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Introduction

The election of 1876 was marred by violence, fraud, and scandal which have let it, not 2000, to be the most controversial U.S. Presidential election in history. Violence ensued on Election Day, mainly in the South, where the Ku Klux Klan kept many African-Americans, who would vote Republican, away from the Polls. Fraud decorated the days after Election Day, where both parties, though mainly Republicans, flocked to four Southern States to try and sway the electors and win the State's votes. Scandal developed when multiple sets of Electoral College votes came from these four States and there was no Constitutional provision for dealing with such an event. In the end, only one could be victorious, and the result was a "reversal of winners" where the candidate receiving the smaller percentage of the popular vote, was victorious because of the Electoral College vote.

The Stage of 1876 Election

Following the Civil War, Republicans enjoyed a large advantage in the House, Senate, and the White House. However, in 1874, the Democrats were able to gain an amazing number of seats in both the House and Senate, and controlled the House by nearly 60 seats. This "tidal wave" of Democrats gave hope to the Democratic Party that they may stand a serious chance of winning the White House in 1876, something they were unable to do since Buchanan in 1856. Their hopes increased, when Ulysses S. Grant, the current President in his second term, kept to the two term precedent, and failed to run for reelection.

The 1876 election was therefore an open election, and the Democratic Party was enjoying a resurgence of popularity. The Republicans, on the other hand, were fractioning into three rather equal groups: The Radicals, the Halfbreeds, and the Reformers. This

fractioning would lead to divisive support of a single Republican Presidential candidate, and would add to the Democratic advantage.

Despite all of the major controversies that would ensue, the parties had few issues on which they were at odds. The one major issue of the election was that of currency and the repayment of the Civil War bonds. The Republicans wanted to pay the bonds off as soon as possible in hard money, while Democrats wanted just the opposite. However, the issue over currency was hardly partisan; the Democratic Party was largely split on how to handle it.

With few high profile partisan based issues, and an open White House, the election from the outset was predicted to be close. The Republicans focused their strategy on maintaining the Northern vote and gaining a few key Southern States to obtain victory, while Democrats had the opposite strategy: Maintain the South and gain a few Northern States. These strategies were the keys to victory, and would drive much of the scandal involving fraudulent Electoral College votes.

The Democratic Convention

The Democratic convention was held in late June in St. Louis, Missouri. This marked the first time the convention was held west of the Mississippi river, a development of the vast expansion of the United States territory. The convention opened with a proposition to revamp the two-thirds majority rule for the next election, 1880. Despite the proposition winning in a roll call vote, the issue was never addressed during the convention.

At this time, the system of nomination was party dominant, so there were no significant primary elections. The two principal contenders for the Democratic Candidacy were Samuel J. Tilden, governor of New York, and Thomas A. Hendricks, governor of Indiana. Tilden was the heavy favorite entering into the convention, and on the first ballot

received 401.5 votes to Hendricks 140.5 votes. However, this tally was far short of the required two-thirds or 492 votes necessary to secure nomination.

Tilden's main opposition came ironically from the New York state delegation. However, despite this opposition, Missouri switched their votes on the second ballot, and other states soon followed. By the third ballot, Tilden received 535 votes, which was enough to clinch the nomination.

There were many candidates for Vice President; however Hendricks, the Presidential runner-up, was the favorite. Hendricks was nearly a unanimous choice for Vice President, receiving 730 votes. The Democratic ticket would therefore be Tilden for President and Hendricks for Vice President. As was customary at the time, Hendricks and Tilden would not formally accept their nominations until well after the convention was over.

The convention continued on after the nomination of candidates. The next order of business was to agree upon the party's platform. The platform of 1876 was highly unusual since it was written in paragraph form, rather than an outlined numbered document as it was traditionally. The main theme of the platform was reform, "nearly half of the paragraphs began 'Reform is necessary...'" (Moore, 466). The platform called for civil service reform, a new tariff for revenue purposes only, restrictions on Chinese immigration, and a new policy on the distribution of public land that would benefit homesteaders not railroads. The platform was also scattered with criticisms of the Republican Party and the workings of President Grant.

The Republican Convention

The Republican Convention was held in mid-June in Cincinnati, Ohio. It opened with a speech by Frederick Douglas, who "lambasted the Republicans for freeing the slave without

providing means for their economic or physical security” (Moore, 465). The first order of business was to decide between two contesting Alabama delegations, each supporting a different candidate. After a roll-call vote, the delegation supporting candidate James Blaine of Maine was appointed.

