

History 319

Re: Compromise of 1877

(1)

The Setting: The Disputed Election of 1876

Contestants: Tilden--NY Governor--a Jacksonian democrat;
home ruler supported; fiscal conservative and
contractionists, etc. .

Hayes--Governor of Ohio; conservative Republican
and a former Whig. . . .

Results: Tilden ended with 186 electoral votes

Hayes with 165 (166). — *Contested Demo. Vote in Oregon*

Disputed election returns in three states--Florida, Louisiana,
and South Carolina. In total these states had 20 electoral votes between them

Elections in these states was rife with terror, intimidation,
bulldozing, ballot-box stuffing, and bribery.

There was really no way to tell who was the victor. The
general consensus was that Tilden would have carried Florida by 30-50 votes
if the election had been reasonably fair.

Hayes probably would have carried Louisiana and So. Carolina
and lost.

Example of the corruption involved: J. Madison Wells, one of the Republicans
on the ~~electoral~~ election boards in Louisiana (which had no Democrats sitting
which was unlawful) tried to "sell" the count to Tilden for \$100,000. When
Tilden or his spokesmen rejected the offer, the Louisiana election board
counted out enough parishes and Democratic votes to give the state to Hayes.

The Democrats in all three states established their own election boards and returned
duplicate vote returns for Hayes and Tilden. . . .

Constitutional Provision: The electors return their counts to the President
pro tem of the Senate and he counts the returns
in joint session with the Senate and House

No provision for judging which of the returns were legitimate. . . .

History 319
Re: Compromise of 1877

2 (1)

The creation of the Electoral Commission. Made up of five members of the Senate, five members of the House, and Five Justices.

- 7 were known Democrats
- 7 were known Republicans

only Justice Bradley's politics were supposed to be unknown. Bradley was a Republican appointee to the Court.

It was his decision on the Florida returns that ended the deadlock. After Florida returns were awarded to Hayes it was all over. . . .

The Democrats were eased out of the Presidency to be sure.

But what could they do? The Republicans were as safe as a Christian with Four Aces and a Bowie knife.

law

If Tilden wanted to take it to ~~the~~ Court--the Court was Republican
They could not appeal to the Constitution because the president of the Senate was A Republican, who had the constitutional function of counting the presidential votes.
They could not appeal to force as long as Grant as President controlled the Army.
Nor could they appeal to the public because of the moral ambiguity of their claim. If they hollared "Foul" the Republicans could point to the "Fraud" involved in the three disputed states. . . Considering the Democrats record with secession and the widespread ~~disloyalty~~ belief in their disloyalty. . . the Democrst could not afford to make a case of the situation. To try and ride back into power on the basis of a handful of disputed votes cast by the same people who had earlier led the South into revolt.

There was nothing for Tilden to do but submit. . .

History 319
Re: Compromise of 1877

3 (4)

The Compromise of 1877 comes into play only after Tilden was effectively counted out by the Republicans.

Tilden's defeat was not the result of the Compromise.

It was only after Hayes was "counted in" that the Compromise machinery went into effect. After Hayes received the disputed electoral votes the Republicans were still not home free. Because it was still up to the Senate and House to count the electoral votes to confirm the election

The House was Democratic and threatened a filibuster to prevent Hayes from being inaugurated. The Republicans had a strong desire to elect Hayes Constitutionally and inaugurate him peacefully. (Apparently the Republicans took partly seriously the threats of violence, etc.)

For the Southerners (Southern Whigs) in 1877 there were some things more important than the Democrats gaining the Presidency.

They wanted Home Rule above all else. . . . The ending of the Reconstruction govts in the South. Hayes easily agreed to this. The Democratic govts in So. Carolina and Louisiana were de facto govts. . . in control of the loyalties of the whites and in control of the taxes, etc. . . From the Southern viewpoint a compromise involving the Republicans was more attractive than any deal they would have gotten had Tilden been elected. It was more assuring that the compromise be arranged between the Republicans than the Democrats. Had Tilden won the return of ~~the~~ Home Rule would always be stigmatized as "Democraic policy" and who knows what would happen in the future if the Republicans were to regain the White House. . . Would the party accept the compromise. . .

note

History 319

Re: Compromise of 1877

4 (2)

Traditional view of the Compromise of 1877. The point being that to end the deadlock and get Hayes the Presidency there was a deal struck between the Hayes men and the representatives of the Southern Whigs:

South settled the issue by trading away the Presidency for the following:

[1] final withdrawal of Union troops from the three states still remaining under Reconstruction;

[2] Promise of financial assistance and aid in constructing the Texas & Pacific Railroad; and other federal subsidies to rehabilitate the South;

[3] Appointment of a southern to the Hayes Cabinet--the patronage post of Postmaster General;

[4] The recognition that the South will hereafter resolve its racial problem without northern interference. With the guarantees from the Whigs that moderation toward the black will be the keynote of their racial policy;

[6] The understanding that Hayes could build a respectable white Republican party in the South by expecting that southern Whigs would soon join the Republican party making it a bi-or two party region. Also Hayes was supposed to be assured that once in office and ready to begin his term as President that enough southerners in the House would shift over to the Republican party (9 in number) to allow the Republicans the necessary majority to organize the House (in terms of chairmanships, etc) and appoint the Speaker [who was to be Garfield].