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## Machine Politics, Police Corruption, and the Persistence of Vote Fraud: The Case of the Louisville, Kentucky, Election of 1905

Although vote fraud is an acknowledged component of American political culture, scholarship on the inner workings of stealing elections is rather thin. Despite popular exposés by nineteenth-century muckrakers, the functioning dynamics of vote stealing remains somewhere beneath the visible layer of political analysis. The Gilded Age has been the recipient of some extensive studies of ballot corruption, but scholars have generally concluded that the extent of fraud in changing the actual outcome of a specific race was exaggerated, and with the advent of the Australian, or secret, ballot in the early 1890s, American elections took on a decidedly freer and fairer tone. The scholarship surrounding vote fraud has also tended to focus on a secondary issue: Did the secret ballot diminish fraud to the point where earlier turnout levels could be seen as inflated? Following the lead of Walter Dean Burnham, numerous scholars have answered decidedly in the negative—the level of fraud was so insignificant as not to change turnout totals in any meaningful way.<sup>1</sup>

The focus on voter turnout has served to minimize the impact of flagrant fraud on the process of conducting fair elections and the counting of votes, and has subsequently diminished our understanding of the corrosive nature of election fraud on American political history. This article explores the electoral history of one American city—Louisville, Kentucky—to provide a corrective to this circumstance. The high point of the electoral corruption in Louisville occurred seventeen years after it became the first American municipality to adopt the secret ballot in 1888. The 1905 Louisville

municipal election was one of the rare moments in American history when an entire city government was thrown out of power by a court decision, even after the incumbent administration had served in office for well over a year. As such, Louisville provides a case study of systemic voter fraud and challenges the prevailing notion that the secret ballot was a definitive cure for an assortment of election “irregularities.” By using court records, rare police files, and the testimonies of hundreds of Louisville’s citizens who were effectively disfranchised because of their partisan loyalties, this article will provide a more complete understanding of the dynamics of vote fraud.

Many scholars have had some difficulty in defining the exact scale and scope of Gilded Age election fraud. Paul Kleppner and other scholars have stated that in assuming various modes of historic election “irregularities”—padding registration lists, stuffing ballot boxes, or buying votes with cash or liquor—may have been widely used, in the aggregate they probably were of little significance. Since both parties engaged in such activities and watched each other with considerable care, or in cases where the election was decided by a comfortably wide margin, many scholars claim that fraud had minimal or no impact at all in determining the outcome of a given election. Political scientists, building on the pioneering work of Burnham, have mostly credited the secret ballot with having diminished fraud, and have concentrated more on the role of election reform in the decline of voter turnout after the 1890s. Others have demonstrated that the Australian ballot had other consequences, intended or not, on the body politic. Historian J. Morgan Kousser convincingly demonstrated how the secret ballot was used to disfranchise African-Americans and consequently establish the Democratic Party as the only viable party in the South. John F. Reynolds and Richard L. McCormick have shown that in one northern state the major parties were motivated to initiate the secret ballot for purposes far removed from the reformist impulse. The new ballot saved them the expense of printing ballots and also placed severe challenges to independent and third-party challengers trying to get their names on the ballot. Yet the weight of Gilded Age scholarship on the role of ballot reform reflects a certain perception that the new ballot all but eliminated vote fraud. Michael Perman recently expressed the core of this collective judgment: “The secret ballot eliminated vote buying and vote stealing as simply and effectively as could be imagined.” **When the electoral history of one American city is examined at the social level, however, the process by which**

the secret ballot required newer and more flagrant means of disfranchising thousands of voters and stealing elections is vividly displayed. The case of Louisville reveals a form of fraud that can be defined at a high standard—where the democratic will of the electorate was actively thwarted to a degree that the actual winner was denied of-fice.<sup>2</sup>

In order to understand the dynamics of the 1905 election, it is necessary to review Louisville's prior electoral history. Louisville's experience with problematic elections, in fact, extends into the antebellum era. In 1855, in an election that came to be known as "Bloody Monday," members of the local Know-Nothing party started a riot that killed over two dozen people. Following the war, Louisville's population grew from 123,758 in 1880 to 204,731 in 1900, making it the eighteenth largest city in the nation. Louisville relied heavily on Ohio River commerce for its economic base and had a cosmopolitan mixture of heavily Democratic Irish-Catholics as well as Republican African Americans. Politically, the Democratic Party essentially controlled the city as the memories of the Civil War remained, and the winner of the city's Democratic primaries was effectively the winner of the general election in November. Although there were considerable fissures within the party, like so many other American cities, the unelected bosses who controlled the Democratic Party ultimately controlled Louisville itself.<sup>3</sup>

After Reconstruction, voters in Louisville cast their ballots essentially in the same fashion as the founding generation of the state had many years before. Kentucky, in fact, still practiced *vive voce*, or voice voting, well after Reconstruction. In areas that permitted ballots, the parties themselves printed them, and voters knew from the distinctive shapes, colors, and markings which ballot they preferred, which made it rather easy to tell how someone voted by the ballot that he chose. Both methods presented obvious opportunities for election fraud.<sup>4</sup>

Throughout the 1880s, Louisville witnessed a series of city elections filled with fraud. To correct the problem of repeaters—scores of hired people voting more than once in several precincts—a Louisville representative, Albert Stoll, introduced a bill in the Kentucky legislature calling for mandatory registration in Louisville. Stoll told the assembly that "repeating and fraudulent voting are so common" in Louisville that "a law for the registration of voters would remove the greatest part of the evil." His bill became law in 1884, but it had no effect on reforming the city's elections. Three years later, in a

blatantly corrupt mayoral race, a plot was uncovered whereby the names of the candidates on the poll books were purposely situated so close together that corrupt clerks could place a mark in the wrong column without being easily detected. One insider understood that “you must be sure and get the clerks ‘fixed,’ that’s half the battle.” A Louisville police officer was arrested eight times throughout the day, each time for offering bribes to voters. He posted bond for each arrest and promptly returned to win more votes for his candidate. A self-appointed committee called the Commonwealth Club, which oversaw the 1887 municipal election, stated that it was “thoroughly disgusted” with the methods used to manipulate and steal votes. Henry Watterson’s *Courier-Journal* concluded that the election “was without parallel in the history of Louisville for fraud and corruption.”<sup>55</sup>

One of the members of the 1887 committee was Louisville state representative Arthur Wallace. After reading an article on the new secret ballot system used in Australia, Wallace approached some area judges to see whether it could pass constitutional muster in Kentucky if he proposed such a measure in the legislature. The need for tougher enforcement of lax elections laws under a system whereby people voted by voice was obvious. Additionally, during the 1887 election, considerable consternation occurred when local authorities noted they could not punish local men arrested for vote fraud since the laws applied only to state elections. Wallace’s bill could not be applied to the whole state without amending the state constitution, so it affected only Louisville’s municipal contests. When it quietly became law in February 1888, the “Wallace Election Bill” preceded a national election reform movement in which the new ballot became the standard manner of voting in America. As the law in Louisville was conceived, the city’s electorate would be provided with an official uniform ballot and an envelope. The voter stepped into an enclosed compartment and marked the ballot and placed it in the envelope. An election judge, in the presence of the voter, then placed the envelope into a locked ballot box. Commenting on the reform, the *Courier-Journal* noted the new law “protects the voter in Louisville” and predicted that if successful in the river city, it might eventually be applied to the entire state. At its inaugural municipal election in December 1888, the *Courier-Journal* proclaimed proudly that “the election was a quiet one, and the Wallace law stood its first test very fairly.” A Louisvillian writing in the *Nation* went so far as to claim that the election “was the first municipal election I have ever known which was not bought outright.”<sup>56</sup>

Two years later, delegates met in Frankfort for Kentucky's fourth constitutional convention. Those drawing Kentucky's new charter were particularly interested in preventing election fraud. Having seen the Australian ballot briefly in effect in the state's largest city, the convention seemed ready finally to forgo *vive voce* for the secret method. One delegate proclaimed that the new ballot's efficacy was already widely known, and was "par excellence, the remedy relied upon for the prevention of illegal and fraudulent voting." The new constitution incorporated the Australian ballot in its work that was ratified in 1891. Yet not all members of the convention felt confident that the reform would end the era of election fraud. "The secret ballot may become the powerful weapon of vice," warned one delegate, who stated that "human wisdom has never yet devised methods of government or laws that have not, at times, been used for purposes of wrong and oppression." **What the reformers did not understand was that the new method of voting addressed a particular form of corruption—the power of undue influence on the public selection of a candidate.** It marked a small, limited step toward the elimination of fraud. Whether the new ballot could make the electorate more confident that its electoral will was properly registered remained to be seen.<sup>7</sup>

Despite the best hopes of the Wallace law supporters, the day-to-day realities of voting in Louisville changed minimally. As the Australian ballot took effect, a new presence in Louisville's political life emerged who effectively dominated the city Democratic Party for decades to come. John Whallen, a young burlesque theater owner, became the acknowledged king of Louisville's Democratic Party. Known as "Napoleon" by some of his cronies, Whallen had served as a teenage courier to Confederate General John Hunt Morgan and had moved to Louisville after the war to co-manage the Metropolitan Theater. In 1880, Whallen and his brother Jim opened the Buckingham Theater, which soon became widely known for its bawdy performances. When Whallen's first application for a liquor license was rejected, he appealed to Barney McAtee, a city councilman, who successfully arranged for Whallen's license. To protect his somewhat vulnerable business interests, Whallen turned to politics and helped McAtee get reelected in 1880. Described glowingly by one supporter as one who "has gathered about him a large and formidable following" that "he controls with extraordinary skill and ability," Whallen understood that **the real source of political power rested in controlling elections.** In a discreet understatement, the supporter also noted

that Whallen's forces are "powerful at the polls," and that Whallen "understands right well how to station them to the best advantage." In time, Whallen became one of the wealthiest men in Louisville. The Buckingham was also a well-known center of community support in times of economic crises or natural disasters, which of course was one of the foundations of Whallen's popular appeal. Following one especially hard winter storm, Whallen opened a commissary next to his theater where a reported \$25,000 in groceries and coal was distributed to needy Louisvillians. Whallen once boasted that his burlesque theater was the real center of the city's political apparatus, a place that he once described candidly as "the political sewer through which the political filth of Louisville runs." Pivotal to his rise to power and his subsequent control of the city's election machinery was Whallen's tenure as police chief between 1885 and 1888 (the infamous 1887 election occurred while he headed the city's police force). His connection to the city's police department served him well in subsequent elections.<sup>8</sup>

