936. Similar reports noted that “all the Northern and Western States favor substitution of the majority rule” (“Farley Predicts Vote Gain Over ‘32,” *New York Times*, February 28, 1936), and that “Northern Democrats are strongly pushing their perennial demand for abrogation of the unit rule as well as the ancient two-thirds rule” (“Democrats See Solidarity,” *New York Times*, March 22, 1936).

<sup>99</sup>Bass, “Presidential Party Leadership and Party Reform,” 309.

<sup>100</sup>“Two-thirds Nomination Rule Vexes Bourbons,” *Los Angeles Times*, March 8, 1936; “Democrats’ Two-Thirds Rule May End,” *Washington Post*, April 29, 1936.

<sup>101</sup>“Democratic Party Will Shove Its ‘Two-Thirds Rule’ Overboard,” *Washington Post*, May 10, 1936.

<sup>102</sup>Bass, “Presidential Party Leadership and Party Reform,” 309–10.

Clark told reporters that, while he “could have had the chairmanship of the national convention,” he chose to chair the rules committee “because it will give me an opportunity to help defeat the two-thirds majority rule”—which he described as “the undemocratic rule which deprived my father of the Presidency.”<sup>103</sup> As Senator James F. Byrnes (SC)—a supporter of maintaining the rule—commented, Clark “pursued his goal with all the energy of an avenging fury.”<sup>104</sup> By May 1936, Clark reported that a large majority of delegates supported ending the rule.<sup>105</sup> Still, as delegates began to gather in Philadelphia in June, Farley and other convention organizers remained cautious. In fact, the convention schedule was extended to allow for a possibly time-consuming floor fight on the rule.<sup>106</sup> Newspapers noted opposition was mostly centered in Virginia and Texas with additional support from “a sprinkling of delegates from other states.”<sup>107</sup>

On the first day of the hearings held by the rules committee—at which states were represented by one delegate each—opposition to changing the rules came from Southern delegates from Georgia, Alabama, Texas, and South Carolina.<sup>108</sup> On the second day, a compromise of sorts was reached: the two-thirds rule would be ended but the convention would also recommend a reconsideration of the allocation of delegates to states for future conventions. In response, a large majority (thirty-six to thirteen) of committee members supported ending the two-thirds rule. Notably, a majority of confederate Southern states opposed the change: Alabama, Georgia, Mississippi, South Carolina, Tennessee, Texas, and Virginia all voted against ending the rule. But a majority of the broad Southern states supported abrogation: Arkansas, Louisiana, North Carolina, and every single Southern border state backed Farley, Clark, and FDR. Meanwhile, among the minority opposing the change were northern (New York, Massachusetts), western (Colorado, New Mexico), and midwestern (Indiana) states as well.<sup>109</sup>

This discussion of challenges against the rule spotlights two main findings. First, the rule was rarely disputed: in the large majority of conventions, no meaningful debate was held on whether to apply the rule or not. In the cases where the rule was at some point debated, it generally happened after balloting had already begun—at which point the rule was already in place and the convention consistently supported maintaining it. Second, Southern support for the rule was inconsistent. In the 1840s, large majorities of Southern delegates voted in favor of the rule, but survival of the rule required considerable non-Southern support, which it received. And in 1876 and 1932, Southerners were among those opposing the rule. Meanwhile, in 1936, while much of the media coverage focused on Southern opposition to ending the rule, a majority of broad Southern states supported the effort in the rules committee. While there certainly were Southern leaders who interpreted the two-thirds rule to be a protectionary device for their region’s interest, this sentiment was hardly universal across time or Southern states. And, while non-Southern delegates often voted

<sup>103</sup>“Sees Two-Thirds Rule End,” *New York Times*, May 5, 1936. See also: “Democrats Shape an Outdoor Climax,” *New York Times*, April 26, 1936.

<sup>104</sup>Milkis, *The Presidents and the Parties*, 71.

<sup>105</sup>“Two-Thirds Rule to be Abrogated,” *New York Times*, May 31, 1936.

