**Seeking Solace from History? The 1876 Election and Threats to Democracy**

Virginia Sapiro, Boston University & University of Wisconsin - Madison[[1]](#footnote-1)

It was an election, many feared, that would end American democracy as we knew it. The country was still recovering from a financial collapse and there was deep contention over racial issues. There were crucial infrastructure needs. The borders were not secure. There was wide agreement that corruption in government was rampant. Violence flared up among groups trying to protect their own power and rights. Troops were sometimes called in to quell the violence, but sometimes the troops protected the perpetrators of the violence more than the victims. Political polarization was rampant reflecting deep regional and racial divides. Few people really trusted the fundamental instruments of government, including elections, except when they were sure that their own party was in control. Many people feared post-election violence by those who opposed the winner.

This was the 1876 election between the Democrat, Samuel J. Tilden and the Republican, Rutherford B. Hayes to succeed President Ulysses S. Grant. In the end, after months of turmoil, Tilden won the popular vote and Hayes won the electoral vote by one vote in a result many regarded as a stolen election because disputes in four states. It took almost 4 months to resolve the election, and it ended in a manner that was long contested and is widely believed to have brought the curtain down on Reconstruction and ushered in the Jim Crow era that erased the rights of African Americans in the South and created a long era of race-focused terrorism.

Many observers have drawn connections between the elections of 1876 and 2020. As the 2020 election approached, two historians in the *Washington Post* outlined how many of the conditions in the run up to the approaching election were reminiscent of 1876 (Sheldon and Alexander 2020). Legal scholar Franita Tolson discussed in *The New York Times* the threats of 1876 and 2020 to democracy, and underscored the importance not just of systemic forces, but of the actions individual leaders make in determining the course of history (Tolson 2020). A staff writer for *Salon* also noted the parallels, but attributed the chicanery completely to President Trump, as compared with more widespread corruption in 1876 (Rozsa 2020).

There were many parallels. If anything, they became more profound between Election and Inauguration Days and even after. Violence did continue after the elections of 1876 and 2020, but in very different ways. Although in 1876 many people feared attacks on the central institutions of government, that did not happen – but it did happen in 2021. In both cases race conflict actually increased, with white supremacists working to secure their dominance in society and, specifically, in government.

But analytically, what do those echoes offer us as ways to learn about American politics? Surely, we’re not interested in a Ripley’s Believe It or Not approach. (“Next up: The parallels between the assassination of Presidents Lincoln and Kennedy!”) And we know that history does not “repeat itself.” (And if it did, what would that tell us about politics?) But how do case studies of past political events inform political analysis? One way is exactly as case studies of current political events do – to develop and test hypotheses about various aspects of politics. If 2000, 2016, or 2020, why not 1876? Another is slightly different: to offer a *comparative* case to explore or re-test (those are different) knowledge drawn from contemporary research. Another is to investigate roots and precedents (again, those are different). Finally, for those who agree that history is worth understanding, we can use contemporary insights drawn from social science research to interrogate and extend extant historical research. That is what this exploration sets out to do. By considering these two eras in tandem, what, if anything, can we learn about persistent fundamentals of American politics?

The basic outline of the 1876 election, fairly widely known to those with a basic grasp on 19th century political history is this: Vice President Andrew Johnson, a Democrat who ran with Abraham Lincoln on the National Union ticket, succeeded to the presidency after Lincoln’s assassination in 1865. His administration was marked by increasing conflict with Republicans over many issues, including Reconstruction, and ultimately was impeached but, by one vote, not convicted. Although Southern Democrats liked him, he was not chosen as the Democratic candidate in 1868. General Ulysses S. Grant, the Republican, won an Electoral College landslide in the 1868 election. Although Grant’s first term was a mixed success, he won a landslide election against Horace Greeley in 1872.

As 1876 approached, many profound economic and political problems that divided the country (discussed below) were coming to a head, and the Grant administration was widely regarded as deeply corrupt. There was no obvious successor, and two governors were chosen as their parties’ standard-bearers: Ohio Republican Governor Rutherford B. Hayes and New York Democratic Governor Samuel J. Tilden. The election was a mess, not finally decided until just before inauguration day, then held on March 4. Tilden won the popular vote, and after a long-drawn out, unusual and violence- and corruption-drenched process, Hayes won the Electoral College by one vote. Many people, and much of the press, so feared the country could erupt in violence that the new president was sworn in in secret in the White House at the first moment it was legally possible. Hayes promised he would serve for only one term, and was succeeded by Republican James A. Garfield after the 1880 election.[[2]](#footnote-2)

The remainder of this essay proceeds as follows. First, it outlines the relevant context for the 1876 election, considering the economic conditions, especially surrounding the Panic of 1873; the politics of Reconstruction and Redemption; the ongoing transformations of the party system; and important shifts in regional politics and preoccupations. Although discussion of 1876 and its aftermath usually focus on the South because of the core importance of Reconstruction and Redemption, there were important, and highly relevant changes going on in the North and West. With the context in place, I will turn to a relatively brief discussion of the campaign and balloting of the 1876 election, followed by a description of problems related to the Electoral College and certification. And finally, I will open a discussion, which I hope we can continue, of the significance of the 1876 election for understanding 2020, and even more, the underlying continuities in American political history.

**The Context for the 1876 Election**

The run up to the 1876 election is marked by many important twists and turns, but four critical forces that helped shape the politics of the election and its aftermath are also relevant to interpretating its larger significance for democracy: the Panic of 1873 and the economic conditions of the era; the Reconstruction and Redemption in the South; the transformation of the parties and party systems of that era; and the shifting conditions and preoccupations of the North and West of the country.