In his memoirs, Louisville native Arthur Krock recalled that Whallen's Buckingham offices were where the real power in Louisville politics was exercised. Krock wrote that in most political meetings held by Whallen, "it was customary that the Louisville police be represented," because, according to Krock, the police "had to know the nominating and electing game plan . . . and put it into operation. This often required documentary knowledge of the peccadilloes and worse of the aspiring politicians, especially those who were Republicans." This knowledge, Krock understood, "was more powerful than their night[sticks]."<sup>9</sup>

Whallen ensured his control over the city's election machinery in ways that made him unique among American political bosses. In 1892, for example, when Whallen was confident his handpicked candidate for city chancellor would lose in a party primary, he urged the party to adopt a rather unorthodox method of voting. These primaries, which were exempt from many election laws and the secret ballot, were especially ripe for fraud. Whallen's new method involved a house-to-house canvass, which Whallen proudly claimed was "superior to all other forms of primary elections." His plan required all voters to be at home on one of two nights for a three-hour period. To Whallen, this method would ensure a cleaner election, and it would "remove the crowding of voters into small spaces where liquor, money, and bullying can get in their work." A critical newspaper was appalled with Whallen's hubris. With the door-to-door

canvass, it charged Whallen had “gone a step farther than he ever went before.” If party members wished to participate in “a conspiracy as far reaching as it is shameless, they deserve to be walked upon and spat upon by such men as Whallen.” In effect, the maneuver disfranchised nearly five thousand of the city’s eligible Democratic voters due to residence changes or because they simply could not be located or were not at home at the appointed times. **Even more, door-to-door canvassing had the intended effect of properly ensuring that a bought vote was appropriately cast, and the threat of losing a city job or services certainly permeated the exchange.**<sup>10</sup>

After temporarily losing control of city government in the mid-1890s, Whallen reappeared, backing Charles Weaver for mayor in 1897. Weaver’s victory on election day was due, in large part, to a new method employed by followers of Whallen: police intimidation of African-American voters. When Albert White, a prominent African-American attorney, **attempted to vote, he was confronted by a police officer named John Murphy, who told him, “I have worn out four billies and I will wear this one out on you.”** Less violent means, such as slowly checking registration lists, meant those wishing to vote in the heavily African-American ninth and tenth wards often waited hours to vote. Of course, many found that before they had reached the front of the line, the polls had closed. In one precinct the polls were not opened until after noon. The *Courier-Journal*, never one to question allegations of Democratic wrongdoing, assessed that the culprit in this precinct was a drunken Republican election officer. The losing mayoral candidate, George Todd, concluded that he had lost nearly 4,500 votes in these wards alone and that “we were cheated on every side.”<sup>11</sup>

**Without the strong arm of the police, Whallen’s machine could not have controlled Louisville’s elections.** Louisville, it should be noted, was not alone in this regard. In examining the political machines of other similar American cities, the role of the police was crucial to the survival of the boss. **In Memphis, the police, according to a local newspaper, had become little more than a “platoon of ward healers,”** and it witnessed a 1905 mayoral race fraught with corruption. **In New York and Chicago, the machines there thrived with active police involvement. Yet the experience of police officers in politics in nearby Cincinnati produced drastically different results. After years of election violence and active police involvement, Cincinnati enacted new laws in the 1880s** that placed supervision of the police in the hands of a nonpartisan board of commissioners

appointed by the governor rather than the mayor. By doing so, one of the strongest weapons of boss rule was removed in Cincinnati, and consequently boss George B. Cox lost his grip on the city to a challenge from an assortment of political opponents who had merged their efforts, or "Fusionists." With the police force still squarely in the camp of the city leadership, future Louisville elections would find even greater police activity to thwart any such Fusionist campaigns.<sup>12</sup>

Whallen's cronies used other methods to fight the Republican turnout among African Americans. By 1900, the 12,416 African-American men of voting age living in Louisville comprised over 20 percent of the city's eligible voting population, and those who could register successfully made them a considerable political threat to Democrats. Since Democrats had not legally disfranchised African Americans in Kentucky as they had throughout the Deep South, electoral intimidation and fraud remained potent tools in the hands of people such as Whallen. Historian George C. Wright wrote that Whallen hired black "shadies" to form Negro Democratic Clubs, which were little more than instruments of organized intimidation of African-American voters, and concluded that "Negro thugs, as much as anything else, kept many blacks from viewing the Democrats as a respectable party." When that tactic failed, Whallen resorted to the well-tested strategy of appealing to white supremacy and the fears of what Republican victories might bring to Louisville's racial climate.<sup>13</sup>

Whallen's forces in the Democratic primary of 1899 employed an especially interesting technique. Pat Grimes, a saloon owner and Whallen crony, installed a "portable voting place," or a polling place to be held in a train car near the convergence of the eleventh and twelfth wards. The Whallen forces feared a heavy turnout from this area for an anti-Whallen candidate. So, as Grimes considered it, a particularly skillful way to diminish these votes would be simply to move the car away when long lines of voters developed. Even with such audacious maneuvers, when it became clear that his candidates were trailing, Whallen canceled the primary entirely. Acting under the auspices of the Democratic Party's central committee, Whallen simply annulled the primary election results altogether. Following this election, one local blacksmith claimed that a member of the self-described "Honest Election League" had given him cash to buy votes. Within the office of the League, according to the blacksmith, were tables full of stacks of money. The man who was doling out the

funds was none other than Arthur Wallace, the author of Louisville's Australian ballot bill eleven years earlier.<sup>14</sup>

Whallen's political base was grounded in his support among immigrants, Catholics, and the working class. But he was also a loyal supporter of the powerful Louisville and Nashville railroad, which sometimes transcended his ties to the Democratic Party. In the tumultuous 1899 gubernatorial election, Whallen bolted his party for the Republicans, which had nominated William Taylor to run against William Goebel. Goebel had campaigned against the L & N Railroad, one of the most powerful companies in the South and a major force in city politics. This set Goebel at odds with Whallen, who was often referred to as the "handmaiden of the L & N." On election night, when L&N publications erroneously listed Taylor as the victor, the *Courier-Journal* discovered that the election results had been "doctored" by Whallen and his fellow "Brown Democrats" at his Buckingham Theater. When returns were received, Whallen simply changed them to give Taylor a sizable lead. When one county came in, Whallen was shocked at Goebel's lead and proclaimed: "This can't be true. There are not that many votes in the county." Whereupon he gave the paper to an aide and ordered him to mark down that Taylor had carried the county by a comfortable 725 votes. All the while, observers noted that the Republicans in attendance, many of whom had been the recipient of Whallen's methods before, now "howled" and "cheered." Such actions only added to the charged atmosphere in Louisville, where Governor William O. Bradley had called out three companies of the state militia to patrol the city in case of violence. Later, Whallen and his men threatened to march to the courthouse and hang the election commissioners if Taylor were not given the margins of victory that Whallen had cooked up for him. At a formal meeting of the Republican Honest Election League, the question discussed was similarly: Shall we not hang Democratic Election Commissioners? When Goebel was shot outside the state capitol in January 1900, speculation arose over Whallen's involvement in the assassination.<sup>15</sup>

By the early 1900s, then, John Whallen was the fundamental power behind the Democratic machine in Louisville. But he was not without his opponents in the city's Republican stalwarts, as well as a number of Democrats who resented Whallen's use of the city's political apparatus to increase his personal wealth and political power. **The city's GOP grew increasingly frustrated with the city's electoral practices.** An election in 1903 contained more than its usual share

of moving precincts and falsely registering voters, excluding duly chosen election officers and replacing them with Whallen cronies, and simply stuffing ballot boxes. Eighteen strong Republican precincts were also moved on election day. Not surprisingly, these precincts returned Democratic majorities such as 243 to 5. In the sixth ward, a Democratic challenger questioned the credentials of nearly twenty-five African-American men waiting in line. He was soon approached by one police officer, who told him, “You damn fool, those niggers you’re throwing out isn’t Republicans; they’re our own repeaters!” Although some members of the Democratic Party had hoped to “put Whallen out of business” with this election, their efforts failed. Following the election, a thoroughly frustrated *Evening-Post* concluded that the “audacity of the steal is its most astonishing feature.” As the 1905 mayoral race approached, the Whallen machine was poised to use similar methods to retain control of the city.<sup>16</sup>

Most observers of election fraud conclude that it is most prevalent in areas marked by the dominance of one political party. Louisville provides a reminder that fraud can occur even where there is considerable competition among parties as well as healthy competition among the city’s partisan newspapers. In 1905, a number of the city’s progressive voices organized to oppose Whallen’s heavy-handed tactics. With the 1903 election fresh in their minds, disenchanted Democrats joined with angry Republicans to form the Fusionist party, which, with its combined strength, hoped to defeat the Democratic mayoral candidate, Paul Barth, in the upcoming 1905 election. The Fusionists’ objective was simple: “to destroy the system or political machine which has brought such evil to our City, and the perpetuation of which is so fraught with menace for the future.” The Fusionists struggled for a candidate of their own. In their canvass, Joseph T. O’Neal was a front-runner who had his political weaknesses: he owned stock in an openly anti-union company, and he had made anti-Catholic statements earlier in a speech in Maysville. During the Fusion convention, O’Neal’s nomination apparently was defeated 111–109, but the convention’s chairman, Alfred Seligman, mistakenly announced that O’Neal was affirmed 119–111. According to Robert W. Bingham, several newspapers and former mayor George Todd “threatened to expose the fraud underlying the whole thing” but decided to remain quiet.<sup>17</sup> With their combined strength, the Fusionists posed a significant threat to Whallen’s hold on the city. The new danger would be met with heightened corruption as the election approached.