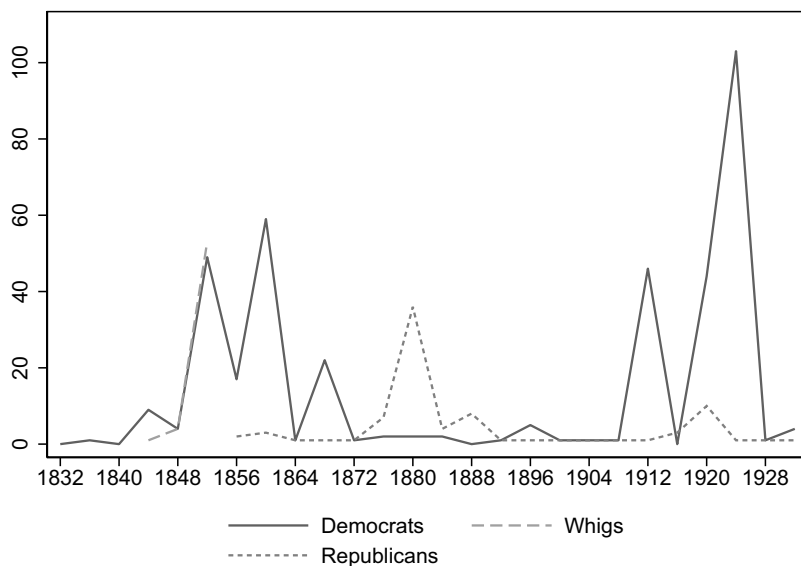
<sup>106</sup>“Democrats to Stay in Session 5 Days,” *New York Times*, June 17, 1936.

<sup>107</sup>“Southerners to Ask Unit Rule Abolition,” *New York Times*, June 24, 1936.

<sup>108</sup>“4 States Back 2-3 Rule,” *New York Times*, June 25, 1936.

<sup>109</sup>Florida did not vote on the issue. See: “South Bows to Change,” *New York Times*, June 26, 1936; “Poll on Rule,” *Washington Post*, June 26, 1936.





**Figure 3.** Ballots Necessary to Complete Presidential Nominations at the Democratic, Whig, and Republican National Conventions, 1832–1932.

Source: *CQ Press Guide to U.S. Elections* (Washington, D.C.: CQ Press, 2010, 6th edition).

against the rule when it was brought up, many supported the rule—either by never challenging it in the first place or voting in its favor when its survival was brought up for a vote.>

## 8. Conclusion

This article argues that the interpretation of the two-thirds rule as a Southern veto is (at best) much more complicated than the term would imply. Southern states—broadly defined—may have had enough votes at each Democratic convention between 1832 and 1932 to block presidential nominations, but they could only do so as a region if they voted together against a candidate at an extremely high rate. From 1876 onward, the broad South required a level of consensus against a candidate of nearly 90 percent or more to block a nomination without support from non-Southern delegates. By 1932, that number had risen to 99 percent—meaning that even the smallest level of dissent among delegates of the seventeen states and the District of Columbia that combined can be considered the broad South would undermine the region’s ability to veto a nomination. To be sure, a subset of delegates from the South could still block nominations if they collaborated with non-Southern delegates. And a large bloc of Southern opposition votes could effectively doom a candidacy if it convinced other delegates that a path toward a two-thirds majority would be extremely difficult. But the issue remains that if a candidate was vetoed by a broad cross-regional coalition of delegates it would be hard to argue that their candidacies were ended by the South specifically.

Perhaps unsurprisingly then, the number of cases in which the South vetoed a candidate is extremely small. Throughout the period in which the two-thirds rule was in place, the large majority of candidates who won the most votes on any single ballot also eventually won the party’s nomination. While some candidates—such as Smith in 1928—inspired robust opposition from the South, even then it proved difficult for Southern delegates to unite at a consistent enough level to block the nomination. Indeed, while Smith had many defects from the perspective of the South, he still received 41 percent of broad Southern delegate support, many times more than the mere 2.4 percent of Southern delegate support “allowable” for a pure Southern veto to prevent his nomination. The sole example of a candidate who received majority support from

delegates but was unable to win the nomination due to Southern opposition was Van Buren in 1844.

This is not to say that Southern delegates played no role in preventing candidates from winning a Democratic nomination in this period. Out of (only) fourteen candidates who at some point led a ballot but failed to win the nomination, ten saw a majority of Southern delegates oppose their candidacy on their strongest ballot. But of those candidates (with the exception of Van Buren) every single candidate also saw at least 40 percent of *non-Southern* delegates vote against them. While it remains possible that some part of this opposition reflected strategic decisions to not support a candidate non-Southern delegates understood were highly unlikely to ever reach the two-thirds majority needed, it is also quite possible that a good number of the failed candidates simply lacked party-wide support. Regardless, out of every convention year, 1844 remains the only clear example of a “true” Southern veto of a Democratic presidential nomination.

