A lesson from history on the US election crisis

Hayes-Tilden dispute of 1876 foreshadowed eruption of class conflict

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One hundred twenty-four years ago another disputed presidential election took place under conditions of sharp social polarization in the United States. The presidential contest of 1876 between Democrat Samuel Tilden and Republican Rutherford B. Hayes resulted in a rightward political realignment within the ruling class in the face of rising class tensions.

While there exist similarities between the election of 2000 and the election of 1876, a number of important contrasts also present themselves. In both cases the fierceness of the partisanship reflected deep antagonisms within US capitalist society. On the part of the Democrats and Republicans there were charges, well grounded, of vote rigging, intimidation and fraud. However, in 1876 decisive factions in both parties opposed upsetting the constitutional apple cart. Eventually the ruling elites worked out a compromise that laid the basis for a long period of political stability.

In recent weeks a number of articles have appeared in the big business press noting the similarities between the disputed 1876 presidential vote and the 2000 election. However, the conclusions advanced are complacent and banal to say the least. No real comparison can be made, it is asserted. The reason? Unlike the 1870s, social antagonisms hardly exist in today's prosperous and contented America.

Such a claim can't stand up to serious analysis. The past 10 years have seen the growth of an unprecedented gap between the rich and poor. Real wages stagnate while executive compensation increases exponentially. Job security does not exist for tens of millions of workers. The prisons are overflowing with minority workers, immigrants and the poor.

What led to the election crisis of 1876-77 and what does the outcome of that conflict tell us about social relations in the United States of 2000?

The election of 1876 took place in an America that was in the midst of a remarkable transformation. Following the victory of the North in the Civil War of 1861-65 the US underwent an unprecedented economic expansion. The Northern bourgeoisie used its control of the state machinery to carry out measures to promote industrial expansion. It subsidized the construction of railroads and other internal improvements, enacted protective tariffs and established a national banking system.

To consolidate its victory over the former Southern slave owners the North secured passage of the 13th Amendment, abolishing slavery, and the 14th and 15th Amendments guaranteeing blacks citizenship and the right to vote. Republican dominated Reconstruction governments in the South enacted basic reforms such as the establishment of public schools, hospitals and orphan asylums. Women won the right to own property and divorce laws were liberalized.

In the South the former slave owning class resisted reform and attempted to reassert its political domination. Organized in the Democratic Party the ex-slave owners recaptured power in one Southern state after another. Violence was endemic in many areas of the South, spearheaded by the Ku Klux Klan, the terrorist wing of the Southern elite.

Having secured its economic interests, as time went on the Northern bourgeoisie showed less and less enthusiasm for the egalitarian aims of Reconstruction in the South, including the protection of the democratic rights of the newly freed slaves. By 1876 just three Republican state governments remained in the former Confederate States—Florida, South Carolina and Louisiana.

Support for the national Republican Party had been seriously eroded by the ongoing economic slump and rampant official corruption. Unemployment was in the millions. A bitter strike in 1875 had erupted in the Anthracite coal fields of Pennsylvania and textile workers had staged a walkout in Fall River, Massachusetts.

In the presidential contest of 1876 the Republicans nominated Ohio Governor Rutherford B. Hayes, a relative nonentity, whose chief qualification consisted in having escaped implication in the scandals of the outgoing administration of Ulysses S. Grant. Hayes was known as an economic conservative who was out of sympathy with the radical and egalitarian aims of the Republican Party's post-Civil War Reconstruction of the South.

Governor Samuel Tilden of New York, the Democratic nominee, ran on an anti-corruption platform. For the South he pledged support for “white supremacy” and “home rule.”

The contest was extremely close. The Democrats employed intimidation throughout the South to prevent blacks from voting. In South Carolina the Republicans gained a large vote despite these efforts, but a massive, and suspect, Democratic vote in several counties gave Tilden a narrow statewide lead.