Election-day fraud begins with fraud on registration day. Someone registered illegally then can subsequently vote “legally.” The Whallen machine used a variety of tactics on registration day, including employing area criminals to intimidate African Americans from registering. The machine understood that the illegal registration of “repeaters” had a dual effect: it could potentially crowd off from the rolls many legal voters, thus making the job of controlling the election that much easier. The machine also used the strong arm of the police on registration day. When challenges were made by the Fusionists to some questionable Democratic attempts to register, a Louisville police officer named Roman Leachman threatened the challengers on several occasions. Leachman shouted that if an official “refuses to register another man, I will smash him in the head and kill him and I will come and throw his carcass into the street; he doesn’t amount to anything.” One official meekly inquired if Leachman was overstepping his bounds, and in revealing language Leachman underscored the reason for the police presence at the registration booths: “To hell with you. This means nothing to your crowd, and means four years for me, and of course I am going to look out for my own interests.” Even Confederate hero General Basil W. Duke was assaulted on registration day by some repeaters for objecting to their registration. The next day, Fusion workers were simply thrown out of their polling places and Democratic officials seized registration books and completed them in private. Papers in St. Louis warned the citizens of Louisville that eighty “practical politicians,” were doing their work, repeatedly registering under false names. The paper stated that the repeaters “would work wonders increasing the population of Louisville.” By padding the rolls with thousands of illegal voters, the machine was now prepared to “get out the vote” in November.<sup>18</sup>

Roman Leachman was not the only policeman working during the registration period to steal the election. When Fusionist Arthur D. Allen complained of irregularities in one precinct, officer Jack McAuliffe knocked him unconscious and threw him in jail. A thoroughly unsympathetic Kentucky *Irish-American* alleged that Allen “made a movement as if to draw a weapon,” whereupon Officer McAuliffe gallantly “hit Allen with his club rather than shooting him.” Later that day, Allen was convicted of disorderly conduct. In considering how to counter police intimidation, a member of one of the city’s leading families suggested that “nothing short of revolutionary tactics in Louisville will accomplish the purpose.” He fa-

vored taking a dozen or so men to the polls on election day, armed with “concealed weapons or shotguns.”<sup>19</sup>

In the tenth ward, a Fusionist registration officer named William O’Mara discovered the extent to which the Democrats would go to corrupt the registration process. O’Mara claimed that John Keane, a Democratic committeeman for the tenth ward, and a saloon owner, offered O’Mara a glass of lemonade on registration day. Seconds after the first sip, O’Mara recalled, “I found myself whirling around and I thought the house was falling in.” After being led to a chair, O’Mara finally understood what had happened. He had been drugged to make it easier to steal his registration records. After several minutes of dazed confusion, O’Mara was then taken outside, where he was assaulted and his records seized. When he saw the “official” roll printed in the newspaper, O’Mara discovered that more than sixty-five names had been added to his registration lists.<sup>20</sup>

The Democratic machine’s confidence in winning the election was growing. Charles Schuff, the county sheriff, knew that the key to neutralizing the Republican vote was to keep large numbers of African-American voters away on Election Day. Schuff revealed that more than 2,500 African-American registration certificates had been bought and were tucked away in a safe, where, in Schuff’s words, “we can control them.” The money could also be used in a way usually not considered when examining the process of vote buying—to purchase someone’s nonparticipation. One African-American resident, William Moore, later testified that he was offered \$2.00 not to register. Reducing the turnout was as critical to stealing the election as was intimidating voters and falsely registering others.<sup>21</sup>

The 1905 election also revealed the dynamics behind those election officers who were charged with being neutral referees of the city’s electoral process. Of 356 party officers in Louisville’s twelve wards, 89, or one-quarter, either worked for the city or county or were listed as having relatives who did so. Another 48 workers, or 13 percent, were listed as “gamblers” or “bartenders.” Fusionists understood that if those responsible for ensuring the legality of the election had a vested interest in the election’s outcome, or owned saloons where much of the electioneering occurred, chances of another stolen election loomed.<sup>22</sup>

In order for all the corrupt elements in the Louisville election to do their jobs properly, money was a necessity. The 1905 Louisville mayoral race provides a rare opportunity to see how much money was used on such an election and how, precisely, that money was

spent. Bank records revealed that the Democratic Campaign Fund had deposits of over \$69,000 between 31 August 1905 and election day in early November, nearly three times the amount of the Fusionist fund. Furthermore, those records showed that during registration week in early October \$22,290 was withdrawn, and on election day \$23,360 was removed from the account. By the end of November, all of the \$72,612.50 in the campaign fund had been depleted.<sup>23</sup>

Fred R. Bishop, treasurer of the Democratic campaign fund, later described how he went about raising these funds. Candidates for various city offices were to contribute ten percent of their current city salary, while police officers contributed according to their rank—the police chief gave \$125; lieutenants, \$50, and patrolmen \$32. Other city employees were expected to give five percent of their earnings to the fund. Bishop added that there were no threats necessary to secure these sums and dismissed suggestions that his efforts served to corrupt the system. “All elections require money,” Bishop blandly claimed, “you can’t have an election without it.”<sup>24</sup>

The manner in which the campaign fund was spent was revealing. The fund actually had nothing to do with supporting the campaign to persuade voters and everything to do with manipulating the votes on election day. For example, the campaign committee instructed Bishop on how much to give each ward on the night preceding registration day. Throughout the day, Bishop knew the intricacies of how elections functioned. Was there a verbal understanding as to how to disperse the money? “No,” said Bishop, “it was not necessary to have an understanding at an election,” adding that spending large sums “has to be done.” Bishop gave one ward captain nearly \$2,500 on election eve. When Bishop was asked why that particular amount, he casually replied because that ward had “very near 7,000 votes.” The larger the ward, the larger the amount given to each ward captain.<sup>25</sup>

On election day itself, ward and precinct captains would return periodically for more money. The method by which the money was distributed was not done with accounting precision. Bishop simply related that whenever a captain came in, “whatever they say they have to have I give it to them.” What they did with the money was not Bishop’s concern. In fact, he never even recorded in his ledger how much he distributed. Upon depleting the funds, Bishop simply burned all his election records because, in his understated words, “election business is not good stuff to have laying around.”<sup>26</sup>

After acquiring the money from Bishop, **the ward captains knew how to use it to acquire the maximum number of votes.** One way involved paying city police officers and firefighters to take the day off from their official duties to perform various chores in helping return the Democrats to power. More than 20 percent of the city's firefighters claimed they were sick on election day and were put to work on behalf of the Democratic campaign. But what made the 1905 Louisville mayoral race unique was the mammoth scale to which the **city's police force was an active component of stealing the election for the Whallen machine.**<sup>27</sup>

Richard Knott's *Evening-Post* understood the degree to which the police force was an arm of the machine. Each officer, the paper revealed, was required to register from his residence three to seven "phantom" voters. Eventually 313 illegally registered voters came from the houses of police or firemen. Officer John Quinn boasted that he had personally purchased more than two hundred registration certificates from the tenth ward. This was just the beginning of police involvement in stealing the election. (Despite the cottage industry of false registration, in 1905 the Louisville Police Department recorded a grand total of three arrests for illegal registrations and just one for illegal voting.) **The primary weapon was police violence and intimidation.** When minister W. A. Jones went to the fourteenth precinct in the fifth ward to replace a Fusion election officer who had taken a leave for lunch, he was told by the Democratic challenger to leave immediately. Jones refused, and he was attacked by police officer Willis Allen. Jones had three witnesses, all of whom were African Americans who worked in the checkroom of the nearby Galt House Hotel. Jones asked them if they would testify against Allen, and all three refused because the manager of the hotel had ordered his employees to say nothing. Attempts to document the fraud did not go unchallenged. When Fusionists placed cameras in various precincts, for example, an angry police chief, Sebastian Gunther, ordered his men to "drive every son of a bitch off the street that has a camera."<sup>28</sup>

**The 1905 election coincided nationally with a growing popular clamor to end the corrupt alliance between corporations and government.** In fact, 1905 represents the crucial year that historian Richard L. McCormick identified as the "origins of progressivism," in that "a remarkable number of cities . . . experienced wrenching moments of discovery that led directly to significant political changes." Louisville's example, however, reveals that no such "wrenching mo-

ment” came from the ensuing corruption and that the election fraud continued in new ways in future elections. John Whallen’s vested political interests, which had been publicly associated with the powerful L&N and was backed by the city’s police force, would be little affected by the reforms initiated by the progressive movement.<sup>29</sup>

On election eve, there was an unmistakable tension surrounding the events of the next day. **An estimated ten thousand people gathered at the courthouse that night to support the Fusionist candidates. At the gathering, the theme of the various speakers was consistent:** be alert for election fraud by the Democrats. During the meeting, some angry police officers, obviously in the pocket of the Democrats, waded through the crowd writing down names of some of those in attendance as visibly as they could. The Democrats held a simultaneous rally, in which only a handful attended.<sup>30</sup>

As election day commenced, Louisville witnessed a **host of tactics used by the Democratic machine in stealing the election.** In several wards, voters found they could not vote because of an insufficient supply of ballots. In the tenth ward, voters in the thirty-first precinct could not vote at all until shortly before noon because the election commissioners had not arrived. In other areas, legal voters were denied their franchise in apparently “legal” terms. Lucius Alexander, for example, an African American in the fifth ward, tried to vote, but when he approached the poll, “they said the name had done voted, and I couldn’t vote.” Had he been able to do so, Alexander said he would have voted Fusionist, and added: “I never voted no other kind of ticket but the straight Republican ticket ever since I have been able to vote.” **More blatant examples existed as well. In the thirty-eighth precinct in the third ward, three armed men simply took the ballot box by gunpoint, loaded it on a wagon, and carried it away.** Afterward, one African-American resident of the precinct saw the wagon the culprits used in carrying the box and remarked in words that poignantly underscored the dimensions of what had occurred, “That looks like the wagon that stole our rights.”<sup>31</sup>

