

**The Sordid Event**  
**that**  
**Changed America**

Morton J. Marcus  
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We live by the grace of our forebearers. Their noble deeds and their sins shape our lives. Tonight we will discuss one of their greatest transgressions and its consequences for the lives we live.

## **The Background**

It was here in Indianapolis, in this month of January, on the tenth day of the year 1877, that the Indianapolis Literary Club was formed. Within ten more days, those energetic gentlemen would have a constitution and begin the earnest and delightful practices which we have enjoyed into our time.

Our lives are very different from theirs, but there are disturbing similarities.

Consternation and apprehension characterized their days. In November 1876, there was a national election. The Democratic candidate, Governor Samuel Tilden of New York, won the popular vote over the Republican, Governor Rutherford Hayes of Ohio, but the electoral vote was unsettled.

There were wild tales of irregularities in the counting of the votes and therefore the composition of the electoral college. At stake were the presidency and the full administration of the federal government at a time when patronage dominated appointments down to the level of local postmasters.

Whatever discord our generation experienced from the election of 2016 cannot be compared to the uncertainties of 1876 and '77. Communications today are instantaneous and the public has access to a range of information unimaginable in those days of the 19<sup>th</sup> century. And remember, at that time, the inauguration of the president did not take place until March 4<sup>th</sup>, not January 20<sup>th</sup>. Hence, the matter could ferment and political moonshine was being made.

## The Candidates and the Campaign

We will not dwell on the men who ran for the presidency. Each had a distinguished career and was known for his integrity in a wide-open era of corruption. As ever, there were many issues debated across the nation, some that still echo in our time.

For instance, the Republican Platform of 1876 declared The public school system of the several states is the bulwark of the American republic; and, with a view to its security and permanence, we recommend an amendment to the constitution of the United States, forbidding the application of any public funds or property for the benefit of any school or institution under sectarian control. Republican Platform 1876

## The Democrats called this a false issue and insisted in their platform

Reform is necessary and can never be effected but by making it the controlling issue of the election and lifting it above the [two] issue[s] with which the office-holding classes and the party in power seek to smother it:— [First—]The false issue with which they would enkindle sectarian strife in respect to the public schools, of which the establishment and support belong exclusively to the several States, and which the Democratic party has cherished from their foundation, and is resolved to maintain without partiality or preference for any class, sect or creed, and without contributions from the treasury to any. Democrat Platform 1876

Here the GOP seeks a federal solution, a constitutional change, while the Dems support states' rights. These were to be the venerated political totems of the two parties for the next half century, until the Great Depression.

In the preceding eight years, the administration of Ulysses Grant had degenerated into a morass of self-serving dealings and scandal. The Democrats enumerated these villainies and the need for reform in their 1876 platform:

When the annals of this Republic show disgrace and censure of a Vice-President [Schuyler Colfax of Indiana] ; a late Speaker of the House of Representatives marketing his rulings as a presiding officer; three Senators profiting secretly by their votes as law-makers; five chairmen of the leading committees of the late House of Representatives exposed in jobbery; a late Secretary of the Treasury forcing balances in the public accounts; a late Attorney-General misappropriating public funds; a Secretary of the Navy enriched and enriching friends by a percentage levied off the profits of contractors with his department; an Ambassador to England censured in a dishonorable speculation; the President's Private Secretary barely escaping

conviction upon trial for guilty complicity in frauds upon the revenue; a Secretary of War impeached for high crimes and misdemeanors—the demonstration is complete, that the first step in reform must be the people's choice of honest men from another party, lest the disease of one political organization infect the body politic, and lest by making no change of men or parties, we get no change of measures and no real reform.

Into this swamp stepped Rutherford B. Hayes, born in Delaware, Ohio in 1822, graduated from Kenyon College as the valedictorian, earned a law degree from Harvard, rose to the rank of major general in the Civil War, served in Congress and three terms as Governor of his home state. Hayes became a member of the new Republican Party because of his strong opposition to slavery. In addition, he may have been the most bearded chief executive in American history.

Samuel J. Tilden, born in New Lebanon (NY) on the road between Albany and Western Massachusetts in 1814, did not have a beard in an age when a beard, a sign of participation in the Civil War, seemed compulsory for a president. If Tilden were to become president, he would have been the first clean-shaven man elected to the office since James Buchanan in 1856.<sup>1</sup> In addition, he would have been only the second bachelor elected as President; the other was also James Buchanan.<sup>2</sup>

Both men stood for reform of the civil service and a major reduction in patronage. Tilden became a vigorous opponent of the Tweed Ring in New York City and was widely-known and respected for his support of reform in government at all levels.