These findings leave a variety of questions related to the two-thirds rule unanswered and raise several new ones as well. The most obvious is why the two-thirds rule *did* survive if not because of its role as a Southern veto? One part of an alternative explanation for the rule’s longevity is that the negative effects attributed to it were limited throughout most of its existence.<sup>110</sup> This is particularly true in terms of the complexity of nominating a Democratic presidential candidate. Figure 3 shows the number of ballots at every Democratic, Whig, and Republican convention between 1832 and 1932. Prior to the Civil War, the Whigs and Democrats had largely comparable numbers—despite the fact that the Whigs required only simple majorities for their presidential nominations. For example, in 1852, Democrats took forty-nine ballots to nominate Franklin Pierce. But that same year, the Whigs went through fifty-three rounds of voting before they were able to nominate a candidate. Additionally, the extraordinarily long nomination fights

<sup>110</sup>Whether the rule actually produced noticeably worse Democratic candidates—as contemporaneous observers and subsequent scholarship have argued—requires a level of comparison (between the Democratic nominees and those from the Whig and Republican parties across this period in relation to the available pool of candidates within each party for each convention) that is outside the scope of this paper, but that is worth future investigation.

that we associate with the two-thirds rule largely were the product of the 1910s and 1920s: between 1856 and 1908, Democratic conventions needed, on average, eight rounds of voting to nominate a candidate, while Republicans needed five. Between 1912 and 1932, however, the Democratic average was thirty-three ballots while the Republican was just three. This difference is produced practically entirely by the conventions of 1912 (46 ballots for the Democrats), 1920 (44 ballots), and 1924 (103 ballots). While the question of ending the two-thirds rule, therefore, became much more relevant in the 1920s and 1930s, the topic was likely less relevant in prior decades. To many delegations, prior to 1912, the two-thirds rule (having become one of the “time honored customs” of the Democratic Party) may simply not have been worth fighting over in comparison to other, more salient issues on the table.

A related consideration is that, as the failed efforts at ending the rule in 1876 and 1932 show, building consensus to end the rule (particularly as its application became an implied part of the conventions’ design) required considerable cross-state organization and coordination before and during the convention. The collective action problem this produced was exacerbated by the fact that, in most convention years, attempts to end the rule were linked to the fortunes of specific presidential hopefuls. As a result, efforts to put the two-thirds rule on the convention agenda were not seen independently of the presidential contest at hand. In proposing an end to the rule, proponents of a presidential contender thus ran the risk of opening themselves up to accusations of foul play (as FDR’s experience in 1932 shows) and/or signal weakness to party leaders by suggesting that their candidate would be incapable of building a broad enough majority to win the nomination if the rule remained in place. Strategically then, avoiding debate about the two-thirds rule may have been a wiser move in many convention years. In this regard, the 1936 convention was the perfect storm for ending the rule, as it came at a time when the negative consequences of the two-thirds rule were more evident given the many lengthy ballot fights of the 1910s and ‘20s, with an incumbent president whose renomination was unchallenged, whose authority in his party was considerably stronger than his predecessors had been, and who was willing to put political capital into ending the rule.<sup>111</sup>

Finally, while imperfectly designed,<sup>112</sup> the two-thirds rule may have served a real function within the party. As Jaenicke has argued, the Democratic Party from its founding represented “an umbrella organization that embraced a plethora of groups with conflicting ultimate purposes.” That is, many of the groups that made up the Democratic Party never truly agreed on fundamental issues. For the party to function, members needed to respect

<sup>111</sup>Milkis, *The Presidents and the Parties*. For more on the (changing) role of presidential leadership in American political parties in the twentieth century and the conditions under which presidents are more or less engaged in managing their parties see: Daniel J. Galvin, *Presidential Party Building: Dwight D. Eisenhower to George W. Bush* (Princeton, NJ: Princeton University Press, 2010); Boris Heersink, *National Party Organizations and Party Brands in American Politics: The Democratic and Republican National Committees, 1912-2016* (New York: Oxford University Press, 2023).

<sup>112</sup>Of course, there is no reason to expect political institutions to be designed flawlessly. As Schickler, writing about Congress, notes “conflicts among competing interests generate institutions that are rarely optimally tailored to meet any specific goal. As they adopt changes based on untidy compromises among multiple interests, members build institutions that are full of tensions and contradictions” (Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001), 3). That is, rules and changes to them (or, in the case of the two-thirds rule, the lack of a change) at conventions need not be entirely rational or in service to specific actors. Instead, they frequently represent imperfect and suboptimal compromises between those actors.

their “shared negative desire to be left alone in their separate pursuits and to avoid any debate concerning their actual ways of life.”<sup>113</sup> Nominating a presidential candidate at a convention represented only a part of the ongoing puzzle of maintaining the Democratic Party as a political organization: even if a small majority in the party was able to force a nomination on a minority, this candidate would still need the support of the opposition in a general election. This was particularly true for Southern electoral support: while the South alone could not elect Democrats to the White House, a Democratic nominee *without* Southern support would need to radically reinvent the electoral map to have any chance at all at winning. While the election of 1932 undermined the power of the South within the party—providing further space to 1936 as the year in which the rule could be ended—prior to the New Deal realignment the South’s support was practically nonnegotiable.