*The Panic of 1873 and the Economic Conditions of the Era*

The impact of the Civil War and its era was different in different regions, but it ushered in a boom time in the American economy outside of the Confederacy. War needs and industries drove much of that growth – for example, railroads to move troops and supplies, mills to provide blankets and uniforms – but also the railroads as well as other conditions underlay a variety of different speculation schemes common in growing economies. In addition, the war provoked the federal government to establish both an unprecedented tax and tariff system. As Nicolas Barreyre (2015) has shown, the politics around these economic and policy changes became explosive, partly because of partisan politics, but even more because they were driven increasingly by sectional interests, with distinct impacts on the Northeast, South, and Midwest. They fed into critical policy conflict over basic, structural features of the American economy with significance that shaped the course of the future – taxes, tariffs, the banking system, and of course the basis of American money as specie or “greenbacks.”

By the end of the 1860s the American economy had overheated and the bubble burst, creating deep problems for agriculture and industry alike all over the country, with many repercussions and plenty of blame to go around. The Panic of 1869 was proximally caused by the efforts of the unscrupulous Jay Gould and his co-conspirators to corner the gold market and raise the price of gold. The 1872 Crédit Mobilier scandal, gave the economy was given another push toward unraveling through the interlinked corrupt and fraudulent financial practices in the development of the Union Pacific Railroad and the shell company, Crédit Mobilier, constructed to shield its investors. This shady network reached well into Congress and the Grant Administration. Major conflagrations in the economic centers of Chicago in 1871 and Boston in 1872 contributed to the economic destabilization.

The Panic of 1873 was the last straw. As in the United States, European markets had been steadily overheating. The Vienna Stock Exchange crashed in May, 1873, and there were varying degrees of economic collapse across Europe as well as in India and South Africa. European investors withdrew from their risky American railroad investments beginning in late 1872. Jay Cooke & Co., a bank founded in 1861 that had engaged in speculation in the railroad market could no longer pay its debts and was forced to suspend operations in September, 1873, leading to the closure of the New York Stock Exchange for 10 days. A host of other events, including wars between United States forces American Indians, a grasshopper plague that covered a huge swath of the West, collapse of farm prices and the drying up of markets for industrial goods all took their toll. Workers, framers, miners, and industrial workers alike organized themselves to protect their economic interests. A cycle of economic collapse across the country followed, with different kinds of effects in different regions, resulting in a Depression that lasted until 1878, certainly covering the period of the 1876 election.

*Reconstruction and Redemption in the South*.

There are many versions of what Reconstruction was supposed to be, but the core was planning for the re-integration of the former states of the Confederacy back into the United States of America following the conclusion of the Civil War, including the integration of the 4 million or so formerly enslaved people as citizens in their states and decisions about how to treat the people who had committed war against the United States.[[3]](#footnote-3) In thinking about the race politics of the time it is crucial to remember that African Americans constituted a very large proportion of the population of the former slave states – indeed, the black populations of Louisiana and South Carolina were larger than the white populations – and, in this era before the Great Migration north, African Americans constituted a very tiny part of the populations of most communities of the North and West, where most white people may never have met an African American.

Reconstruction policy demanded that Southern white people accept the Africans Americans (or at least African American men) they had enslaved to be partners in governance – to vote, hold office, own property and live the lives whites had reserved for themselves in the same communities as themselves. Southern whites, by and large, experienced the post-war period as a period of hostile occupation by the North and a destruction of their traditions, culture and way of life. This occupation took three forms. First was the literal occupation of the South by federal troops. It took more than a year after the formal close of the war for federal war troops to withdraw, but some remained stationed there to enforce the Reconstruction laws, especially to stop violence against African Americans who were trying to use their new rights.

Second, there was a more informal civilian occupation of the South by northerners. Many northerners moved to the South and took up residence for a variety of reasons. Some migrated with missionary motives, aimed largely at assisting the newly free people; with economic motives, hoping to participate in and take advantage of what would surely be a growing, developing economy; or with political motives, seeking their futures in politics, especially in advancing the cause of the Republican party in the South in association with the newly freed African Americans who were attracted to the party and some disaffected white Democrats. All of these migrants were regarded with suspicion, derision, and even hatred by white Southerners (and some black Southerners) as invaders, as occupiers, as carpetbaggers.

But the perception of occupation went beyond that actual physical presence of northern troops or civilians because of what might be called a virtual or symbolic occupation. The imposition of “Northern” social and political norms, especially but not only around race relations also felt like an invasion. Northern and Southern cultures regarded each other with suspicion and fundamentally different in a host of ways (Silber 1993). Further, of course, the Southern economy had been destroyed by the ravages of war, the destruction of the plantation-based political economy, the introduction of free labor to replace slave labor, and by the fact that the Confederate currency was rendered instantly worthless by the surrender at Appomattox.

Many white Southerners fought hard and increasingly violently against Reconstruction, especially as black men took up their right to vote and were elected to office and entered and built other race-inclusive institutions such as schools and even colleges. White people defined the movement to restore Southern self-government the “Redemption.” These efforts were often led by violent organizations, filled with many former Confederate soldiers, aimed at killing and otherwise terrorizing African Americans and Republicans. The Democratic party was dominant among white people while African Americans were predominantly Republican (as were many of the carpetbaggers), so the Redemption meant eliminating African Americans and Republicans, regardless of race, from governance. As Eric Foner and others have pointed out, any attempt on the part of African Americans to defend themselves was likely to result in annihilation (Foner 2014: 589).

