

Michael F. Holt. *By One Vote: The Disputed Presidential Election of 1876.* Lawrence: University Press of Kansas, 2008. xiv + 300 pp. \$34.95 (cloth), ISBN 978-0-7006-1608-4.



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Before Bush v. Gore

Michael F. Holt asks pointed questions about the disputed election of 1876 and, in the process, quietly buries C. Vann Woodward's thesis that northern Republicans cynically abandoned the voting rights of southern African Americans, and thus the experiment of Reconstruction, to obtain the help of former Whigs among southern Democratic congressmen in having Hayes counted in as president of the United States (p. 277). He also asks how the Democrats could have been so stupid to vote Colorado in as a state. Further, he inquires into the relationship between economic conditions and political results.

In answering these and many other questions, Holt demolishes the argument that the election of 1876 was the fraud of the century. This deeply researched book makes many critical findings. First, Ulysses S. Grant's 1872 victory was deceptive in that the 1872 campaign saw the origins of the Liberal Republican movement in opposition to Grant and his placemen. Importantly, Grant lost votes in the Midwest and Massachusetts. Grant's gains in the South came from freedmen. Finally, many

Democrats stayed home in 1872 rather than vote for Horace Greeley. Grant's second term was tarnished by public revelations of plundering public lands, fraud, and corruption. In fact, the widespread corruption in the federal government gave Liberal Republicans and Democrats plenty of ammunition for the 1874 and 1876 election campaigns.

Holt provides readers with a succinct and insightful explanation of the money question in the post-Civil War era with gold, silver, and greenbacks floating in the market. He sets the arguments in political and economic terms. Furthermore, Holt also makes the nomination process for both national conventions understandable. Samuel J. Tilden's well-financed organization allowed him to prevail on the second ballot while Rutherford B. Hayes moved slowly to nomination. He delineates every intricate maneuver in the Republican convention.

The campaign analysis has Holt at his best. Never one to pull interpretative punches, Holt simply states that Tilden's analysis of the economy and what to do about

it was flatly wrongâ (p. 136). Further, the Democrats failed to present a credible and distinctive programâ to deal with economic hard times (p. 138). State recessions also had an important impact on voter behavior. Two million more men voted in 1876 than in 1872; they included a combination of voters who sat out the 1872 election and new voters effectively recruited. Fully 81.8 percent of eligible voters cast a ballot. âProportionately more Americans cared about the outcome of this contest than was true of any other presidential election in American Historyâ (p. 168). The closeness of the outcome evidenced the fact that âin 1876, the two-party system of Democrats and Republicans simultaneously became more unbalanced sectionally and more balanced competitivelyâ (p. 171).

The postelection circus was much like the 2000 election in Florida. It was a âthree-ring circus with two important sideshowsâ (p. 180). Floridaâs statute did not give the canvassing board explicit authority to count the votes for presidential electors. This with other factors âset the stage for legal conflictâ (p. 190). Florida sent three sets of electoral votes to Congress. Four states sent conflicting sets of electoral votes to Washington. The resulting Federal Electoral Commission decided the winner with Joseph Bradley reading the Constitution on the question and casting the deciding vote.

Holt points out how unique the 1876 election was in American history. No other election was decided by so close a margin in electoral votes. No other election pro-

duced anything like the Federal Electoral Commission of 1877. The electoral participation rate was a record. This turnout rate is best explained by the economic hard times, southern white determination to reestablish white supremacy through the ballot box, and the vivid memories of the Civil War articulated in bloody shirt rhetoric.

Finally, Holt observes the similarities with the 2000 Florida presidential election results. In 1876 and 2000, the parties resorted to state and federal courts. âDemocrats in 2000 who ranted about the outrageous and unprecedented intervention of the U.S. Supreme Court in resolving the Florida dispute, in part by overruling decisions of the state supreme court, simply did not know American history very wellâ (p. 245). In 1876, Florida Democrats used the doctrine of quo warranto and urged Tilden to do so in federal courts. Tilden did not do so, and Holt wonders in print whether âDemocratic lawyers in 2000 ever considered using this doctrineâ (p. 246). Holt notes that his brief survey of University of Virginia law professors and a federal circuit court judge forced him to conclude that most lawyers in twenty-first-century America had never heard of the doctrine. In post-Civil War America, lawyers probably remembered *Territory v. Lockwood*, 70 U.S. 236 (1866), and Justice Noah H. Swayneâs wisdom on the writ. Today only legal historians remember.

Holt uses great writing amid terse exposition of exceedingly complex procedural issues to tease out explanation and meaning. This is an outstanding contribution.

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