Another tactic, which was similar to the movable railway car of the previous decade, **involved moving usually heavily Republican precinct locations at the last minute to confuse and dissuade voters from voting.** In the twelfth ward, the location of the eighteenth precinct was moved on the morning of the election because, according to one Democratic precinct worker, the woman in whose house the precinct was located was ill. Election officials did not bother to post the news. Witnesses later testified that they saw the supposedly ill

woman just before the election and she appeared to be entirely healthy. The real reason was conveyed by one police officer who was indifferent about stories of eligible voters in the precinct not being able to find the new location. "Everything goes in an election," he explained.<sup>32</sup>

In the sixth ward, police officer John Enright refused to allow a number of properly registered African Americans to vote because they lived in a "disreputable place." When their landlord came to vouch for them, Enright's reasoning changed, and he admitted frankly, "These Negroes ought to be disfranchised." He then did just that by refusing them entry to the polls. Others told Enright that as an officer of the court he was pledged to uphold the law, to which Enright sneered: "To hell with the law, what do I care for the law?" and proclaimed that no African Americans were allowed to vote on his watch: "None of their damn color shall vote here." When pressed that he was exceeding his authority, Enright replied: "By God, I have been through this thing before; I know what I am doing."<sup>33</sup>

In the tenth ward, police officers Lee Speed and James J. Tierney allowed elderly voters brought to the polls on omnibuses from the Little Sister of the Poor Home to vote immediately at the expense of other voters patiently waiting in line. With some of these voters taking over nine minutes each to cast their vote, others who had been waiting since shortly before 6:00 A.M. simply left. One observer counted between twenty-five and thirty men who left before voting because they had to get to their jobs. When Tierney was questioned about allowing the elderly voters in ahead of many who had been waiting for nearly four hours, he angrily raised his club and threatened anyone challenging the vote. Later, when a man named E. S. Shaw brought his registration slip, the Fusionist precinct challenger, William Dale, noted that he had known Shaw, who had been dead for eight years. The Democratic officer merely told the voter to sign an affidavit to the effect that he was Shaw. Dale then told Officer Tierney of the episode, and Tierney said he "had no right to arrest a man on your say-so." When Dale informed the impostor that he was headed in the wrong direction for Shaw's address, "Shaw" bluntly replied that he "reckoned he could go home any way he wanted to."<sup>34</sup>

B. M. Rivers, a Republican challenger in the fifth ward, was shocked when he challenged a voter's qualifications and was summarily ignored by Democratic election officers. Rivers turned to his statute books to cite his legal authority in election challenges. Pat Hartnett, the Democratic challenger, expressed nothing short of

outright contempt for the statute books in a language that underscored the events of the day: "God damn the law, we are Democrats!" Hartnett then took the statute book and threw it in a fire.<sup>35</sup>

In the twelfth ward, a former member of the Fire Department and devout Whallenite, John Barry, pulled a pistol on an election worker and demanded the ballot books. With the help of three policemen, Barry took the books to another location, swore in his own election workers, and proceeded to stuff ballot boxes with hundreds of his own votes. Another Republican challenger in the twelfth ward, Henry Fundstine, took a more charitable approach to the matter of allowing "repeaters" to vote. When one of his friends named Kinney came in and attempted to vote under the name of "Burns," Fundstine asked how Kinney spelled his last name. Kinney winked and said, "Some people spell it "Byrnes." To which all Fundstine could do was allow Kinney to go in and vote. "Kinney needed the money and I didn't want to beat him out of it," Fundstine remarked, adding, "I knew he needed it. He is a man that can't work hard and I let him go on and get the \$2.00. It did him more good than it would do me for him not to vote."<sup>36</sup>

Throughout the day, John Whallen kept a low profile. He ventured from the Buckingham on at least one occasion. When Republican challenger Tony Giuliano went to his precinct in the sixth ward, several men, including Whallen, who asked Giuliano to check on another challenger's whereabouts, met him. Upon Giuliano's return, Whallen informed him that "we have done swore a man in your place and another man in the other man's place." Giuliano protested, but Whallen simply told him, "The best thing for you to do is to get out of here." One of the new election officers Whallen had summarily installed that morning was Roman Leachman, the police officer who had intimidated voters on registration day.<sup>37</sup>

While the Fusionists were outraged at the outright theft, the Democratic *Courier-Journal* glowingly reported the official results of the election the following day: Barth had beaten the Fusionist O'Neal by 19,645 to 16,557 (a margin that eventually expanded to 4,826 votes). A humble Barth stated that he could not attribute the victory to himself, but gave thanks "to the loyal support of the unswerving Democrats of this city." The primary problem at the polls, according to the paper, was the Fusionists, who were allegedly armed with clubs and ax handles and were committing outrageous acts of violence upon unsuspecting and innocent Democrats. The following day, the *Courier-Journal* editorialized on the results of the elec-

tion with prose that marks the end of many stolen elections: “All things considered [the election] was as free of disturbances as could be expected . . . that the beaten part should cry ‘fraud’ has become a matter of course; the fairest among them, however, and the manlier—conscious of their own shortcomings and seeing both sides of the record—have been disposed to take their medicine and abide by the result.”<sup>38</sup>

Immediately following the election, selected Fusionists refused to abide by such fraudulent results. Calling themselves the Committee of One Hundred, the leading Fusionists organized to raise the necessary funds to contest the election and “take the police out of politics.” As they were doing so, scrutinized returns displayed numerous instances of alphabetical voting, whereby the election stubs indicated voters had cast their ballots precisely in the order they were listed in the registration book. In other words, someone stuffing the ballot boxes had simply copied the names from the registration lists in alphabetical order. In the twelfth ward, another meeting occurred at Pfister’s Hall denouncing the Democratic machine. The packed audience approved a resolution backing the Fusionist challenge and branded the machine methods on election day as “atrocious crimes against the people of the twelfth ward.”<sup>39</sup>

The Republican *Evening-Post* wrote lyrically of the breadth of the fraud in Barth’s election. There was evidence of “frauds perpetrated by repeaters; frauds due to conspiracies; frauds in the count; frauds consummated only by violence; frauds open and brazen; frauds subtle and silent; frauds in the third, frauds in the tenth; frauds in respectable parts of town and frauds such as one might expect in the Red Light District.”<sup>40</sup>

Leading the Fusionist campaign was Louisville attorney Helm Bruce, who, along with James P. Helm, Alex Barrett, and William Marshall Bullitt, began deposing hundreds of witnesses in preparing their case before the Jefferson Chancery Court. Had it not been for Bruce, the 1905 Louisville election would have quickly faded away as another anecdotal episode of some “alleged election irregularities” in an obscure city election. Because of his efforts, the inner workings of the 1905 race were revealed in ways that few elections have ever been exposed. In addition to his hatred of Whallen’s machine, there were other elements of Bruce’s zealous desire to destroy Whallen. He had once visited Whallen’s Buckingham Theater, whereupon he saw several “boys not over 13 or 14 or 15 years of age, well dressed, decent, nice looking young boys, evidently coming from

decent homes in this city, sitting there smoking cigarettes and looking at half-dressed women.”<sup>41</sup>

During the investigation, a careful review of the city’s registration lists revealed more of the full extent of the fraud. In all, there were 1,829 known illegal registrations, of whom 793 voted in the mayoral election. Thomas J. Godfrey, who owned a tenement house on East Jefferson Street in the first ward, told investigators that he had been approached shortly before registration day by four men who offered him \$45 to swear that five men lived in the house whom Godfrey had never seen. The going rate, it seems, for illegal registrations was \$9 per person. Walter Peoples testified that he had been offered \$100 in the fifteenth precinct of the eleventh ward by a Democratic sheriff, Enos Huff. Huff’s offer was to give Peoples \$75, keep \$25 for himself, and for Peoples to give the Democrats a one-vote margin in the **heavily African-American and Republican precinct. In the twelfth ward alone, 830 properly registered voters had tried to vote but were refused because of the lack of ballots.**<sup>42</sup>

In March 1907, the Jefferson Chancery Court ruled on the election contest. By a 2–1 margin, Judges Shackelford Miller and Samuel B. Kirby refused to overturn the election, saying that fraud was undoubtedly a major factor in the Democratic victories, but that such corruption affected only nine percent of the vote, which was not enough to invalidate the results entirely. Miller and Kirby implied that when considering a suitable remedy to vote fraud, a court should intervene only when it could be proven that enough votes had been stolen to change the election’s outcome. Their standard became one adopted by numerous scholars and jurists in dismissing instances of election fraud as a serious threat to democracy. Judges Miller and Kirby concluded that in the twelfth ward “many of the Democrats behaved very badly, but the place to deal with them is in the criminal and not in the civil courts.” The decision did not lack for its political intrigue. Whallen had supported Judge Miller in his first election to the Chancery Court in 1897. Miller returned the favor the following year by deciding a case in Whallen’s favor that allowed the city to purchase land “at a God price” from Whallen for a courthouse annex. Not surprisingly, Whallen firmly supported Miller in his reelection bid in 1903.

