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Property Picks A President

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If ever political pundits enjoyed full employment, it was the time between the 2000 election and George W. Bush's inauguration. Week after week, political science instructors from premier universities spun electoral minutiae to new heights. Nothing was too trivial for some news anchor somewhere.

Reportage from Disney-ABC-ESPN-A&E-History Corporation advised us that this would not be the first U.S. presidential election "thrown into the House of Representatives." Time-Warner-CNN-AOL-HBO Corporation identified the last one as the Hayes vs Tilden contest in 1876. And if we watched Westinghouse-CBS-Paramount-MTV-Blockbuster Corporation 'til the wee hours we even learned -- can you believe it!!!! -- that Florida's electoral votes were crucial in 1876, too!

Of course, there simply wasn't enough time to mention that the 1876 election was not actually decided by the House; a special Electoral Commission on which Republican U.S. Supreme Court justices held the balance of power decided which electoral votes to count. Nor did we discover that Ohio's Governor Rutherford Hayes could not have won without critical help from former Confederate generals. And danged if we didn't have to cut to Wolf Blitzer's Live Chad Report -- just as we were about to learn that the Commission, the Confederates, and Hayes' victory itself, were all part of a deal brokered by one of the nation's most powerful corporations. Somehow, none of the election night 2000 commentators got around to discussing how men of property have consistently manipulated the rule of law to maintain control and keep Hamilton's "beast" outside the gate.

As election night 1876 advanced past midnight, newspapers rolled off presses announcing a narrow victory for New York Governor Samuel Tilden and the Democrats. Even Republican Party chairman Zach Chandler, calculating that Hayes was 19 electoral votes short, went off to bed. But before dawn the managing editor of the New York Times woke him with a plan to catapult Hayes past Tilden's 300,000 popular vote advantage and into the White House -- if Republican-controlled election boards in three southern states would help. Within hours, Chandler began declaring Hayes the new president.

Between that bold pronouncement and the March 4 inauguration,[1] the Compromise of 1877 had to be crafted. Historian C. Vann Woodward contrasted it to the great compromises of 1820 and 1850, which were "publicly debated and published for all to see." The deal in 1877 involved such massive private gain and abandonment of ideals that "neither party to the contract could afford to endorse all the agreements publicly." A "curtain of silence was

deliberately dropped" to cover these "secret covenants, privately arrived at.[2]

History courses taught us that Governor Hayes received the support of southern congressmen in exchange for withdrawing federal troops and ending Reconstruction. In reality, both Hayes and Tilden, and more importantly the wealthy of both North and South, had had enough of Reconstruction. Some historians contend that President Grant had already let the protection of federal troops evaporate in all but three southern states.

W.E.B. DuBois' account of Reconstruction indicates why its days were numbered. "It put such power in the hands of Southern labor that, with intelligent and unselfish leadership and a clarifying ideal, it could have rebuilt the economic foundations of Southern society, confiscated and redistributed wealth, and built a real democracy of industry for the masses of men. What were to be the limits of democratic control in the US? If all labor, black as well as white, became free -- were given schools and the right to vote -- what control could or should be set on the power and action of these laborers? Was the rule of the mass of Americans to be unlimited, and the right to rule extended to all men regardless of race and color....and how would property and privilege be protected?[3]

To DuBois, a new day had begun with southern blacks enacting laws to benefit the disenfranchised of both races -- initiating public schools, extending voting rights to white men without property, and abolishing the whipping post and the branding iron. Breathing life into the ideals of the Declaration of Independence, such changes threatened to unite blacks and poor whites against the land barons.

Important as it was to the power brokers that Reconstruction be formally ended, much more was accomplished by the Compromise of 1877. Exposing the deal that put Hayes in the White House reveals how then, as now, a wealthy minority governed; how then, as now, it divided poor whites and blacks to prevent a democratic revolution in the South and give rise to legal segregation (Jim Crow laws), state-sanctioned lynching, sharecropping and wage slavery; and how then, as now, corporations help pick presidents after the people cast their votes -- stories that History Lite dare not tell.

The country was in ferment, having failed for 16 years to settle a presidential election without war or the threat of it. Democratic governors began mobilizing their militias while rifle companies and bloodthirsty rallies materialized in several states. In Ohio's capital, a People's Indignation Convention resolved to take up arms if Republicans controlled the electoral count to Hayes' benefit. Someone fired a shot into Hayes' home. Newspapers called for armed revolt if Tilden lost.

Hidden from public view but fundamental to the outcome was the northern elite's need to keep the South from aligning with an increasingly populist, agrarian west that was raising the specter of democracy. Yankee industrialists, mostly Republicans, had greatly increased their property during the war and had then proceeded to protect their gains by writing laws on taxes, land, finance, corporations, and more. These were all placed on the books while the South was out of the union and voters were diverted by "bloody shirt" oratory about civil rights and southern atrocities. The political direction of the post-war South would determine

the elite's ability to keep on writing the laws; to choose who would be subsidized and who would pay; who would order and who would obey.

Republican strategists, including Hayes' fellow Ohioan Congressman James Garfield, outlined a way to attract southern Democrats. Garfield wrote Hayes, "Democratic businessmen of the country are more anxious for quiet than they are for Tilden. [4] He suggested that Hayes' success lay with an appeal to former Whig Party members, the white property owners whose views he already supported.

