



HISTORY STORIES

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How the 1876 Election Tested the Constitution and Effectively Ended Reconstruction

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The results of the U.S. presidential election of 1876 were a mess. A Democratic candidate had emerged with the lead in the popular vote, but 19 electoral votes from four states were in dispute. In 1877, Congress convened to settle the election—and their solution proved to be the beginning of the end for [Reconstruction](#) in the south.

At the time, support for Reconstruction was dwindling across the nation. With the [Republican Party](#) dominating the federal government for nearly a decade after the Civil War ended—thanks in part to thousands of newly enfranchised African-American men—Congressional Reconstruction policies resulted in [biracial governments](#) across the South by the early 1870s.

But a severe economic downturn in 1873 had plunged the country into its severest depression to date, with widespread unemployment and plummeting cotton prices that hampered the South's postwar economic recovery. The nation's economic woes, and allegations of rampant corruption in [Ulysses S. Grant's](#) presidential administration, helped [Democrats](#) win control of the [House of Representatives](#) in 1874 for the first time since the war.

Dismantling Reconstruction

Racism remained a [pervasive force in the North](#) as well as the South, and by the early 1870s many Northerners had begun blaming Reconstruction's problems on the supposed inferiority of Black voters.

At the same time, key decisions by the U.S. [Supreme Court](#) struck at the protections afforded by Reconstruction-era constitutional amendments and legislation. The Court's decision in the Slaughterhouse Cases (1873), [established](#) that the [14th Amendment](#) applied only to former slaves, and protected only rights granted by the federal government, not by the states.

Three years later, in [United States v. Cruikshank](#), the Supreme Court overturned the convictions of three white men convicted in connection with the massacre of more than 100 Black men in Colfax, Louisiana in 1873, as part of a political dispute. The men had been convicted of violating the 1870 Enforcement Act, which banned conspiracies to deny citizens' constitutional rights and had been intended to combat violence by the [Ku Klux Klan](#) against Black people in the South.

The Supreme Court's ruling—that the 14th Amendment's promise of due process and equal protection covered violations of citizens' rights by the states, but not by individuals—would make prosecuting anti-Black violence increasingly difficult, even as the Klan and other white supremacist groups were helping to disenfranchise Black voters and reassert white control of the South.

Rutherford B. Hayes Emerges as President

In 1876, when the nation went to the polls to elect Grant's successor, Democratic candidate Samuel Tilden, governor of New York, emerged with a lead of more than 260,000 popular votes. But Tilden had amassed only 184 electoral votes—one shy of the number needed to defeat his Republican opponent, Governor [Rutherford B. Hayes](#) of Ohio. Returns from three states (Louisiana, Florida, South Carolina) were in dispute, with both sides claiming victory. Together, the states represented a total of 19 electoral votes, which along with one disputed elector from Oregon would be enough to swing the election Hayes's way.

The [U.S. Constitution](#) provided no way of resolving the dispute, and now [Congress would have to decide](#). As Democrats controlled the House of Representatives, and Republicans dominated in the Senate, the two sides compromised by creating a bipartisan electoral commission with five representatives, five senators and five Supreme Court justices.

Though the commission was supposed to be comprised of seven Republicans, seven Democrats and one independent, the independent—Supreme Court Justice David Davis—[ended up dropping out](#) when he was offered a Senate seat, and a Republican was named to replace him. In the end, after a series of votes along strict party lines, the commission awarded Hayes all three of the contested states in early March 1877, making him the winner by a single electoral vote.

The Compromise of 1877

As Eric Foner recounts in his book [Forever Free: The Story of Emancipation and Reconstruction](#), Hayes had pledged in his acceptance of the nomination to bring “the blessings of honest and capable local self government” to the South if elected—a statement that could be taken as code for ending Reconstruction.

In fact, even as the electoral commission deliberated, national party leaders had been meeting in secret to hash out what would become known as the [Compromise of 1877](#). Hayes agreed to cede control of the South to Democratic governments and back away from attempts at federal intervention in the region, as well as place a Southerner in his cabinet. In return, Democrats would not dispute Hayes’s election, and agreed to respect the civil rights of Black citizens.

Soon after his inauguration, Hayes made good on his promise, ordering federal troops to withdraw from Louisiana and South Carolina, where they had been protecting Republican claimants to the governorships in those states. This action marked the effective end of the Reconstruction era, and began a period of solid Democratic control in the South.

For their part, white Southern Democrats did not honor their pledge to uphold the rights of Black citizens, but moved quickly to reverse as many of Reconstruction’s policies as possible. In the decades to come, disenfranchisement of Black voters throughout the South, often through intimidation and violence, helped ensure the racial segregation imposed by the [Jim Crow laws](#)—a system that endured for more than a half-century, until the advances of the [civil rights movement](#) in the 1960s.

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