The court’s decision was not surprising to thoughtful observers of Louisville’s court system. In the previous three years, of eighty-seven election cases brought before the Jefferson County Circuit Court, only one resulted in a conviction, an African American who

was given a six-month sentence in the workhouse. In some of these cases, police officers involved in the 1905 election, such as Roman Leachman and Martin Donahue, had their charges dismissed by a grand jury. Bruce and his partners appealed the Chancellors' ruling to the Kentucky Court of Appeals, the state's highest court, which was composed of five Democrats and one Republican. Throughout it all, Mayor Barth and his cohorts ran the city with little regard for the contest appeal. As the months and years went by, the realistic chances of undoing the results of the 1905 election grew increasingly slim.<sup>43</sup>

In April 1907, seventeen months after the election, Kentucky's high court heard the case in Frankfort. Arguing for overturning the election, William M. Bullitt asked the court, "Are elections to be carried that way? If we cannot get relief in this case, can you conceive of any election where a court of equity could give relief?" Bullitt concluded:

When the Apostle Paul was scourged by the Roman Captain without a trial, he made that Captain quake with fear with the magic words "I am a Roman Citizen." The citizens of Louisville ask this high tribunal that they should make the word "citizen" in Kentucky as sacred as it was in the days of the Roman Empire . . . and they ask that you say once and for all that the policemen have no greater right than a Captain of the Roman government had, and that policemen shall be taught once and for all that they are not excused from wrongdoings.<sup>44</sup>

Bullitt presented the court with a chart he titled "The Rape of the Ballot." **In it, he concluded that 6,296 voters had been disfranchised.** He was countered by Joe C. Dodd, representing the Democrats, who told the court that the Fusionist campaign had been "designed in fraud, backed up by vilification and abuse." When the court adjourned, Whallenites who had traveled to Frankfort made some "muttered threats" against Bullitt. The "real bosses," according to the *Evening-Post*, "realize that any act of violence at this time would have disastrous results." Instead, the stalwarts of the party spent their time in Frankfort proclaiming their singular devotion to the party and Governor Beckham.<sup>45</sup>

On 22 May 1907, the Court of Appeals issued a stunning ruling. By a 4–2 vote, it agreed with the Fusionists that the election

had been marked by overwhelming evidence of illegal registrations, destroyed ballots, stolen ballot boxes, alphabetical voting, and police violence. Central to the court's ruling was overturning the Chancery Court's finding that not enough ballots had been stolen to affect the outcome of the election. The majority opinion, written by Judge John B. Lassing, stated: "The force and violence used by the partisans under the protection of the police; the pernicious activity of the police themselves in and about the polling places, coupled with the large number of illegal votes shown to have been cast, we are led to the inevitable conclusion that a 'free and fair' election . . . was not held." The Court of Appeals went a further step and agreed with Bullitt that 6,292 voters had been disfranchised in the election, more than enough to overturn the election's results. The court then pronounced a spirited defense for decisive action: "We cannot feel that our duty in this case is fully performed without insisting that it is absolutely necessary for the preservation of a democratic form of government, that the right of suffrage should be free and untrammelled. No people can be said to govern themselves whose elections are controlled by force, fear, or fraud. And the people who do not govern themselves are slaves." Finding that the methods used by the Democrats were "abhorrent to the spirit of our civilization and our Government," the court summarily overturned the results of the 1905 city election and ordered all Louisville municipal offices vacated immediately. Governor J. C. W. Beckham was given authority to name an interim mayor and other city officeholders until a new election was held in November 1907. A delirious *Evening-Post* claimed that with such a "triumph of democracy," the ruling restored "self government to Louisville." *Outlook* commented that the ruling would "put heart into those everywhere who are fighting against the tyranny of political corruption."<sup>46</sup>

Governor Beckham quickly named Robert W. Bingham to fill the mayor's post. Bingham, coincidentally, had been elected county attorney in 1905 and was one of those removed by the Court of Appeals' ruling. In his short tenure, Bingham worked to expose some of the machine's corruption within city government. In an ironic twist, Bingham's administration revealed that a seemingly trivial scandal involving former mayor Barth led to a shocking conclusion. When the administration learned that Barth had kept a prize horse apparently purchased by the city for \$750, an embarrassed Barth sent Mayor Bingham a personal check to settle the claim. The next day, Barth was found dead, a victim of suicide. The *Courier-Journal* and

Bill Haldeman's *Times* blamed Bingham for the tragedy. In private, Bingham thought a host of other impending scandals showed "Barth up in a way that he could not stand" and that he hoped that those who blamed him for Barth's death "may say the same thing regarding the striped clothes worn by Bill Haldeman," whose "dirty hands," Bingham claimed, were "as deep into all of the rascality election thievery in 1905." With the fusion movement gone and the polls under close watch, the Democratic mayoral nominee, Owen Tyler, lost to Republican James F. Grinstead in a relatively quiet election in November 1907 to fill out Barth's original term. Whallen and his men understood that the real test of whether they could control the city and its elections would come in the next regular election in November 1909.<sup>47</sup>

With the Court of Appeals' ruling and the stunning reversal of the 1905 election, the hope grew that a new day in the political culture of Louisville was at hand. That hope proved to be short-lived. With the vote-fraud decision fresh in the minds of the city's voters, Whallen could not depend on the usual methods to ensure victory for his partisans in the 1909 mayor's race. Rather, Whallen reverted to white supremacy for his drive to win back the mayor's office for the machine. The day before the election, the *Courier-Journal* ran on its front page a letter supposedly written by a local African American named "Pinky" to other members of a group called the "Young Men's Colored Republican Club." In the letter, "Pinky" wrote that "if the republican party wins this fall we will have everything" and vowed that after a Republican victory "people of our color will be on an equality with any dam [sic] white person." It was an obvious forgery, but such blatant race baiting worked. The *Kentucky Irish-American*, an instrument of the Whallen machine, stated the case plainly for its readers: "Do you want Negro domination or do you want Louisville to remain a city of white people, for the white people, and governed by white people?" The following day, Whallen's candidate won by 2,316 votes, with a majority of nearly 1,700 votes in the twelfth ward accounting for a good part of his victory. On election night, a very satisfied Whallen said: "I went into this fight to win . . . and the good people of Louisville rallied to our support with unswerving devotion." A jubilant new mayor told Whallen, "The people were with us in this fight and your work has been wonderful." Then, Whallen and Judge Shackelford Miller, who had decided for the Democrats in the 1905 election contest, shook hands in victory. Part of the reason for Whallen's joy was reported in the

*Evening-Post*: Whallen and his brother won almost \$10,000 in election wagers. Days later the new mayor offered the powerful post of Chairman of the Board of Safety to Jim Whallen, who quickly issued a public statement that while both he and his brother “earnestly supported the Democratic ticket,” they were not interested in any jobs with the new administration. The *Courier-Journal* commented that although the “Negro wards” of the ninth and tenth voted Republican, “that vote was disappointing” to the Republicans. A thoroughly disgusted Bingham reflected that with the return of the “old corrupt and vicious Democratic ring, conditions here now are as bad, if not worse, than they have ever been.”<sup>48</sup>

By the end of the decade, Louisville had witnessed a tumultuous period in city hall, one with four mayors in as many years. (Remarkably, two elections in the 1920s would repeat the 1905 pattern: outrageous acts of vote thievery followed by courts intervening to overturn the results of the election.) The state’s highest court had issued a blistering indictment of Louisville’s election thievery, yet, within months, the same forces behind that fraud were once again effectively in charge of the city’s government. The secret ballot and even the overturning of the 1905 city election had not reformed Louisville’s electoral corruption or altered the city’s political culture. Rather, new methods were employed to achieve the same results.

The return to power of the Whallenites also had one tangible effect on the city’s police force. By 1908, of fifty-two officers who had been implicated in the Chancery Court records as having participated in some form of election fraud, twenty-four had been dismissed from the force because of this activity, and eight more had resigned, among them Roman Leachman. One local newspaper declared that the police themselves were particularly pleased with the new dynamics in city politics since they would no longer have to contribute money to Democratic coffers, or “do humiliating deeds for the *Courier-Journal*’s crowd.” In November 1909, shortly after the Whallenites returned to power, six of the fired officers were suddenly reappointed to their duties. Some, like Frank Buddell, went on to lengthy careers and received their city pension. Others suffered no penalties at all for their activities. Officer Steve Wickham, in fact, had been promoted to captain in July 1907. The alliance between Louisville’s corrupt political machine and the city’s police force, which served as a powerful instrument of fraud on election day, remained intact.<sup>49</sup>

Historians and political scientists have been quick to dismiss Gilded Age election fraud as a significant factor in analyzing election outcomes, or to relegate it to the issue of voter turnout. To those living in Louisville in the early 1900s, vote fraud was an organic component of the local political culture and served to destroy confidence in the outcome of a given race. Claims that election fraud was minimal in locales where there was strong party competition also do not explain the Louisville case. Party competition, in fact, gave rise to even greater theft by the Democrats when the Fusionists seriously threatened them. Not only was there a strong Republican opposition to Whallen's Democratic machine, but solid newspaper coverage proudly revealed the vote fraud to all interested observers. Although city reformers, newspaper editors, and the state's highest court had taken direct action against the fraud, in the end all had little effect in ending or even curbing the culture of vote stealing in Louisville.<sup>50</sup>

As the example of Louisville shows, in order to clarify our understanding of the origins of political power, scholars should refocus their lens on the dynamics of local elections and the persistent strain of vote fraud and other assorted forms of "irregularities" that were a common staple of Gilded Age political culture. Rather than casually assuming that election results were the authentic voice of the electorate that should be analyzed with statistical precision to determine what "the people" wanted, scholars should further explore the social history of local and state elections to see that the essence of election day was not about getting outvoted, but being outcounted. By demystifying the methods by which those who exercised political power sometimes obtained office, the slow but steady assault upon the democratic process that marked the early 1900s will be further illuminated.<sup>51</sup>