The federal government fought back to some degree for some time – for example, it effectively shut down the Ku Klux Klan in 1871. (The KKK re-emerged in the 19teens and 1920s, inspired partly by the D.W. Griffith movie, *Birth of a Nation*, during a resurgence of Southern white nationalism that also involved planting memorials to Confederate heroes around the South.) But other violent white nationalist groups emerged. The violence was constant, brutal, and sadistic, punctuated by full-scale massacres (Lane 2009, Lehman 2006). Federal troops were sometimes called in to quell the violence or to protect voting places or Republican meetings which suffered threats by the white nationalist groups, but not always.

Redemption, the effort to restore Democratic and white dominance, grew in success in the early 1870s. One state after another was “Redeemed.” By the beginning of 1876 South Carolina, Florida, and Louisiana were the only remaining “unredeemed” Southern states. All three, plus Oregon, were the crucial contested states in the 1876 election.

The view of Reconstruction in the North, especially in the Republican party, which had been the leading force for abolition, the extension of voting rights to black men, and the Reconstruction, grew increasingly ambivalent at best. With the economy in a shambles and trust in the federal government weakened by repeated corruption, Reconstruction receded from the political and policy priorities of Northerners. Nicolas Barreyre (2015) argues that by the 1870s Reconstruction remained as prominent as it was on the Republican national agenda largely because the party was so internally divided sectionally on economic and financial issues. But there were many reasons why the Republican party became less committed to Reconstruction and increasingly doubted its premises. Among these were worries about federal interference in state politics and military interference in civilian affairs; negative perceptions of African Americans’ impact on politics; racism pure and simple; increasing sympathy with beleaguered southerners; sectional differences between the Northeast and the increasingly populous “West,” including the Midwest; and the realities of political party competition (Cox and Cox 1967, Richardson 2007, Richardson 2014, Silber 1993, White 2017). Arguably, by the time of the 1876 election, there was little left to Reconstruction as a political motivator in the North other than the occasional display of a bloody shirt.

*Transformation of the Parties and Party Systems*

Every election signals an important moment in the history of our political parties, but some elections are more important than others. The election of 1876 was one of the important ones, although good scholars can disagree over its significance – and have certainly argued the matter. Up to the 1870s American political parties were born, splintered, re-formed, renamed themselves, and even more new parties with consequences for the system entered the picture with great regularity. A political party with a single name looked and acted differently across regions and states. The Democratic party of the north and south were certainly different. The two major parties didn’t even have national offices in Washington, D.C. until the 20th century.

The Republican party was deeply internally divided over many questions of policy and ideology including race issues; how to handle the South; and the crucial economic issues of the day, such as monetary policy, fiscal policy, banking, and tariffs and protectionism. Sectional differences meant that the Republican party had trouble navigating any kind of clear, united stand. The Grant administration and the Republican party, unsurprisingly, suffered blame and punishment for being in office for the economic decline. The Grant administration was also deeply mired in numerous charges of corruption and connections to economic scandals, all of which were some of which were linked to the country’s economic failure. Democrats levelled charges of incompetence and corruption at Southern governments run by Republicans, including African Americans. Although those charged were no doubt partly founded in both racist and anti-Republican and anti-carpetbagger sentiment, the entire party from the federal level down carried a taint. Of course, so did the Democratic party, represented best by New York’s “Boss” Tweed.

Patronage had been a way of American life in party politics at least since the Jacksonian era. There was not yet a regulated civil service. Federal employees were required to give a kick-back to the party that hired them, thus creating a tremendous incumbency advantage. In 1876, for example, the Hayes campaign benefitted from about $200,000 in campaign assessments from federal employees.[[4]](#footnote-4) But corruption of a more clear and basic sort – using public office for private gain -- was rampant, tied up with both big business – notably the railroads – and small. The Republicans happened to be holding the White House so they were the focus of attention.

So the Grant administration’s corruption shaped reactions against the Republican candidate, Rutherford B. Hayes. It also gave Samuel Tilden one of his major assets as a candidate. As a leader in the New York Democratic party he was instrumental in the overthrow of Boss Tweed and the Tammany Hall, the notorious ring of corrupt Irish Democratic politicians that bilked the state of no-one-knows-how-much money – somewhere between 30 and 200 million dollars -- and for a long time controlled the political machinery of New York by buying politicians, judges, and journalists. Tilden, who then became governor of New York, campaigned for the presidency as a reformer who was going to throw the bums out, or at least clean them up.

Some historians note that as the ideological preoccupations of antislavery period faded, many congressional and other party leaders began to see their work less single-mindedly as pursuing ideological and policy goals and more about, as Eric Foner wrote, “obtaining office and mediating the rival claims of the diverse economic and ethnic groups that made up Northern society.” As he further wrote, “The organization itself, not the issues that had once created it, commanded their highest loyalty.” This is a more modern configuration of American political parties, by no means devoid of issues and ideology, but more, within a broad policy direction and perhaps a couple of major issues, creating a mass base and coalitions that depend on their ability to distribute resources, bring home the bacon, respond to the particular configuration of social groups in their districts and states, and secure votes and offices.

Neither the Democrats nor the Republicans, then, were unified parties. About the only thing the Republicans truly shared with each other in the mid-1870s was the bloody shirt, symbolizing the sacrifices Northerners made to keep the Union together, by now often used by Republican supporters of their presidential candidate cynically as a good alternative to the bloody mess in Washington. But the disastrous economic times and growing anti-Grant sentiment combined with Redemption politics in the South turned into a rout of the Republicans in the 1874 midterm elections leading to a Democratic House majority, a change that would have great consequences for the 1876 election. It also helped new Democratic incumbents turn Republicans out of office, including in New York, where Democrat Samuel J. Tilden took office as governor.