The wealthy Whigs opposed Jacksonian democracy just as their Federalist predecessors had opposed the Jeffersonian version of government by the people. When this party of the elite split over slavery, some joined with Abolitionists to form the Republican Party and elect Lincoln in 1860, thus denying the wealthiest Whigs control of a major party. Garfield correctly theorized that southern Whigs driven into the Democratic Party in 1860 over slavery would feel more at home with Hayes than Tilden.

It was not difficult for Hayes, a Whig-turned-Republican, to court southern Whigs-turned-Democrats. His post-war vision saw no sectional barriers between men of property, as witnessed in letters exchanged with Guy Bryan, a college classmate from Texas. During the second year of severe economic depression following the Panic of 1873, Hayes complained to Bryan about Ohio miners who "make war on property." Bryan responded about "similar troubles in the South ever since the war from a discontented and ignorant class" that also "made war on property.[5] Thus did wealth and property, North and South, return to their antebellum alliance.

Included in this alliance were newspaper owners from New Orleans, Louisville, Chicago and Cincinnati, and officials of the influential Western Associated Press, run by Hayes' closest personal friend and former Ohio Secretary of State William H. Smith. Editorial support was the least of his contributions. After only three months and more than a little corporate help, Smith's handpicked agents had so effectively maneuvered Washington political networks that they could negotiate the very terms of Hayes' victory.

The war-ravaged South needed massive federal investment in order to rebuild. Capitalizing on widespread public support for such rebuilding, Texas and Pacific Railway Corporation officials had organized throughout the region, masterfully promoting T & P's strategically-placed branch lines as the very embodiment of internal improvements for the whole South. President Tom Scott, also head of the sprawling Pennsylvania Railroad Corporation, was experienced at buying and bullying state legislatures. However, by 1877 his reach was so overextended that only a federal bailout could save him from financial ruin.

On Capitol Hill, Smith's agents quickly encountered the team Scott had sent to secure his bailout. The winning strategy promptly revealed itself: Scott's power over southern congressmen could provide their margin of victory. All Scott wanted was tens of millions of acres of public land and more taxpayer dollars than had been spent on all the roads, canals, and railways since the country was founded -- and he traded his political clout to get it.

The day after the election, presuming defeat and conscious of history, Hayes addressed his diary: "I don't care for myself....and the country too can stand it; but I do care for the poor colored men of the South.[6] By the next month he was bargaining for the presidency and saying different things to men who had fought for slavery.

In a December meeting in Columbus, Hayes consulted a former Confederate colonel who had become editor of the New Orleans Times. Hayes told the editor he also wanted to meet with others, such as General Wade Hampton, governor of South Carolina. Leaks of the meeting quoted Hayes as saying he would "require absolute justice and fair play to the Negro, but that he was convinced this could be got best and most surely by trusting the honorable and influential southern whites.[7]

It was one thing for Hayes, a Republican moderate, to make such statements. But even the voice of the party's radical anti-Confederate wing confirmed that property's interests were to be served above those of freed slaves. The National Republican observed how Reconstruction's carpetbagger governments, "sustained by the votes of the native menial classes," had excluded "the former governing classes....from all participation in public affairs." This abnormal condition would be corrected when the freed slave, diverted for a time "with the bauble of suffrage " [emphasis added], was persuaded "to relinquish the artificial right to vote for the natural right to live and make peace with his old master." Hunger and cold, the article concluded, would help guide the decisions of these "simple-minded dependents in choosing between an empty privilege and daily bread.[8]

Although former slaves were being rapidly abandoned by their former champions, DuBois still contends that "The overthrow of Reconstruction was in essence a revolution inspired by property, and not a race war." Control of new forms of wealth generated by the Civil War "was being developed during the ten years of Southern Reconstruction and was dependent....upon the failure of democracy in the South, just as it fattened upon the perversion of democracy in the North.[9]

Two examples illustrate DuBois' analysis: by 1877, New York's Boss Tweed and Tammany Hall were thwarting democracy with aplomb; and months after pulling federal troops out of the South, President Hayes deployed Army regiments to violently crush striking railroad workers. As the strike spread to Pennsylvania, Tom Scott, "who could make presidents but who at that moment could not make (his) trains move, advised giving the strikers 'a rifle diet for a few days and see how they like that kind of bread' .[10]

From genetic engineering to election engineering, from jurisprudence to jingoism, men of power and property do what's needed to maintain control. Why do "we the people" put up with it?

ENDNOTES

1. In 1933, the 20th Amendment moved the presidential inauguration to January.
2. C. Vann Woodward, *Reunion and Reaction*, Little, Brown, and Co., Boston 1951, p. 4.
3. W.E.B. DuBois, *Black Reconstruction in America*, Atheneum, New York 1975 (originally published 1935), p. 13.
4. Woodward, p. 22.
5. Woodward, p. 24.
6. Woodward, p. 24.
7. Woodward, p. 25.
8. Woodward, p. 212.
9. DuBois, p. 584.
10. Boyer and Morais, *Labor's Untold Story*, UE Press, Pittsburgh 1955, p. 61.

By What Authority, the name of our publication, is English for *quo warranto*. *Quo warranto* is the sovereign's command to halt continuing exercise of illegitimate privileges and authority. Evolved over the last millennium by people organizing to perfect a fair and just common law tradition, the spirit of *By What Authority* animates people's movements today.

We the people and our federal and state officials have long been giving giant business corporations illegitimate authority. As a result, a minority directing giant corporations privileged by illegitimate authority and backed by police, courts and the military, define the public good, deny people our human and constitutional rights, dictate to our communities, and govern the Earth. *By What Authority* is an unabashed assertion of the right of the sovereign people to govern themselves. A publication of the Program on Corporations, Law and Democracy.

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