The three factions of the Republican Party each advanced their own candidate: The Radicals put forth Sen. Roscoe Conkling and Sen. Oliver Morton of Indiana, the Halfbreeds put for House Speaker James Blaine, and the Reformers put for former Treasury Secretary, Benjamin Bristow of Kentucky. On the first ballot, James Blaine was well in the lead, with 235 votes, followed by Morton (124), Bristow (113), and Conkling (99).

Prior to the second ballot a procedural dispute arose from the Pennsylvania delegation, wishing to abolish the unit rule. The chair of the convention overruled the unit rule, and the verdict was upheld by a roll call vote. Because of this sudden change in procedure, James Blaine was able to gain some votes over the next four ballots, but still fell short of the necessary 379 to lock up the nomination.

These four ballots also showed the emergence of yet another potential candidate, Rutherford B. Hayes, who was regarded as a compromise candidate. By the sixth ballot Hayes was able to receive 113 votes while Blaine still fell short, with only 302 votes. By the 7th ballot, the anti-Blaine corps began to unite behind Hayes, because he was viewed as a good compromise among the factions. Hayes secured the nomination on the 7th ballot winning 384 votes versus Blaine’s 351.

The Vice President nomination was a landslide victory. Five potential candidates were considered, however Rep. William A. Wheeler of New York was so far ahead in votes, that the roll call vote was suspended following South Carolina’s report. Like the Democrats,

neither Wheeler nor Hayes formally accepted their nominations until well after the convention was over.

Following the nominations, the convention turned toward approving a platform. The Republican platform differed very little from the Democratic platform; their views on various issues were similar. They differed only on the issue of currency, where as before Republicans wished to repay the war bonds quickly with hard money while the Democrats refuted this idea. They also differed slightly on the idea of tariffs, believing they should not only be used for revenue but to also secure American Industry.

One major objection was raised to the Republican platform by a Massachusetts delegate regarding the plank limiting oriental immigration. In his view, the plank was not consistent with the Republican ideology that favored equality of all races. However, the plank was retained when by a vote of 518-229. With that order of business completed, the Republican convention closed.

The Candidates and the Campaign

Samuel J. Tilden started his career in politics in the early 1830's. Though failing to receive a degree from either Yale or the City University of New York, his studies in law allowed him to be admitted to the bar in New York. Tilden was very meticulous, and organized, both of which helped him to become a successful lawyer and politician.

In 1866, Tilden became the chairman of the New York state party organization. Acting as such, Tilden was able to dissipate the Tweed Ring, which was defrauding money from the city. Following the collapse of the Tweed Ring, Tilden helped organize the Democratic Party in New York City. His efforts helped the party win almost every seat

available in the City in 1872. Tilden, himself, was elected to the New York State Legislature.

In 1874, Tilden was urged to run for Governor of New York, a seat the Democratic Party failed to claim in '72. Tilden accepted the challenge, and organized his own campaign. Tilden predicted his own victory by a margin of around 50,000 votes, and in 1874 became Governor. As Governor, Tilden continued his reforms by destroying the Canal Ring that was stealing money from the city through fraudulent canal maintenance contracts.

Tilden's acts in New York became well known, and thus he was a prominent contender for the Democratic candidacy in 1876. His name began to become synonymous with Reform, and thus the Democratic platform jumped on the bandwagon and pledged "Tilden and Reform" in 1876.

Rutherford B. Hayes was a prominent lawyer in Cincinnati, after obtaining his law degree from Harvard Law. He was also a war hero, wounded four times while fighting for the Union in the Civil War. Hayes took his first political office in 1864 when he was elected to Congress by Ohio. Hayes retired from Congress in 1868 to run for Governor of Ohio.

In 1868, Hayes was elected as Governor in Ohio, where he served two consecutive terms. After his second term, Hayes attempted to retire from public life. Hayes, did not run for reelection in 1872, but was urged by the Republicans to run again in '74. Hayes accepted their offer, and regained the title of Governor of Ohio in 1874. His third term as Ohio governor promptly elevated him to a potential Presidential candidate in 1876, though he entered the Republican convention as a dark horse.

As was the tradition of the times, Hayes and Tilden did little in their Presidential campaigns. Both candidates kept themselves busy with the duties of Governors of their

respective states. Tilden, however, did have a slight advantage since both campaigns were organized out of New York; he could keep better tabs on his campaign than could Hayes from Ohio.

The campaign itself, since the election rested on few prominent issues, was flooded with slanderous attacks by both camps. Tilden and Hayes took little part in throwing the “mud” in this campaign, though they did often respond to some of the most poignant remarks.

Neither the Republican nor the Democratic campaign was startled by the emergence of a third party candidate. Peter Cooper, the 85 year old nominee of the Greenback Party, played an unimportant role in the election of 1876. His efforts rewarded him with less than 100,000 popular votes.