Neither party approached 1876 in great shape, and the underlying structure of the parties was still uncertain. As Nicolas Barreyre wrote, “So divided were the Democrats on the money question and so electorally squeamish were the Republicans about it that both parties tried to avoid it in 1876. Instead, they studiously looked for other campaign issues: Republicans fell back to waving the bloody shirt; Democrats took up ‘reform.’” (Barreyre 2014: 421)

*The shifting conditions and preoccupations of the North and West*

In 1876 the Civil War would have been receding in the rear view mirror if there were such things back then. The War was about as far distant back as the 2008 global financial crisis was during the 2000 presidential election. (No doubt, for many people that felt like a long time ago, for others it would feel very close and personal, and in any case, the actual continuing impacts would be easily detectable by an economist or historians.) Citizens in different regions, of course, would not have felt the relationship to the Civil War the same way. Most people in the North did not live in the places where much of the war was fought so they did not see the still daily reminders of former battlefields, destroyed properties and institutions and a dramatically changed social order, as was the Southern experience.

The massive expansion of railroads and other aspects of the industrial revolution deeply affected many sectors of the economy and the overall structure of the political economy outside of the South. The Panic of 1873 has sometimes been called “the first great crisis of American capitalism,” and the dimensions of that crisis were visible throughout the North, Midwest, and West, especially in a rise in labor unrest. The major miners’ strike of 1873 along the Ohio/Pennsylvania border was only the first of many. This was also one of the first major labor strikes in which owners brought in special groups of strikebreakers --- in this case African Americans and Italian immigrants. That created a pattern for later strikes, and also, in its wake, left a new populations in the region as strikebreakers settled. Miners strikes continued, and Ohio governor Rutherford B. Hayes sent troops to create order. Throughout the 1870s there were increasing labor disputes, prompting increasing conflict across class lines. The crash of agricultural prices led to organizations among farmers, including, most prominently at the time, the Grange in 1867, which grew dramatically in the 1870s.

Meanwhile, the cities and towns experienced the growth of a commercial class, an urban middle class that valued stability and security. Witnessing strikes, agricultural organization, and the turmoil in the South, the tide turned against preoccupation with expansion of rights and more radical democracy or government intervention, giving rise among northern Republicans for a politics of moderation. The transformation of the Republican party from the party of abolition to the party of the business class had begun (Foner 2014: 654-58). It veered away from government intervention and in politics returned to the perennial theme of whether for the sake of good government voting might be restricted to people with an appropriate level of literacy and education.

The massive expansion of railroads (strongly linked to the scandals and economic disasters of the period) and the invention of barbed wire encouraged westward expansion of the white population to lands they saw as empty. That created an era of increasing conflict with the Native Americans whose lands and settlements they invaded, and policies of governmental expansion even while federal reaction in the South began to tend toward retraction (Cox 2007). Just a few months before the 1876 election people were riveted by the Battle of Little Bighorn, in which Lieutenant Colonel George Custer’s troops fought the Lakota Sioux and Cheyenne, who were under the leadership of Crazy Horse and Sitting Bull. Custer and his troops were defeated and killed.

To achieve success in national elections in 1876, parties had to consider how to navigate not just the old North-South divides, but the divides also between the West and the Northeast and the class differences within each of those regions.

**The Election of 1876: The Campaign and Balloting**

And so the election year 1876 arrived. But first, it was time to celebrate the Centennial of the American Declaration of Independence. The Centennial International Exhibition opened in Philadelphia in May – the first world’s fair held in the United States -- and it closed three days after Election Day. For our purposes, probably the most interesting aspect of it is that underneath this grand celebration of independence of this nation, as we have seen, the nation itself was teeming with transformation, divergent visions, conflict, and occasional uncertainty about how it might continue.

Neither Samuel J. Tilden, the Democratic governor of New York, nor Rutherford B. Hayes, the Republican governor of Ohio, began the year as the obvious candidates. Tilden ran as a reformer against the corruption and excesses of Washington and the Grant Administration and presumably riding the success of his party in the 1874 midterm elections. The Democrats fought a relatively modern fight, creating a campaign manual for campaign workers to share. As we have seen, although both parties remained drenched in some of the politics of the Civil War era, but other highly contentious issues had gained prominent, many of which could not serve to unite either party.

Neither side fought a clean fight, although as was the custom in the 19th century, the candidates themselves stayed largely out of the fray and did none of the speech making or hand shaking that is common today. Southern Democrats organized into paramilitary forces to scare African Americans and, in fact, all Republicans away from the polls. Southern Republican corruption was viewed as so wide and deep that even some Southern African Americans in some states supported the Democrats, which then led some black Republicans to attack them as turncoats (Morris 2007:152-153). Party politics was personal and identity driven. The tactics of terror and murder were largely effective, although in many Southern communities African Americans travelled to the polls together in self-protection. Southern Republicans called for federal troops to come to the aid of protecting voters; the response was not consistent.

Looking North, Anti-Catholic groups supported Hayes, and benefitted the Republican party given the importance of anti-Catholicism in the 19th century. The Republicans charged that Tilden was a tax evader; meanwhile, the record showed years when Hayes had not paid taxes. Republican supporters implied that the unmarried Tilden was homosexual. Neither side had a monopoly on low tactics, although violence and terror was largely the specialty of Southern Democrats.

The results were uncertain for days after election day. In the end most newspapers agree that Tilden won the popular vote (which Hayes as well seemed to believe), eliciting deep reactions of horror on the part of Republicans. As one newspaper put it – “I felt as if a great conspiracy of ignorance superstition, and brutality had succeeded in overthrowing the hopes of a Christian civilization as represented and embedded in the Republican party" (Morris 2007: 167). Hayes himself assumed that fraud and violence had weighed reduced the Republican vote in the South, and Democrats were sure there was fraud elsewhere in the country. There were rumors that Democrats would arm themselves and march on Washington to ensure that Tilden became president. Tilden’s advisors told him to encourage mass demonstrations in a range of cities. Hayes seemed to think that they would just have to tolerate a loss and look to the future; Tilden was no fan of violence and didn’t want demonstrations, and President Grant engaged in some preparations for possible violence (Morris 2007:173-74). Tilden worried aloud that there would be another civil war.