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### Notes

1. Most of the scholarship concerning the effects of the secret ballot have focused on voter turnout, not partisan outcomes. Highlighting the Australian ballot as the source of honest elections in the Gilded Age has a lengthy history in historical and political writing. In 1918, Charles Seymour and Donald Paige Frary concluded that since the introduction of the Australian ballot, “the purity of elections is incomparably higher” and that “fraud is not common.” *How the World Votes: The Story of Democratic Development in Elections* (Springfield, Mass., 1918), 256. In some well-known areas of corrupt southern politics, historians have followed Seymour and Frary. William D. Miller, for example, dismissed suggestions of widespread fraud in *Mr. Crump of Memphis* (Baton Rouge, 1964), 73–76. In another southern city, New Orleans, George M. Reynolds concluded that to suggest that the local machine “by concerted effort, stole elections, by the use of stuffed ballot boxes, crooked count, false registrations, floaters, and police coercion is far from true.” *Machine Politics in New Orleans, 1897–1926* (New York, 1936), 129–30. In *The Winning of the Midwest: Social and Political Conflict, 1888–1896* (Chicago, 1971), Richard Jensen asserted that with the introduction of the Australian ballot, “save for isolated pockets of corruption, the elections of the Midwest entered an era of honesty” (43). More recently, this historiographical trend has continued. A critical article is Howard W. Allen and Kay Warren Allen, “Vote Fraud and Data Validity,” in Jerome M. Clubb, William H. Flanigan, and Nancy H. Zingale, eds., *Analyzing Electoral History: A Guide to the Study of American Voter Behavior* (Beverly Hills, 1981): 153–93. Allen and Allen conclude that stories of widespread vote fraud were “probably gross exaggerations,” and, more to the point, even if vote fraud was more prevalent than they admit, “the greatest portion of fraudulent election activities probably posed no major threat to the validity of election data” (179). See also Paul Kleppner, *Continuity and Change in Electoral Politics, 1893–1928* (New York, 1987), 164–71. Alexander Keyssar, in *The Right to Vote: The Contested History of Democracy in the United States* (New York, 2000), mostly agrees with the Allens that widespread claims of early 1900s election fraud were exaggerated. “Most elections,” Keyssar writes of the Gilded Age, “appear to have been honestly conducted: ballot-box stuffing, bribery, and intimidation were the exception, not the rule” (160). For some contemporary accounts, see Clinton Rogers Woodruff, “Election Methods and Reforms in Philadelphia,” *Annals of the American Academy of Political and Social Science* (March 1901): 181–204, and Abram C. Bernheim, “The Ballot in New York,” *Political Science Quarterly* 4 (March 1889): 130–52. An important article is Genevieve B. Gist, “Progressive Reform in a Rural Community: The Adams County Vote-Fraud Case,” *Mississippi Valley Historical Review* (June 1961): 60–78. See also Herbert J. Bass, “The Politics of Ballot Reform in New York State, 1888–1890,” *New York History* (July 1961): 253–72; Peter H. Argersinger, “New Perspectives on Election Fraud in the Gilded Age,” *Political Science Quarterly* 100 (Winter 1985–86): 669–87, writes that “the subject of election fraud thus not only represents a challenge to the methodology of the new political history in terms of raising the problem of data validity, but also raises questions of deeper significance con-

cerning the portrayal of political culture and the party system" (673). For a recent treatment of the realities of Nashville city politics, see James D. Squires, *The Secrets of the Hopewell Box: Stolen Elections, Southern Politics, and a City's Coming of Age* (New York, 1996). See also Michael E. McGerr, *The Decline of Popular Politics: The American North, 1865–1928* (New York, 1986). A recent work on some vivid examples of Gilded Age election fraud is Mark Wahlgren Summers, *Rum, Romanism, and Rebellion: The Making of a President, 1884* (Chapel Hill, 2000). In his classic *Southern Politics in State and Nation* (New York, 1949), V. O. Key wrote, "The conduct of elections is the most neglected and primitive branch of our public administration" (443).

2. Paul Kleppner, *Who Voted? The Dynamics of Electoral Turnout, 1870–1980* (New York, 1982), dismisses any claims that election fraud was widespread in the late 1800s. "Extensive and routine vote fraud in cities was unlikely," Kleppner writes, "because the contending parties had strong incentives to watch each other" (59–60). Although a number of students of this period disagree on whether the Australian ballot had a significant role in altering voter turnout, there is general agreement that it certainly curtailed fraud and corruption. See the extended exchange by Walter Dean Burnham, Philip E. Converse, and Jerrold G. Rusk in the *American Political Science Review* 68 (September): 1002–57; Gary W. Cox and J. Morgan Kousser, "Turnout and Rural Corruption: New York as a Test Case," *American Journal of Political Science* 25 (November 1981): 646–63; Jac C. Heckelman, "The Effect of the Secret Ballot on Voter Turnout Rates," *Public Choice* (82): 107–24; idem, "Revisiting the Relationship Between Secret Ballots and Turnout: A New Test of Two-Institutional Theories," *American Politics Quarterly* 28 (April 2000): 194–215; John F. Reynolds and Richard L. McCormick, "Outlawing 'Treachery': Split Tickets and Ballot Laws in New York and New Jersey, 1880–1910," *Journal of American History* (March 1986): 835–58; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888–1908* (Chapel Hill, 2001), 49; and Jerrold G. Rusk, "The Effect of the Australian Ballot Reform on Split-Ticket Voting, 1876–1908," *American Political Science Review* 64 (December 1970): 1220–38. For an antebellum argument that runs similar to the Gilded Age claim that minimizes the extent of fraud, see William E. Gienapp, "'Politics Seem to Enter into Everything': Political Culture in the North, 1840–1860," in William E. Gienapp et al., *Essays on American Antebellum Politics, 1840–1860* (College Station, Tex., 1982), 22–33. In "'The Silent Dollar': Vote Buying in New Jersey," *New Jersey History* (Fall–Winter 1980), John Reynolds notes that "new" political historians "have not disproved the existence of fraud so much as they have chosen to ignore the question altogether" (194). See also V. O. Key Jr., *Politics, Parties, and Pressure Groups* (New York, 1942), 624–49.

3. *Twelfth Census of the United States, 1900, Population, part I* (Washington, D.C., 1901), lxix; George C. Wright, *Life Behind a Veil: Blacks in Louisville, Kentucky, 1865–1930* (Baton Rouge, 1985), 68–72; James T. Wills, "Louisville Politics, 1891–1897" (M.A. thesis, University of Louisville, 1966), 2–4. During the electoral crisis following the 1876 presidential election, Henry Watterson's *Courier-Journal*, in the estimation of C. Vann Woodward, was the "strongest Southern exponent" of violent resistance to ward off a Republican victory. *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston, 1951), 110–11.

4. Lowell Harrison and James C. Klotter, *A New History of Kentucky* (Lexington, 1997), 118, 265.

5. *Louisville Courier-Journal*, December 1, 6, 7, 1887; Charlene M. Cornell, "Louisville in Transition: 1870–1890" (M.A. thesis, University of Louisville, 1970), 93–100, 124–32.

Municipal elections were a prime target for election fraud because they were the easiest to manipulate. Larger elections, such as for governor or Congress, meant more votes to steal and a greater likelihood for discovery and federal investiga-

tions. Municipal contests, on the other hand, promised a lucrative reward in return for controlling a few precincts or wards.

6. *Louisville Courier-Journal*, 14, 23 January, 19 February, 5, 6 December 1888; 24 January 1892; *Nation*, 13, 20 December 1888; 10 August 1889; 30 April, 22 October 1891; 14 January, 4 February 1892; Cornell, "Louisville in Transition," 134; L. E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing, 1968), 31–32; Frances Fox Piven and Richard A. Cloward, *Why Americans Still Don't Vote: And Why Politicians Want it That Way* (Boston, 2000). Writing in 1887, William M. Ivins claimed that a secret ballot "would remove every one of the foundation stones that lie at the base of our present organized political machinery." *Machine Politics and Money in Elections in New York City* (New York, 1887), 90–91, 119; Keyssar, *The Right to Vote*, 142–43. In 1902, a European observer, Moisei Ostrogorski, noted that the Australian system "has, in fact, put an end to the open intimidation and to the coercion which were practiced on the electors; the elections are now, with few exceptions, conducted in an orderly manner." Quoted in Arnaldo Testi, "The Tribulations of an Old Democracy," *Journal of American History* 88 (September 2001): 422. In 1888, Massachusetts became the first state to adopt the Australian ballot, and by 1891 thirty other states had followed suit.

7. Proceedings of the Kentucky Constitutional Convention, (December 1890), 1805–12. The Louisville ballot listed the names of all candidates for a particular office without regard to party affiliation. Although the February 1888 legislation in Louisville prohibited party designation on printed tickets, legislation passed in 1892 stipulated a "party column" ballot, allowing illiterates to easily distinguish between individual candidates, as well as a registration system in cities such as Louisville that was more elaborate than the statewide registration created in 1886. See Robert M. Ireland, *The Kentucky State Constitution: A Reference Guide* (Westport, Conn., 1999), 124–25; see also Alan Ware, "Anti-Partyism and Party Control of Political Reform in the United States: The Case of the Australian Ballot," *British Journal of Political Science* 30 (January 2000): 1–29, who argues that the parties supported the secret ballot reform because they were successful in designing ballots that preserved party control of the electorate.

In *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* (Chapel Hill, 1999), J. Morgan Kousser writes that although historians treat the secret ballot as a reform measure, it was employed mainly "with the intent and effect of disfranchising illiterates, who were very disproportionately African-Americans or immigrants" (34). C. Vann Woodward, in *Origins of the New South, 1877–1913* (Baton Rouge, 1951), 54–57, understood that the various ways of stealing votes in the South "were all highly developed arts" (56).

8. Undated newspaper clipping, J. H. Haager Scrapbook, Louisville Police Records, Filson Club Library; undated clipping from Hugh McCullough Scrapbook, Louisville Police Records, Filson Club Library. For Whallen's rise to power, see Karen R. Gray and Sarah R. Yates, "Boss John Whallen: The Early Louisville Years (1876–1883)," *Journal of Kentucky Studies* (1984): 171–86; idem, "John Henry Whallen," in John Kleber, ed., *The Encyclopedia of Louisville* (Lexington, Ky., 2001), 935; Cincinnati *Enquirer*, 4 December 1913; *Kentucky Elk*, n.d., Filson Club Clippings File; and Wills, "Louisville Politics," 29–31. See also Wright, *Life Behind a Veil*, 71–75; idem, "The Billy Club and the Ballot: Police Intimidation of Blacks in Louisville, Kentucky, 1880–1930," *Southern Studies* 23 (1984): 23. In the harsh winter of 1912, the Whallen brothers distributed over \$10,000 in cash to needy Louisvillians. *Louisville Times*, 7 February 1912. John Whallen died in 1913, and his funeral was one of the largest the city had ever seen, with more than one hundred carriages in the procession. He was succeeded as party boss by his brother, James.