The Election

On November 8, 1876 nearly 8.5 million people turned out to vote for the next President of the United States. In the South, however, many newly freed African Americans could not take advantage of the amendment that permitted them the right to vote. The Ku Klux Klan, raged violence in polling areas to keep African Americans from voting, most likely for the Republican candidate Hayes. Current President Grant, however, failed to stop the Ku Klux Klan so many African American voters’ voices went unheard in 1876.

At the end of Election Day, it was pretty clear that the Democratic candidate Samuel Tilden and his running mate, Thomas Hendricks were well ahead in the popular vote count. Tilden led Hayes by 264,000 popular votes, and had 184 electoral votes versus Hayes’s 165. However, Tilden’s electoral vote count was one short of the required 185, to obtain a majority and clinch the White House.

Four State's and 20 electoral votes were still up for grabs in the days after the election. Republican party leadership, realizing that they could still win the White House, asked Republican Party leadership in Oregon, South Carolina, Florida, and Louisiana to hold their State's votes. Party Chairman, Zachariah Chandler, then announced that Hayes had won the four remaining States, and the last 20 available electoral votes, beating Tilden 185 to 184. Tilden, however, still enjoyed a popular vote majority, having nearly a quarter of a million more votes. (See Table Below)

Election of 1876 Candidates	Party	Electoral Vote	Popular Vote
Rutherford B. Hayes (OH) William A. Wheeler (NY)	Republican	185	4,034,311
Samuel J. Tilden (NY) Thomas A. Hendricks (IN)	Democratic	184	4,288,546
Peter Cooper (NY) Samuel F. Cary (OH)	Greenback	0	75,973

Results of 1876 Election 1

Votes in the disputed states were subject to fraud, forgery, bribery, and box-stuffing. In the end, multiple sets of official counts were filed to Washington D.C. Since, the Constitution made no provision for how to handle the situation of multiple, conflicting returns, arguments began in D.C. over how to handle the situation. The Democratic Party refused to allow the Republican Senate handle the matter, and likewise, the Republican Party did not want to see the matter decided by the House.

A compromise was reached, and the Electoral Commission of 1876 was formed. It consisted of a 15-member bi partisan group. Five members would be from the Senate, three Republican and two Democrat. Five members would be from the House, three Democrat and two Republican. Finally, five members would be from the Supreme Court, two of each party,

and one independent judge. The independent judge chosen, Justice David Davis, was widely considered to be non-partisan, and completely independent.

However, Justice David Davis had to be removed from the commission due to his recent election to Senate by the Illinois legislature. Justice David Davis was replaced by the Republican leaning Justice Joseph P. Bradley. Justice Bradley was only accepted as a replacement by the Democratic Party, because by comparison to the other available Justices, he was the most independent.

With the commission finally in place, counting of the electoral votes commenced on February 1st and continued until March 2nd. States were called in alphabetical order to give their totals. As each disputed State arose, there were objections that were turned over to the commission for decision. In each case, the biased commission voted 8-7 in favor of the count favoring Republican Hayes. In the end, the commission awarded 185 Electoral College votes to Hayes that allowed him to clinch the White House in 1876.

Repercussions of the Electoral Commission Decision

Democrats were outraged by the decision of the Electoral Commission and threatened to filibuster the count, so that a candidate could not be announced before inauguration day. However, Democrats agreed to accept the Republican President under what is referred to as The Compromise of 1877. The Compromise set forth these terms for the Democrats to accept Hayes as President:

- To withdraw federal soldiers from their remaining positions in the South
- To enact federal legislation that would spur industrialization in the South
- To appoint Democrats to patronage positions in the South
- To appoint a Democrat to the president's cabinet.

Democrats promised to uphold the rights of African-Americans in the South even with withdrawal of troops. However, this was a pledge they failed to uphold. Southern African-Americans have suffered great injustices that have stemmed from this Compromise until the Civil Rights movements of the 1960's.

The inefficiency and the scandal surrounding the Electoral Commission also prompted that new law be developed in order to handle multiple and conflicting Electoral College vote counts. The permanent legislation was not enacted until 1887. The Electoral Count Act “gave each state final authority in determining the legality of its choice of electors and required a concurrent majority of both the Senate and House to reject any electoral votes” (Moore, 711).

Conclusion

The election of 1876 started with two mediocre candidates, whose views were very similar on several major issues. The election seemed as if it was going to be uneventful, but close. However, due to the many controversies surrounding the actual election day, vote counting and fraud, as well as the repercussions felt from the solutions to the controversies, it is one of the most well remembered distinctive elections of U.S. History.

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