But then, it looked like the Republicans might nevertheless win the electoral vote – by one vote. The results were contested in four states – Louisiana, South Carolina, Florida, and Oregon.[[5]](#footnote-5) These included states engaging in hard-fought Redemption politics, with massively violent and corrupt campaigns to suppress the opposing vote. The ensuing fights included bayonets in a state house, and states with two different state governments existing side by side (even fighting to occupy the same space in the state houses) because both parties claimed to have won the state elections (Morris 2007: 182). State level contention, of course, affected the certification of ballots. When the electoral votes were counted at the state level, Tilden had 184 votes, Hayes had 165, and 20 electoral votes remained contested.

**The Election of 1876: The Electoral College and the Politics of Certification**

Now it was time for Congress to receive the electoral college ballots and certify the winner. But because of the contested results the politicking continued until March, right before the scheduled inauguration day. The conflict, corruption, partisan wrangling and violence continued. One of the major problems was that the congressionally-mandated procedures for reaching a decision were not as clear as they might have been. There was legitimate room for different interpretations, and the situation they faced was unprecedented.[[6]](#footnote-6) But choosing one procedural solution or the other would affect the outcomes, so of course Congressmembers and other partisans did not regard the rules as neutral procedural matters; there were deep partisan differences in defining what the appropriate procedures were. The same, of course, is true today.

Did the Constitution mean that when the President of the Senate opened the electoral ballots he had any decision power in deciding which state certifications were legitimate and should be counted? The Republican majority in the Senate thought so; the Democratic majority in the House thought not. Congress designed a solution to the stalemate between the houses – create a balanced congressional commission to recommend a decision. But through various intervening events, the commission had a Republican majority.

Many people, including many in Congress, worried that there would be no decision in time for inauguration day. Many feared that any outcome in this highly contested outcome could eventuate in mass violence, especially on the part of Democrats – after all, Southern democrats had shown a penchant for violence already, Tilden had won the popular vote, and there were sufficient problems and disputes in this highly partisan election to guarantee that the losers would feel aggrieved and likely, believe that American democracy had been violated.

There was considerable behind-the-scenes wrangling. It is not fully clear how much Hayes and Tilden were involved in the politicking that went on through the early part of 1877, or at what point if any they approved outcomes. A private meeting of Ohio Republicans and Southern Democrats at the Wormley Hotel in Washington, D.C. in late February 1877 is reputed to have been the final turning point, although not all historians agree. There is no good written documentation of the proceedings, so historians have had to piece together the story. Meanwhile, It is generally agreed that the participants reached an agreement whereby the Democrats would tolerate the Electoral Commission and the Congress certifying Hayes as president, in exchange for which the Republicans agreed to the removal of all remaining US troops from the still “unredeemed” former Confederate states, the appointment of at least one Southern Democrat to Hayes’ cabinet, and assistance to the South with economic development, including southern railroad branches. The removal of troops signaled that the Southern Democrats could deal with race issues and African Americans as they wished. Four days later the result was certified: Hayes won by one electoral vote and was quickly sworn in that night at the White House, the day before Inauguration Day, in secret just in case the next day would be disrupted. Most people who watched and reported on Inauguration Day did not realize Hayes was already President.

Conventional wisdom says that there was a clear and straightforward deal: Hayes would get elected and he would pull the troops from the South, almost single-handedly ending Reconstruction. In fact, the situation was not that crisp. First, it is not clear how much Hayes was directly linked to the agreement, and second, there was an unrelated change of membership on the election commission (but equally to do with partisan games) that itself tipped the balance toward Hayes regardless of any agreements on the part of anyone’s lieutenants.

But there is a bigger and more consequential political matter involved: As we have seen, Reconstruction was effectively over in most of the former Confederate states by this time and it was hanging on by threads in the “unredeemed” states (Clendenen 1969). Racist violence and intimidation was rampant, and the troops were already not used as often to impose order as is sometimes supposed. They were not much used outside of the major cities, or beyond election day itself, and white vigilantes learned to focus on the countryside and many days of the year when they effective had carte blanche to act. In fact, in 1876 Congress had already limited the number of troops deployed in the South, although it provided for expansion “in defense of the Mexican and Indian frontier of Texas.” Congress then adjourned without making an appropriation to support salary for the enlisted men. As for the federal troops in the South, one of their major tasks was supporting revenue officers in the collection of taxes. Some historians have made another point about the use of federal troops—with the rise of conflicts with native nations of the west, the white settlers there and the federal government saw a new need for military troops – and they had to come from somewhere. So troops that had been stationed in the South were re-deployed West to protect westward expansion. They were also redeployed North in 1877 to assist in putting down labor disorders.

There was little pressure from anywhere in the country to continue enforcing Reconstruction or even the rights of African American men as now enshrined in the Constitution. As we have already seen, much of the North was tired of dealing with matters in the South. They were much less interested in black civil rights than they had been in abolition. They were preoccupied with a host of what felt like more pressing matters. Even those white people who were on board with abolition increasingly voiced doubts about the wisdom of assuming black men would use their voting rights competently. Of course, some also doubted that recent white European immigrants could do so, either, and there were widespread calls for an “educated vote.”