9. Arthur Krock, *Myself When Young: Growing Up in the 1890s* (Boston, 1973), 212–13.

10. *The Critic*, 9 October 1892; *Louisville Post*, 12, 15 October 1892; *Louisville Courier-Journal*, 4, 6, 11, 14 October 1892. Gary M. Cox and J. Morgan Kousser have noted the difficulty of locating vote fraud in contemporary sources. It is, after all, an illegal activity and ripe for exploitation by partisan sources. Even legislative hearings and court records, they contend, “were inherently biased, since the lawyers for each side were more interested in making a case for their clients than in dispassionately uncovering facts.” In their study, Cox and Kousser examined forty-eight local newspapers in New York. In so doing, they admitted to casting “a wide and lengthy research net, and to counteract the bias of individual papers and reporters” by balancing their respective ideological and geographical persuasions. “Turnout and Rural Corruption,” 651–53. In this study of Louisville, numerous newspaper accounts of various political persuasions, in addition to court and police records, have been used in a similar effort to balance all possible partisan loyalties in order to understand the scale and scope of the local corruption.

In “The Effect of the Secret Ballot on Voter Turnout Rates,” Jac C. Heckelman asserts that within a “rational voter framework,” the secret ballot eliminated a market for buying votes, and therefore voters “were rational to stay away from the polls.” (107). As the example of Louisville affords, the secret ballot eliminated no such market. In “Revisiting the Relationship Between Secret Ballots and Turnout,” Heckelman concludes that “income, rather than race or literacy, was the crucial determinant for voting in secret ballot elections” (211), in that with a decreased ability to bribe voters, those of lesser means were less likely to vote. The case study of Louisville calls into question the entire evidentiary base of such studies, which rely on voter turnout and not on the social reality surrounding the polls on election day.

11. The *Courier-Journal* concluded that “the voters of Louisville spoke in thunder tones against the continuance in office of the worst administration with which this city has ever been cursed.” *Louisville Courier-Journal*, 3 November 1897; Wright, “The Billy Club and the Ballot,” 26–27; Wills, “Louisville Politics,” 117–18.

12. Zane L. Miller, *Boss Cox's Cincinnati: Urban Politics in the Progressive Era* (New York, 1968), 93–96, 165–67; William D. Miller, *Memphis During the Progressive Era, 1900–1917* (Memphis, 1957), 100–101, 141–45, 169–70; Robert M. Fogelson, *Big-City Police* (Cambridge, Mass., 1977), 2–5, 33–34, 67–68; Cyril D. Robinson, “The Mayor and the Police—the Political Role of the Police in Society,” in George L. Mosse, ed., *Police Forces in History* (London, 1975): 281–82, 295–97. For a wider discussion of the techniques of police corruption, particularly the role of ward and precinct leaders in protection rackets, see V. O. Key Jr., “Police Graft,” *American Journal of Sociology* 40 (March 1935): 624–36. While not specifically discussing the role of the police, Peter McCaffery writes that boss rule in Philadelphia was dependent on its control over the process of city elections, “through a variety of extralegal and illegal practices.” See *When Bosses Ruled Philadelphia: The Emergence of the Republican Machine, 1867–1933* (University Park, Pa., 1993), 136–40; for an extended discussion of the methods of controlling votes as well as the use of police and firefighters on election day, see David Harold Kurtzman, “Methods of Controlling Votes in Philadelphia” (Ph.D. diss., University of Pennsylvania, 1935).

13. *Twelfth Census of the United States, 1900, Population, part I*, 172; Wright, *Life Behind a Veil*, 186, 190; Ernest Collins, “The Political Behavior of the Negroes in Cincinnati, Ohio, and Louisville, Kentucky” (Ph.D. diss., University of Kentucky, 1950), 50. Within the 1891 Kentucky Constitutional debates, there was extended discussion of the secret ballot and worries of election fraud, but no public proclamations of the intentions to disfranchise African Americans, such as occurred in numerous other southern conventions. In fact, in their public expressions the Kentucky framers were anxious not to disfranchise illiterate voters and took steps

to ensure their suffrage rights. As this article contends, the absence of such “legal” disfranchisement schemes in Kentucky made the Democratic machine in Louisville especially willing to disfranchise African Americans and well-to-do Republicans by illegal means on election day.

14. Undated clippings, Haager Scrapbook, Filson Club; *Louisville Times*, n.d. For a discussion of a similar boss-ruled system in nearby Lexington and its connection to Whallen, see James Duane Bolin, *Bossism and Reform in a Southern City: Lexington, Kentucky, 1880–1940* (Lexington, Ky., 2000), 54.

15. *Louisville Courier-Journal*, 10, 11 November 1899; *Louisville Evening-Post*, 17 August, 7 November 1899; *Cincinnati Enquirer*, 6 November 1899; Yater, *Two Hundred Years at the Falls of the Ohio*, 147. Future Kentucky Governor Augustus Willson was one of the members of the League who did not support violence, but called attention to the Declaration of Independence and the right of the people to “alter, reform, or abolish” any form of government. Willson added, “I do not believe in violence, but I would say to Goebel and his followers, ‘you have gone far enough!’” Among those supporting Whallen was none other than Arthur Wallace, author of the Louisville Australian Ballot law.

The evidence of Whallen’s complicity in Goebel’s murder was very thin. Weeks before the assassination, Whallen allegedly attempted to bribe a Kentucky state senator to oppose Goebel’s contest. Whallen replied that he had merely given the senator \$5,000 “to act according to what he represented to be the true dictates of his conscience.” Also, a significant aspect of Goebel’s election contest concerned the election proceedings in Louisville, where Whallen was mentioned specifically as an “agent” of the L & N railroad. James C. Klotter, *William Goebel: The Politics of Wrath* (Lexington, Ky., 1977), 46–48, 93–95; see also Urey Woodson, *The First New Dealer: William Goebel* (Louisville, Ky., 1939), 208–12.

16. Speech of Marshall Bullitt before the Kentucky Court of Appeals, 1905 Election Speeches, Bullitt Family Papers, Oxmoor Collection, Filson Club. *Louisville Evening-Post*, 10 October, 3, 4 November 1903. After the 1903 election, Thomas W. Bullitt and Judge W. O. Harris issued a report, finding that “there was a preconceived plan to subvert the will of the electors and to prevent a fair election.”

17. Robert W. Bingham to undisclosed person, 10 August 1905, box 30, Robert W. Bingham Papers, Filson Club Library, Louisville; *Louisville Herald*, 14, 18 July 1905; *Louisville Evening-Post*, 23 May 1907. In *Political Corruption in America* (Lexington, Mass., 1978), George C. S. Benson concludes that “most election frauds occur in areas of one-party dominance” (169). For an extended analysis of various political insurgencies that sought to upset the existing two-party system, as well as the efforts by the major parties to end them, see Peter H. Argersinger, “‘A Place on the Ballot’: Fusion Politics and Antifusion Laws,” *American Historical Review* 85 (April 1980): 287–306. For an example of the success of fusionists in nearby Cincinnati, see Miller, *Boss Cox’s Cincinnati*, 165–67.

18. *Scholl v. Bell*, no. 41519, and *Peter v. Wilson*, no. 41524, Jefferson Circuit Court, vol. I, 16–17, 46, vol. III, 91–93, Special Collections, University of Kentucky (hereafter referred to as *Scholl v. Bell*). This case formed the core of Helm Bruce’s appeal to the Kentucky Court of Appeals and, as such, comprises thousands of pages of detailed sworn testimony concerning the 1905 election. It is a rare piece of social history that contains hundreds of Louisville citizens stating in their own words how an election was systematically stolen. *Louisville Evening-Post*, 3, 4, 5 October 1905; Thomas D. Clark, *Helm Bruce, Public Defender: Breaking Louisville’s Gothic Political Ring, 1905* (Louisville, Ky., 1973), 32–34; Wright, “The Billy Club and the Ballot,” 27–28. Upon reading that the *Louisville Evening-Post* had accused him of hiring repeaters from St. Louis, John Whallen promptly charged the paper with slander and sued for \$25,000 in damages.

19. *Louisville Evening-Post*, 20 October 1905; *Kentucky Irish-American*, 14 October 1905; J. F. Bullitt to Thomas W. Bullitt, 18 October 1905, file 308, Bullitt papers; George H. Yater, *Two Hundred Years at the Falls of the Ohio: A History of Louisville and Jefferson County* (Louisville, Ky., 1987), 147–48. McAuliffe was dismissed from the Louisville police force in April 1906 for “conduct unbecoming an officer.” Louisville Police Force Book, 24, Louisville Police Records.

20. *Scholl v. Bell*, vol. V, 31–35.

21. *Scholl v. Bell*, vol. I, 231–44; vol. II, 292–93. For an extended analysis of turn-of-the-century methods of disfranchising African Americans and thereby diminishing Republican totals in southern states, see J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven, 1974). Cox and Kousser, “Turnout and Rural Corruption,” 655, discuss the process of paying people not to vote as a form of vote-buying.

Vote buying has a peculiar place in the annals of vote fraud. In *Testing Democracy*, John F. Reynolds notes that in New Jersey, vote buying was not so much “bribery” as it was a cash transaction, and that bought voters “simply expected some consideration for losing a day’s pay and taking the time and trouble of going to the polls” (35).

22. *Scholl v. Bell*, vol. I, 634.

23. *Scholl v. Bell*, vol. I, 230–31. The Fusionist fund was considerably smaller, totaling \$23,078, which included \$3,100 for registration day costs, and \$6,120 for election day expenses. *Scholl v. Bell*, vol. IX, 1–3. As a comparison, James Bryce wrote in the early 1900s that “as much as \$50,000” was being spent on a congressional race in New York. Bryce, *The American Commonwealth*, vol. II, (London, 1901), 148. Nearly fifty years later, V. O. Key found that a suitable candidacy for the U.S. Senate in South Carolina had to spend \$50,000. *Southern Politics*, 465.