On election night Tilden appeared headed for victory. He had carried almost the entire South and had won several major northern states including New York, New Jersey, Connecticut and Indiana. In the popular vote Tilden led Hayes by more than a quarter million. The national Republican chairman in New York closed up his office and went home, believing Tilden elected. Morning newspapers reported a Tilden victory. Then someone at Republican headquarters noticed that if Hayes carried the closely contested states of South Carolina, Florida and Louisiana he would still win the Electoral College, albeit by only one vote. Telegrams were sent to Republican leaders in those states telling them to “hold” them for Hayes.

Republican hopes lay in their control of “canvassing” boards in the disputed states. These boards, the Hayes forces hoped, could disqualify enough Tilden votes to secure a Republican victory. The Democrats dispatched prominent members to the state capitals of the disputed states. Meanwhile, the Democratic leadership challenged the credentials of one elector in Oregon, a state carried by Hayes. The Republican elector was a

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US Postmaster and thus, as a federal officeholder, technically ineligible. The Democratic Governor of Oregon then appointed a Tilden elector in his stead. By this maneuver the Tilden forces hoped to secure a one-vote majority in the electoral college, even if the Democrats lost the three disputed Southern states.

In Louisiana the Republican canvassing board threw out 13,000 Tilden votes and 2,000 Hayes votes, converting a Democratic majority into a Republican win. Similar methods were employed in the other disputed states. Since both parties resorted to intimidation and fraud, there is no clear consensus to this day what result a fair count would have yielded, although most historians concede that Tilden was entitled to at least the electoral votes of Florida and quite possibly all three disputed states.

In all the contested states rival slates of electors were certified. Each met in their state capitals on the appointed day and cast their votes for president.

The result of the election produced a tense constitutional crisis. No precedent existed for how to deal with the situation. The Democrats argued that the president should be chosen by the House of Representatives, where they had a majority. Republicans argued that the Senate, which they dominated, should decide which electoral votes to count. There was talk of a resumption of the Civil War and members of Congress armed themselves.

Congressman James A. Garfield, appraising the situation, suggested a course of action to fellow Republicans. He urged Hayes to attempt to reach an understanding with dissatisfied Southerners in the Democratic Party. “The Democratic businessmen of the country are more anxious for quiet than for Tilden; and the leading southern Democrats in Congress, especially those who were old Whigs, are saying that they have seen war enough, and don't care to follow the lead of their northern associates, who as Ben Hill says, were ‘invincible in peace and invisible in war'” (C. Vann Woodward, *Reunion and Reaction*, Anchor Books, 1956, p. 23).

Weeks and months of behind the scenes talks between emissaries of Hayes and leading Southern congressmen ensued. The Republicans were prepared to offer a wide range of concessions to the southerners in order to make a Hayes presidency more palatable. Meanwhile, Congress painstakingly worked out a bipartisan agreement aimed at resolving the election crisis on an ostensibly nonpartisan and democratic basis. It set up a 15-member commission to decide on the disputed electoral votes. The committee was to be comprised of seven Democrats, seven Republicans and one independent. At the last minute the independent member, Supreme Court Justice David Davis, resigned from the commission due to his unexpected election to the Senate by the Illinois legislature. His place was taken Justice Joseph Bradley, a Republican.

Despite a Republican majority on the commission, some Democrats still hoped for a victory given that Hayes would need to receive all the disputed electoral votes to win. However, in each case the commission voted along partisan lines 8-7 to accept the Hayes electors. The blatant bias of the commission helped Northern Democrats in Congress rally Southerners behind a filibuster aimed at preventing the completion of the vote count and the installation of Hayes as president. As the scheduled inauguration date (March 4, 1877) drew near, tensions once more escalated. President Grant announced plans to declare martial law in Washington DC if events warranted.

At this point efforts were stepped up to finalize the secret agreement reached in talks between the Hayes forces and Southern Democrats. The Republican pledged to wrap up Reconstruction and give the former slave owners a free hand in the South in exchange for support in installing Hayes. Specifically the Republicans agreed to hand over the governorships of Louisiana and South Carolina to Democrats, who claimed fraud had deprived their candidates of victory. The Republicans also discussed giving federal financial support to the Texas and Pacific railroad and appointing some Democrats to the cabinet.