Both Hayes and Tilden opposed the free coinage of silver and stood firmly with the East Coast bankers for the gold standard or hard money. Tilden, the New Yorker, was in most matters willing to seek compromise rather than adamant impracticality. Therefore, he accepted Thomas Hendricks of Indiana, a soft money (bimetallism) man as the 1876 Democratic candidate for

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<sup>1</sup> Lincoln began to grow a beard in October before the election of 1860.

<sup>2</sup> No man with a moustache or a beard has been elected president since Wm. Howard Taft in 1908.

Vice-President. This was a step to line up with the debtors of the West and the South as the solution to their problems through inflation.

Remember, the economic collapse of 1873 was followed by nearly a decade of stable to falling prices, declining real wages, heavy immigration, high unemployment, widespread extension of poverty, and rapidly advancing technology. Does that sound familiar?

One cause of this sustained period of hardship was “The Crime of 1873,” the Coinage Act, which eliminated the issuance of money based on silver. This sent silver prices down, a blow to mining in the West, and sent gold prices soaring, wiping out the remaining value of wartime Greenbacks.

Democrats were ready to win the election of 1876. Tilden was considered the more attractive candidate; their party, although not Tilden himself, supported silver coinage which was a raging political issue; the economy was in a sustained economic crisis, and whites in the post-war South were staunch Democrats. Furthermore, there remained, 11 years after the war was concluded, numerous Confederate sympathizers in northern areas, like Indiana, to bolster the Democratic vote.

Hayes had little confidence he could win for these same reasons. Certainly, New England, the Northeast, the Midwest and the West could be counted on to turn out Republican victories. Only New York (with Tilden) and Indiana (with its Southern sympathizers) were possible Democrat wins. A strong vote of freed slaves in the South would be needed to deny Democrats victory in the old Confederacy. However, federal troops to assist freedmen access to the polls remained in only three states: South Carolina, Florida, and Louisiana. This absence of protection from white intrusions into the voting process was a major impediment to a Republican victory.

Ultimately, it was on this point, the ability of blacks to get to the polls in the south, that the election turned into the *Centennial*

*Crisis*, as Supreme Court Justice Wm. H. Rehnquist termed it and the *Fraud of the Century* as Roy Morris, Jr. called it. From this ensued the Electoral College debate, the Electoral Commission, the vote by the Congress, the end of Reconstruction and the suppression of black aspirations that has given us the America of this day.

### The election and its aftermath

On November 7, 1876, America went to the polls. Indiana was an important battleground and swing state of the election. Only four of the 38 states in the nation had more than Indiana's 15 electoral votes (NY, PA, OH, and IL). Hoosiers would cast 430,000 votes, splitting them 49.7% for Tilden and 48.1% for Hayes. Indiana's margin of victory for Tilden would be his smallest of the 17 states he carried.

Those 17 states, however, gave Tilden 184 of the 185 electoral votes he need for the Presidency. Hayes had 165 with 20 electoral votes in dispute; 19 of those 20 were in three Southern states (South Carolina, Florida and Louisiana); the remaining one disputed elector was in Oregon.<sup>3</sup>

In those three Southern states, Tilden was leading. However, Republicans insisted that, despite the presence of federal troops, intimidation and denial of voting rights, along with outright fraud, had stolen the election. Election night telegrams to Republican chieftains in those three states emphasized that Hayes would win if those states were held in the Republican column.

The other eight Confederate states had satisfied the conditions for withdrawal of the soldiers. With that withdrawal had come the rise of the Ku Klux Klan, voter intimidation and other measures to deny former slaves their rights of citizenship.

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<sup>3</sup> This lone Democrat elector in Oregon was declared ineligible because he held elected office.  
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Democrats won all the Confederate states from which the federal troops had withdrawn.

To resolve these disputes in three states, prominent Democrats and Republicans rushed to the South to observe and report on the canvassing boards that would establish the official tally. In South Carolina, Florida and Louisiana, these boards were still largely Republican office holders, winners in previous elections. To no one's surprise allegations of improprieties against would-be Republican voters were sustained. The ballot box results were accordingly adjusted. Hayes, it turned out won all three states.