It is problematic to lay the end of Reconstruction and the resulting apartheid system and white reign of terror in the South on Rutherford B. Hayes’ shoulders. He was surely complicit and carries that historical burden. And leadership matters. But painting the end of Reconstruction and the rise of Jim Crow as a matter largely of a discrete political bargain helps us misconstrue that period of history and its role in the consequential impact of racism on American politics. Who in power was going to save black men’s political and civil rights in that era if the supposed Wormsley agreement had not happened? Nothing, presumably, would have been different if Tilden and the Democrats took office. Moreover, this was the *Slaughterhouse* era. The expansion of the federal government the Civil War era ushered in was over.

It is not contradictory to say that the 1876 election, in effect, ended Reconstruction. The politics of this election closed African American men out of electoral politics in the South, concluded a period of pro-race-focused civil rights active advocacy among some groups of Northern whites. It resulted in abandoning the South to the Democratic party for close to a century, and it put yet another Republican in the White House (and, except for Grover Cleveland’s two terms and Woodrow Wilson’s two terms they would remain there until Franklin Delano Roosevelt took office in 1933), while that party was visibly beginning the transformation that, through various twists and turns, ended up where we see that party today.

Hayes was tainted by the proceedings -- He suffered popular names among his detractors like His Fraudulency and Rutherfraud. But he served out his term in relative popularity, then stepped down after one term as he had promised from the beginning. He was succeeded by Republican James A. Garfield, chosen after 36 ballots at the Republican National Convention, and assassinated by a disappointed office seeker six months after taking office.

**Echoes & Connections in 2020**

The American presidential elections of 1876 and 2020 differed from each other in many specific respects and, as always, it would be a mistake to try to make history neater than it is. Nevertheless, there are some historical connections and some echoes that make it worthwhile to consider them together to ask questions about underlying aspects of political culture and the course of political history. The question, in effect, is when do similarities and echoes reflect *continuities*, or historical linkages and not just similarities, even if occasionally uncanny.

Corruption and patronage were fundamental to the politics, including electoral and politics, of the 1860s and 1870s. Of course, that was a very different era from our own. Patronage and the spoils system were virtually unregulated in that era. The reaction to wholesale corruption and public politics in pursuit of private gain led to reforms and other changes. Part of Tilden’s appeal was his role in vanquishing Boss Tweed. The Pendleton Civil Service Reform Act of 1883, creating the basic architecture of the modern civil service system, was a reaction this deep spoils system. And although Southern politics was well and truly set on its racist and terrorist course, the reverberations of southern Democratic charges against an intrusive and corrupt federal government undermined Northern antagonism toward those charges – it was hard to deny that the federal government was corrupt and that this corruption helped to undermine the American economy. That distaste for intrusive and corrupt government served as part of the frame for the how Northerners understood the Southern white, Democratic argument. This does not deny Northern toleration for Southern racism – and of course, as the black population of the North grew, Northern white people had increasing opportunity to display their own racism. But the politics of the era also attended to issues of corruption and private-serving politics.

The connection to our contemporary politics is that the current era demonstrates that the spoils system has not disappeared, even if the Civil Service has largely been cleaned up. Indeed, polarization is encouraging its resurgence. From its single-minded Republican opposition to the Obama presidency through the collaboration of Republican legislators under the Trump presidency the Republican party has invoked a refreshed version of the spoils system. Majority Leader Mitch McConnell and his colleagues appealed to a distinctly partisan interpretation of electoral democracy (rather than Article I or II of the U.S. Constitution) in refusing to grant the Democratic president’s nominee for the Supreme Court a hearing: They – the legislators -- won elections, and therefore they get to do what they want up to the moment they are out of the office. The fact that they denied the Democratic president the right to nominate a Supreme Court judge with a proper hearing on the grounds that they had to wait to “hear from the people” in the upcoming election was clearly a ruse. The quiescence of Republican party leaders and followers in the face of systematic corruption of federal agencies, sometimes by appointing politicos and donors to positions previously occupied by professionals was remarkable. As William L. Marcy said in defense of Andrew Jackson, “To the victors belong the spoils.” These are not just incidents, but examples of continuing debates over the powers of the elected, and continuing changes in the impact of winning elections under varying conditions of polarization.

The politics of both 1876 and 2020 remind us of three linked facts: The procedural rules of democratic institutions and of conventional governance practices are never fully specified. There is always room for interpretation. And when there is room for interpretation in a context of both partisanship and consequential matters, piles of research in political psychology guarantee that claims about the correct interpretation of law and procedure will be guided by motivated reasoning – reasoning that weighs the evidence and analysis in our on favor even when we are not trying to be mere advocates. The legislative end game of the 1876 election sought a procedural solution that might be grounded above politics and partisanship. But of course it was not, because the broader system was partisan. What it actually took to get beyond simple partisanship was, ironically, politics – deliberation and negotiation – as well as the will of certain key leader to use considerations other than partisanship.

Those of us of a certain age may remember when American political parties were derided as “Tweedledee and Tweedledum,” the twins of Alice and Wonderland fame. The American Political Science Association sounded the alarm in the early 1950s that our parties were no longer showing sufficient ideological and policy difference, especially in comparison with European parties (American Political Science Association 1950). We should be careful what we wish for. That period of substantial overlap between the two parties was actually one of a few relatively brief respites from partisan conflict in American history. Beginning with the exit of white Southerners from the Democratic party after the signing of the 1964 Civil Rights Act, we have witnessed a series of partisan shake outs that led to a resurgence of a highly polarized party system. And by polarized I include two elements: the parties at the elite and mass level are very different from each other in their ideology and policy stands, and the attachment of people to their parties is deep and personal. Both sides see a victory by their opponents as the loss of all that is good.