To reassure the Southerners of Republican good faith, on February 26 Grant approved a statement declaring in relation to the contested race for governor in Louisiana that public opinion “was clearly opposed to the use of federal troops in upholding a state government.” That evening the infamous meeting at the Wormley House hotel in Washington DC took place where representative of Hayes and leading Southern Democrats hashed out final details of the compromise.

A few days later the filibuster petered out and the electoral vote count went forward to completion. Hayes was sworn in as president and the crisis ended.

Within two months of taking office Hayes ordered federal troops in South Carolina and Louisiana to return to their barracks and Democratic Party administrations were installed. A Democratic administration had earlier assumed office in Florida. The former slaves of the South were turned over to the mercy of the former masters.

One historian wrote: “Hayes' actions, as the *New York Herald* pointed out, only confirmed in two states ‘what in the course of years has been done by his predecessor or by Congress' elsewhere in the South. Indeed, the abandonment of Reconstruction was as much a cause of the crisis of 1876-77 as a consequence, for had Republicans been willing to intervene in defense of black rights, Tilden would never have come close to carrying the entire South. Nonetheless, the ‘withdrawal' of troops marked a major turning point in national policy. ‘The Negro' proclaimed the *Nation*, ‘will disappear from the field of national politics. Henceforth, the nation, as a nation, will have nothing more to do with him'”(*A Short History of Reconstruction 1863-77*, Eric Foner, Harper & Row, 1990, p. 245).

In the summer of 1877 a massive railroad strike erupted, the most violent outbreak of class conflict in the United States to that date. General strikes paralyzed Chicago and St. Louis. In Pittsburgh crowds of angry workers, responding to the shooting of 20 strikers by militia, set fire to the railroad yards and destroyed 100 locomotives. Hayes redeployed some of the very same federal troops that had been used previously to uphold the rights of blacks in the South to Northern industrial centers to suppress striking workers.

A Charleston, South Carolina newspaper noted, “The Southern question” is “dead.” The railroad strike had propelled to the forefront of politics “the question of labor and capital, work and wages” (ibid., pp. 246-47).

The suppression of the strike revealed the content of the so-called Compromise of 1877: the reconciliation of the Northern and Southern ruling elites in the face of a powerful new danger, the working class. The events of 1876-77 brought to a definitive close the period where the political representatives of American capitalism could play a progressive role. From that date on the Republican Party, the main party of Northern industrial capital, shifted rapidly to the right, abandoning its egalitarian pretenses and operating more and more openly as the representative of the wealthiest layers of society.

Unlike 1860, the crisis of 1876 did not lead to rebellion and armed conflict because in essence it did not involve a conflict between irreconcilable economic interests. As the historian C. Vann Woodward explained, the Compromise of 1877 promised the Southern elites, “a share in the blessings of the new economic order. In return the South became, in effect, a satellite of the dominant region. So long as the Conservative Redeemers held control they scotched any tendency of the South to combine forces with the internal enemies of the new economy—laborites, Western agrarians, reformers. Under the regime of the Redeemers the South became a bulwark instead of a menace to the new order” (*Reunion & Reaction*, p. 267).

What conflicting interests are represented in the election crisis of 2000? Can these forces in the long run be reconciled? The clash between the Democratic and Republican parties is a conflict within the ruling class. But far more intense social antagonisms have developed beneath the

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surface, accounting for the extraordinary intensity of the conflict, first in impeachment and now in the stealing of the Florida vote.

All indications point to present developments inaugurating a period of protracted and intense class struggle. This is because at the root of the present crisis lies an unprecedented polarization between rich and poor, a society where the richest layers control an unprecedented amount of wealth and living standards are falling or stagnating for the bottom 95 percent. The question is posed, will the working class be thrust back under the oligarchic and authoritarian boot of big business or will working people take the political lead in reorganizing society on a democratic and socialist basis?

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