Now Hayes had the necessary 20 electoral votes to reach the magic number of 185 for election to the Presidency. The official vote now read: Tilden won the popular vote nationally by 3%, but Hayes won the electoral vote in 21 of 38 states. Or did he? The popular vote margin for Hayes in South Carolina was only 0.5 percent. In Florida, the margin was 2% for Hayes; in Louisiana it was 3.3% for Hayes. It would be disputed for years and Hayes would be known as Rutherford in some parts of the nation.<sup>4</sup>

For the Electoral College votes to be counted, required at that time, concurrence from both the House and the Senate. Democrats, who controlled the House of Representatives, refused to accept the official results submitted by the three Southern states. In good governmental fashion, the Congress formed an Electoral Commission of 15 persons to resolve the matter. With eight Republicans and seven Democrats on the Commission, the results seemed fore-ordained. But not all the Republicans could be counted to vote as desired and some Democrats might be persuaded to cross party lines.

The desired result, for the good of the nation, required avoiding discord. The Republicans easily decided they could not

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<sup>4</sup> Analysis of the final votes shows that Hayes had a margin of less than 5% in 10 of his 21 states, while Tilden's margin was less than 5% in only 3 of his 17 states. Where Tilden won, he won bigger margins than Hayes was able to command in his victories.

“go-behind-the screen,” that is, they could not examine the questions posed in the canvasses of the Southern states. But some Democrats had to join Republicans in supporting Hayes. What could the Republicans offer the Democrats to secure their agreement to give the disputed 20 electoral votes to Hayes? The answer was simple: give them the South, a political gift that was to last for 70 years. Hayes, reluctantly, agreed to end Reconstruction and withdraw all troops from all Southern states.

On Friday, March 2, 1877, at 4 am, the Commission certified the Republican electors from the three Southern states. Not to be denied, the Democratic House of Representatives passed a resolution declaring Tilden the victor, but, circumspect as he was, Tilden declined to take the oath of office.

The traditional day for inaugurations was March 4, which, in that year of 1877, fell on a Sunday. For this reason, Rutherford B. Hayes of Ohio was sworn in secretly as President on Saturday, March 3, with a public ceremony following on Monday, March 5.<sup>5</sup>

### The End of Reconstruction and the Enshrinement of Jim Crow

Would a victory by Tilden have changed the course of American history? We have no way of knowing. The North had lost interest in battling the South. Old Radical Republicans were retiring from public office. Industrial giants were rising as advanced technology replaced the small artisans of the past. Labor and farmers drifted apart politically as cities came to dominate former rural landscapes.

The end of Reconstruction meant closing the Freedmen’s Bureaus which strove to educate former slaves for life in a new setting. Education was left to the states, voting regulations were left to the states, and commerce was largely in the hands of the states. In most places, former slaves were denied land ownership

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<sup>5</sup> Some suggest this secrecy was out of fear of pro-Tilden riots. I found no evidence to support that hypothesis.  
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and were constrained to work on the former slave-owning plantations.

Impoverished Southern farmers could not get credit to buy the new equipment that made Northern and Midwestern farmers so productive. The Southern rail network was a wreck, but lines going west from Chicago and the Mississippi River were getting the capital investment flowing from New York, Boston, London and Paris.

Most Southern whites could not accept Negroes as civic equals, let alone social equals. Informal rules of segregation became hardened into laws denying the most elemental rights and courtesies to the black population. Terror was the ultimate weapon, but daily disrespect denied blacks the opportunity to make entry in the lives they were entitled to enjoy.

When Reconstruction ended in 1877, a great experiment in liberty and regeneration was terminated. The energy behind the noble intellectual and spiritual promises of Reconstruction was dissipated and redirected to other causes. A decade of hope, striving and success by freedmen closed and a long bleak era of neglect spread into our own times.

More than a century passed before the majority of Jim Crow laws were revoked. Nonetheless, racial segregation and inequities persist to this day in most aspects of American life. Disparities in the education, employment, income, housing and health of those with European and those with African ancestry remain strong still.

Could Tilden's election have made a great difference? It might have. Tilden, an artful Democrat, as Lyndon Johnson was a wily Southerner, might have advanced the economic and political rights of every American citizen. Hayes, yielding to the new direction of his party, abandoned his life-long fight to free and restore dignity for those who had been in bondage. From the little we know, Tilden might have acted in that unique moment when a

particularly thoughtful man could follow his moral compass and lead us to a better world.

### Bibliography

Flick, Alexander Clarence, *Samuel Jones Tilden*, 1939

Foner, Eric, *A Short History of Reconstruction*, 2014 edition

Hoogenboom, Ari, *Rutherford B. Hayes, Warrior & President*, 1995

Morris, Jr., Roy, *Fraud of the Century*, 2003

Rehnquist, Wm.H, *Centennial Crisis*, 2004

Simpson, Brooks D., *The Reconstruction Presidents*, 1998