Certainly many of us define this battle as between aspirations to democracy and a right-wing, even fascist populism (or, from a different point of view, between American patriots and communism), but in the context of American history we must understand that both sides see themselves as the standard bearers of American system of government and American values, just like the different sides did in 1876. But one side regards our system (which they like to label a republic rather than a democracy) as one in which power comes from the people in that neither the government nor other organizations can force us to be other than what we aspire to and what we understand by our own common sense and the power of our own eyes. They see the other side as threatening that republic, threatening the basic tenet of power from the people and their rights to be left free from government interference. They see the other side as threatening the fundamental values they hold dear, stage managed largely by an intellectual and business and urban elite that has little respect for the common people.

The other side regards democracy as a system in which a democratic government and political processes are necessary to manage and attain our political aspirations. It embraces, to varying degrees that justice for our diverse population and its inclusion in political power and decision-making is itself one of the fundamental values that must be protected by government. It understands government as a potentially positive force when it acts in concert with the aspirations that are enumerated in the preamble to the Constitution: to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. This side sees the other as threatening the fundamental values they hold dear, stage managed by leaders who feed off of the support of a public who have little real affinity for democracy.

Race and racism is a crucial part of that story, as it was in 1876. Plenty of research in political psychology is showing how underlying attitudes of racism – and hostile sexism – have become factors in people’s electoral assessments and responses (Schaffner 2020; 2021). The Republican party in many states, mostly in the South and Border once again, are engaged in a variety of strategies and tactics of suppressing the vote in ways, people on most sides expect, will have disparate impacts on different groups of people. And as in the 19th century, these efforts have spilled out into a larger concern that democracy might best be protected by assuring “quality,” not quantity in voting. Kevin D. Williamson states an updated case:

The real case — generally unstated — for encouraging more people to vote is a metaphysical one: that wider turnout in elections makes the government somehow more legitimate in a vague moral sense. But *legitimacy* is not *popularity* and *popularity* is not *consent*. The entire notion of *representative* government assumes that the actual business of governing requires fewer decision-makers rather than more (Williamson 2021).

A strong thread in 19th century politics argued that there should be means of ensuring that the electorate was prepared to make quality decisions. Yes, the argument was still grows out of racism or, at best, a lack of concern for the racist impact the imagined designs would have. Yes, the argument was xenophobic and nativist. And yes, when phrased in terms of education, it also had deep class implications. But it is a long thread and a serious part of democratic debate that must be engaged. Plenty of scholars have demonstrated the continuities in the history of racism, even back to slavery (e.g. Acharya, Blackwell, and Sen 2018). But the implications of racism, class conflict, xenophobia, and debates about the quality and qualities of democracy are inextricably intertwined, and these debates and conflicts shape American politics in many eras.

The nature of federalism and the powers of the national government were at serious issue in 1876, and they continue to be so today. Of course the states of the former Confederacy wanted their physical and symbolic occupation to end. The fundamental belief that American democracy (or the “American republic”) is structured as a union of states where the states are primary and a clear case has to be made for any national intrusion on that quasi-sovereignty persists today. That government governs best that governs least. Americans have always debated about what “best” and “least” mean, and probably always will. Our parties are in part organized around those questions. In fact, this difference arguably lay below the willingness of many Republican leaders to accept a Faustian bargain with a man they previously derided, who happened to be President of the United States. Conservative Republicans secured from his leadership and their collaboration with him while they were in the majority some of their fondest political dreams about the shrinking back of the American state, except in questions of personal morals.

Political scientists long ago concluded from our research that leadership matters. If it is true, as I am arguing, that despite the very obvious, important, and deep changes that have taken place over the past 150 years, there are also crucial underlying fault lines that remain at play in our politics, why do these fault lines only occasionally take over our electoral politics in such a broad sweep way as we see now? The answer, I believe, is leadership. Most of the public is not deeply interested in politics or attentive to it from day to day. They take their cues from the leadership with whom they identify through shared social group attachment, including – and probably especially – partisanship. We see that in the degree to which, as research shows, underlying predispositions to racism have become more important in driving voting in the past few elections, and in the impact of the President’s sympathy with white ethnocentrism, his low regard for truth-telling, his reliance on a rhetoric of internal and external enemies, and his encouragement of attack politics.

The election of 1876 had some dire consequences, but Inauguration Day occurred; the country survived despite fears of another Civil War; and while racial terrorism gripped the South, there was not in the end the expected violence fomented by disappointed voters. As Franita Tolson points out, Samuel Randall, the Speaker of the House insisted that the wheels of government keep turning, and he refused delaying tactics that would have threatened having a duly elected president (Tolson 2020). Tilden accepted the electoral decision and moved on, and all indications are that Hayes would have done so, too. In 2000, Al Gore ultimately accepted the electoral decision and moved on. In 2016 Clinton accepted the electoral decision and moved on. They did not necessarily leave *politics* or express delight or abandon their parties. But in the end they conceded in time for a new president to take office.

The same cannot be said for 2020. The defeated president refused to accept defeat, just as he long said he would. His party, including its party leaders, played along. And we know that cynical partisan interest structures some of the apparent Republican party unity. Some worked hard to whip up a sense of righteous indignation at the supposed injustice of a rigged, stolen election that did not in fact happen. The violent insurrection that some expected in 1877 occurred in 2021. And it is not over.

Should we seek solace in the fact that we lived through electoral crises before? No. But we can seek clues to the way out, and they have to do with leadership. No, we cannot seek solace from history, even if we find clues there. We live now and have to focus and work now.

REFERENCES

Acharya, Avidit, Matthew Blackwell, and Maya Sen. 2018. *Deep Roots: How Slavery Still Shapes Southern Politics*. Princeton: Princeton University Press.

American Political Science Association 1950. “Toward a more responsible two-party system: A report of the Committee on Political Parties, American Political Science Association.” *The American Political Science Review* 44 (2): Supplement. Part 2.