By presenting the two-thirds rule as a Southern veto, it (perhaps inadvertently) suggests that the South—unless it could use the rule as a “fail-safe”—faced the very real risk that non-Southern delegates would nominate candidates hostile to its pro-slavery and segregationist interests. But actual challenges to these Southern policy preferences appear to have been limited for most of this period. Crucially, non-Southern delegates could always have passed platforms that included policies hostile to Southern interests with simple majorities, yet nearly always refrained from doing so. What exact considerations pushed non-Southern party leaders to not confront the South at Democratic conventions—the South’s dominant position in the Democratic Congressional caucus? Its contribution to the party’s electoral vote? A basic lack of non-Southern Democratic interest in racial liberalism prior to the incorporation of Black voters into the party?<sup>114</sup>—is worth further and more systematic investigation, but the risk inherent in nominating a candidate against the wishes of the South was not purely theoretical. Indeed, in the cases of Stephen Douglas (in 1860) and Al Smith (in 1928), the nomination of a candidate against the wishes of the South resulted in electoral punishment: in 1860, Southern Democrats bolted the party and ran their own candidate, and in 1928 many Southern Democrats voted for Republican nominee Herbert Hoover.<sup>115</sup>

Combined, what this meant was that throughout this period, Democratic leaders faced the political reality that broad intra-

<sup>113</sup>Douglas W. Jaenicke, “The Jacksonian Integration of Parties into the Constitutional System,” *Political Science Quarterly* 101, no. 1 (1986): 88. This view of the Democratic Party as a coalition of disparate groups remains dominant, see, for example: Jo Freeman, “The Political Culture of the Democratic and Republican Parties,” *Political Science Quarterly* 101, no. 3 (1986): 327–56; Matt Grossman and David A. Hopkins, *Asymmetric Politics: Ideological Republicans and Group Interest Democrats* (New York: Oxford University Press, 2016).

<sup>114</sup>As Silver notes, the platforms Democrats adopted in the period 1840–96 generally included positions that, first “defend human enslavement through states’ rights assertions” and, later, criticized Reconstruction-era efforts to safeguard Black voting rights. Notably, 19th non-Southern Democratic state parties (including those in Massachusetts and California) included support for slavery and, later, opposition to Reconstruction and Black voting rights in their state platforms. On the other hand, some Northern Democrats did embrace racial liberalism in the late nineteenth century, seemingly at least in part due to electoral considerations. See: Adam Silver, *Partisanship and Polarization: American Party Platforms, 1840-1896* (Lanham: Lexington Books, 2022), 249; Richard Barton and David A. Bateman, “Gilded Age Doughfaces: Northern Democrats and Black Civil Rights,” *Journal of Historical Political Economy* 3, no. 3 (2023): 363–90.

<sup>115</sup>Additionally, some leading local Southern Democratic politicians actively organized on behalf of Hoover. For more on efforts by Texas Democrats in this regard, see: Sean P. Cunningham, *Bootstrap Liberalism: Texas Political Culture in the Age of FDR* (Lawrence, Kansas: University Press of Kansas, 2022).

party consensus was a necessity independent of whether a two-thirds majority was required for presidential nominations or not. The long survival of the two-thirds rule, then, may have been less an attempt at providing the South with a weapon it needed to control the party, but rather a de-facto public acknowledgement of what was obvious to all participants involved: that any nominee would need to be acceptable to the South, as well as other relevant constituencies within the party. In this regard, the value of the continued use of the two-thirds rule was perhaps similar to Aldrich's assessment of the custom of running regionally balanced party tickets in the pre-Civil War era:

Balanced party tickets were better understood as symbolic, public affirmations of the party's continuing commitment to maintain its intersectional alliance for electoral purposes than as actual assurances that a southerner would be able to cast the tie-breaking vote in the Senate or to veto legislation in the White House. The genuine commitment was to maintain the alliance to ensure that neither strongly antislavery nor diehard proslavery leaders would be chosen.<sup>116</sup>

The two-thirds rule's survival then was less about producing a political institution to allow a group within the party to have a direct veto over presidential selection and more about maintaining a symbol of the underlying political agreements that bound the party together.

<sup>116</sup> Aldrich, *Why Parties*, 134.