24. *Scholl v. Bell*, vol. II, 190, 197–99.

25. *Scholl v. Bell*, vol. I, 202–3; *Louisville Evening-Post*, 6 November 1905; Clark, Helm Bruce, *Public Defender*, 36–38.

26. *Scholl v. Bell*, vol. I, 204–9. Although Kentucky has a considerable reputation for election fraud, there is relatively sparse scholarship relating to the dynamics of voting and vote fraud in Kentucky. Exceptions are Malcolm E. Jewell and Everett W. Cunningham, *Kentucky Politics* (Lexington, Ky., 1968), 16–18, 30–37, 53–71, 225–33, and Larry J. Sabato and Glenn R. Simpson, *Dirty Little Secrets: Persistence of Corruption in American Politics* (New York, 1996), 298–300. Serious lapses in such inquiries can be applied to the other southern states as well. A state that has received fuller coverage is New Jersey, in Richard P. McCormick, *The History of Voting in New Jersey: A Study of the Development of Election Machinery, 1664–1911* (New Brunswick, 1953), 171–73, 206; and John F. Reynolds, *Testing Democracy: Electoral Behavior and Progressive Reform in New Jersey, 1880–1920* (Chapel Hill, 1988). V. O. Key outlined some of the parameters of southern vote fraud in *Southern Politics*, 443–62. Bruce L. Felknor places vote fraud in the context of overall political corruption in *Political Mischief: Smear, Sabotage, and Reform in U.S. Elections* (New York, 1992), 160–67. See also John Landesco, “Election Fraud,” in John A. Gardiner and David J. Olson, eds., *Theft of the City: Readings on Corruption in Urban America* (Bloomington, 1974), 51–59.

27. *Scholl v. Bell*, vol. I, 446–59; vol. V, 196–97.

28. *Louisville Evening-Post*, 2 October 1905; City of Louisville, Board of Aldermen, *Annual Report for 1905* (Louisville, 1906), 413–14; Speech of Marshall Bullitt before Kentucky Court of Appeals, Bullitt papers; “Louisville Election Contest Cases: Report of James P. Helm, Chairman of the Committee of One Hundred,” pamphlet, Filson Club; *Scholl v. Bell*, vol. II, 586–87.

29. Richard L. McCormick, "The Discovery That Business Corrupts Politics: A Reappraisal of the Origins of Progressivism," *American Historical Review* (June 1981): 270; see also Sarah M. Henry, "Progressivism and Democracy: Electoral Reform in the United States, 1888–1919" (Ph.D. diss., Columbia University, 1995), who argues that the Australian ballot was "the first of what turned into a flood of electoral reforms" in the Progressive Era since it made the ballot "a credible conduit for the deliberate will of the voters" (393).

30. Clark, *Helm Bruce: Public Defender*, 35–36; "Fusionist Movement," *The Encyclopedia of Louisville*, 325.

31. *Scholl v. Bell*, vol. VI, 1–5, 125–29, 289–93, 381–87, 555–63, 700–702, 823–29; vol. II, 299–304, 366, 682–84; vol. V, 272–73; *Louisville Evening-Post*, 7 November 1905.

32. *Scholl v. Bell*, vol. XI, 21–29, 56–63.

33. *Scholl v. Bell*, vol. III, 179–86.

34. *Scholl v. Bell*, vol. V, 102–20.

35. *Scholl v. Bell*, vol. II, 723–25.

36. *Scholl v. Bell*, vol. VII, 368–72.

37. *Scholl v. Bell*, vol. IX, 250–56.

38. *Louisville Evening-Post*, 7, 11 November 1905; *Louisville Courier-Journal*, 8, 9 November 1905. The same election saw another contested mayoral race, which received much more national attention. In New York, William Randolph Hearst lost to George McClellan amid wide reports of vote fraud. The *Evening-Post* reprinted an editorial that appeared in Hearst's *New York American* calling for a recount. Despite his considerable economic and political resources, Hearst was unsuccessful in challenging the election's results. A recent treatment is David Nasaw, *The Chief: The Life of William Randolph Hearst* (Boston, 2000), 196–201.

39. *Louisville Evening-Post*, 11 November 1905. Ironically, a constitutional amendment was also on the November 1905 ballot that would have banned the Australian ballot, but it was defeated.

40. *Louisville Evening-Post*, 13 November 1905.

41. Helm Bruce, "What Kind of City Do You Want?" 26 September 1917, pamphlet at the Filson Club Library. William Marshall Bullitt was appointed by President Taft in 1912 to be U.S. Solicitor General.

42. *Scholl v. Bell*, vol. XI, 1–5, 125–29, 289–93, 381–87, 700–702; vol. XIII, 1–42, 128–29; vol. V, 423–24.

43. Louisville Election Contest Case, "Opinion of Chancellors Miller and Kirby, April 16, 1907," Filson Club; "Twelve Plain Facts About Col. Whallen and Judge Miller—Their Relations for Twenty Years," Bingham Miscellaneous Files, Bullitt Papers. *Outlook*, 15 June 1907, 306–7. In 1910, Whallen chose Miller to replace Judge Henry S. Barker on the Kentucky Court of Appeals. Barker had decided against the Democrats in the 1905 contest case; *Louisville Evening-Post*, 23 March 1907; Clark, *Helm Bruce, Public Defender*, 44–49.

44. Speech of Marshall Bullitt, n.d., Bullitt papers.

45. *Louisville Evening-Post*, 18 April 1907.

46. *Louisville Evening-Post*, 22 May 1907; *Louisville Courier-Journal*, 23 May 1907; *Louisville Herald*, 23 May 1907; *Outlook*, 15 June 1907, 306–7; Clark, *Helm Bruce, Public Defender*, 49–51, 84–85; *Scholl v. Bell*, vol. XIII, 23–50. Judge Lassing noted that had the disfranchised voters all voted for the defeated candidates in the various municipal races, "they would have been elected by majorities ranging from 3,425 to 5,332" (50).

In February 1907, the Court of Appeals had invalidated an election in rural Princeton, Kentucky, on grounds of vote fraud. *Louisville Evening-Post*, 22, 23 February 1907. Writing for the majority, Judge Henry S. Barker wrote that the court understood it "ought not, for light and trivial causes, undo the work" of the voters,

but if sufficient evidence warranted such drastic action, there was a fundamental principle at stake: "Whenever elections are not free and equal, the democratic principle is dead, and the republican form of government will exist in name only." Orr *et al. v. Kevil et al.*, 100 S.W. 314. Barker's reputation as a judge later propelled him to the presidency of the University of Kentucky.

47. Robert W. Bingham to Bon Robinson, 22 August 1907, Bingham Papers; *Louisville Evening-Post*, 27 June 1907; William E. Ellis, *Robert Worth Bingham and the Southern Mystique: From the Old South to the New South and Beyond* (Kent, Ohio, 1997), 31–48. Helm Bruce wrote to Bingham following Barth's suicide and called the *Courier-Journal's* charges "brutal outrages" that "should bring down on the head of the writer the scorn of all right thinking men." Helm Bruce to Bingham, 23 August 1907, Bingham Papers.

48. Bingham to Eames MacVeagh, 8 August 1910, box 34, Bingham Papers; *Louisville Courier-Journal*, 1, 3, 4 November 1909; *Louisville Evening-Post*, 1, 2, 3, 5 November 1909; *Louisville Herald*, 15 November 1909; *Kentucky Irish-American*, 30 October 1909; Ellis, *Robert Worth Bingham and the Southern Mystique*, 42–48; Yater, *Two-Hundred Years at the Falls of the Ohio*, 149–52. When Bingham ran for a seat on the state Court of Appeals in 1910, Whallenites forcefully kept African Americans from registering and other such intimidating tactics. Bingham lost the race by 1,600 votes. "It is true," Bingham wrote Governor Augustus E. Willson, "that we should have won, but for the most general and flagrant intimidation and bribery, and a victory won by such methods is always very dearly bought." Bingham to Willson, 22 November 1910, box 34, Bingham Papers. Bingham later bought the *Courier-Journal* and was appointed Ambassador to the Court of St. James's by Franklin Roosevelt.

49. Louisville Police Department Records, Force Book, 1904–21, Filson Club; Robert I. Cusick Jr., "The History of the Louisville Division of Police from the Founding of the City to 1955" (M.A. thesis, University of Louisville, 1964), 48–51. One officer involved in the vote corruption, Lt. James W. Kinnarney, resigned in July 1907 and later became chief of the special police of Churchill Downs, home of the Kentucky Derby. In 1930, Kinnarney, along with Australian ballot pioneer Arthur Wallace, was an honorary pallbearer at James Whallen's funeral. *Louisville Herald-Post*, 16 March 1930; Krock, *Myself When Young*, 138.

50. Kleppner, *Who Voted?* 59–60; idem, *Continuity and Change in Electoral Politics*, 167–69; Allen and Allen, "Vote Fraud and Data Validity"; Walter Dean Burnham, "Those High Nineteenth-Century American Voting Turnouts: Fact or Fiction?" *Journal of Interdisciplinary History* (Spring 1986): 613–41; and Philip E. Converse, "Change in the American Electorate," in Angus Campbell and Philip E. Converse, eds., *The Human Meaning of Social Change* (New York, 1972): 263–301; Key, in *Southern Politics*, understood that even where there is healthy party competition, "such bipartisan arrangements in assuring electoral honesty are vastly overrated" (443). A helpful recent corrective is Mark Wahlgren Summers, "Party Games: The Art of Stealing Elections in the Late Nineteenth-Century United States," *Journal of American History* 88 (September 2001): 424–35.

51. Although Walter Dean Burnham argued that the secret ballot had lowered opportunities for widespread fraud, he also understood local research could yield new insights. In 1974, he suggested that in order to "recover the historical and sociological dimensions of American electoral politics," historians and political scientists should examine elections at the local level: "This effort may require pursuit of exemplary 'case studies' down to a very microscopic 'local history' level." "Theory and Voting Research," *American Political Science Review* 68 (September 1974): 1022.