Baker, Bruce. 2009. *What Reconstruction Meant*: Historical Memory in the American South*.* Charlottesville, VA: University of Virginia Press.

Barreyre, Nicolas. 2011. “The politics of economic crises: The panic of 1873, the end of Reconstruction, and the realignment of American politics.” *The Journal of the Gilded Age and Progressive Era* 10 (4): 403-23.

Barreyre, Nicolas. 2015. *Gold and Freedom: The Political Economy of Reconstruction*. Charlottesville, VA: University of Virginia Press.

Clendenen, Clarence C. 1969. “President Hayes’ ’withdrawal’ of the troops -- an enduring myth.” *South Carolina Historical Magazine* 70:240-50.

Cox, Lawanda and John H. Cox. 1967. “Negro suffrage and Republican politics: The problem of motivation in Reconstruction historiography.” *Journal of Southern History*  33: 301-30.

Dippre, Harold C. 1966. “Corruption and the disputed election vote of Oregon in the 1876 election.” *Oregon Historical Quarterly* 67:257-72.

Foner, Eric. 2014. *Reconstruction Updated Edition: America’s Unfinished Revolution, 1863-1877*. New York: Harper.

Foner, Eric. 2019. *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*. New York: W.W. Norton.

Holt, Michael F. 2017. *By One Vote: The Disputed Presidential Election of 1876*. Lawrence, KS: University of Kansas Press.

King, Ronald F. 2001. “Counting the votes: South Carolina’s stolen election of 1876.” *Journal of Interdisciplinary History* 32: 169-91.

Lane, Charles. 2009. *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction*. New York: Henry Holt & Co.

Lehman, Nicholas. 2006. *Redemption: The Last Battle of the Civil War*. New York: Farrar, Straus, and Giroux.

Morris, Roy, Jr. 2007. *Fraud of the Century: Rutherford B. Hayes , Samuel Tilden, and the Stolen Election of 1876*. New York: Simon and Schuster.

Polakoff, Keith Ian. 1973. *The Politics of Inertia: The Election of 1876 and the End of Reconstruction*. Baton Rouge, LA: Louisiana State University Press.

Rehnquist, William H. 2004. *Centennial Crisis: The Disputed Election of 1876*. New York: Vintage.

Richardson, Heather Cox. 2007. *West from Appomattox: The Reconstruction of America after the Civil War*. New Haven: Yale University Press.

Richardson, Heather Cox. 2014. *To Make Men Free: A History of the Republican Party*. New York: Basic Books.

Robinson, Lloyd 1968. *The Stolen Election: Hayes versus Tilden – 1876*. New York: Doubleday.

Rozsa, Matthew. 2020. “Why the 2020 election looks a lot like 1876 – with one crucial difference.” *Salon* (November 7). <https://www.salon.com/2020/11/07/why-the-2020-election-looks-a-lot-like-1876-with-one-crucial-difference/> Accessed 3/28/2021.

Schaffner, Brian F. 2020. “The heightened importance of racism and sexism in the 2018 U.S. Midterm election.” *British Journal of Political Science.* DOI: <https://doi.org/10.1017/S0007123420000319>

Schaffner, Brian F. 2021. *The Acceptance and Expression of Prejudice during the Trump Era*. New York: Cambridge University Press.

Sheldon, Rachel and Erik B. Alexander. 2020. Americans worry about 2020 being another 2000, but the real worry is another 1876.” *The Washington Post* 10/20/20. <https://www.washingtonpost.com/outlook/2020/10/20/americans-worry-about-2020-being-another-2000-real-worry-is-another-1876/> Accessed 3/28/2021.

Silber, Nina 1993. *The Romance of Reunion: Northerners and the South, 1865-1900*. Chapel Hill: University of North Carolina Press.

Tolson, Franita. 2020. “In the messiest contested election, one man saved the system from itself.” *The New York Times* (November 3). <https://www.nytimes.com/2020/11/03/us/samuel-randall-1876-election.html> (Accessed 3/28/2021).

White, Richard. 2017.*The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896*. New York: Oxford University Press.

Williamson, Kevin D. 2021. “Why not fewer voters?” *National Review* April 6.

1. This paper was originally delivered at the 2020 Annual Meeting of the American Political Science Association. I delivered a preliminary version as the 2020 annual Boston University Kleh Lecture. Thanks to comments on an earlier draft by Bruce Schulman, Nina Silber, and Graham Wilson. The original version of this was designed as a public lecture delivered shortly before the 2020 election. I have pursued it because it is interesting. I have no idea what to do with it, although I have resolved to celebrate my recent retirement by never again submitting an article to a refereed journal. If anyone has an idea about what to do with this, I would welcome suggestions. vsapiro@bu.edu [↑](#footnote-ref-1)
2. The core literature on the 1876 election and surround politics includes: Barreyre 2015, Foner 2014, Holt 2017, Morris 2007, Polakoff 1873, Rehnquist 2004, Robinson 2008, [↑](#footnote-ref-2)
3. The literature on Reconstruction is huge, rich, and contentious. Core sources include Baker 2009; Barreyre 2015; Foner 2014, 2019; Lane 2009; Lehman 2006; Richardson 2007; Silber 1993. [↑](#footnote-ref-3)
4. According to measuringworth.com $200,000 in 1876 had the purchasing power of about $4,920,000 in 2019. [↑](#footnote-ref-4)
5. More on Oregon is available at Dippre 1966; South Carolina at King 2001. [↑](#footnote-ref-5)
6. The details of the whole sordid political process are available in the numerous books on the election and won’t be repeated here. [↑](#footnote-ref-6)