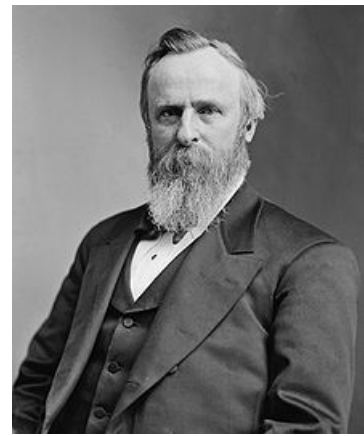


President	Rutherford B. Hayes
Chronological Order	19
Life Span	1822-1893
Home State	Ohio
Elected	1876



Political Party	Republican
Vice President	William A. Wheeler
First Lady	Lucy Webb Hayes
Children	7 sons, 1 daughter
Physical Attributes	5' 8.5" tall, long beard, auburn hair, blue eyes
Undergraduate Education	Kenyon College. Also graduated from Harvard Law School.
Military Service	Brigadier General in the Union Army during the Civil War
Profession	Attorney
Other Political Offices	U.S. House of Representatives, Governor
Nickname	Rutherfraud
Family Lineage	Scottish, English
Religious Affiliation	Christian (no specific denomination)

Biographical Notes	1. Rutherford B. Hayes was an admirable man. As a young attorney, he defended fugitive slaves in court. As a soldier, Rutherford fought in fifty separate engagements, was wounded five times, and rose to the rank of brigadier general. As president, he used executive orders to advance civil service reform. But he was an ineffective president for two reasons. First, the fraudulent way he got elected caused half the country to resent him and allowed the Democrats to win both houses of Congress in the 1878 midterm elections. Second, his cabinet choices and push for civil service reform alienated a large portion of the Republican Party, in particular, the spoilsmen who used patronage to fuel their political machines. As a result of these two factors, Hayes was unable to accomplish anything of significance other than the advancement of civil service reform. 2. Hayes was calm, friendly, and genuinely seemed to enjoy the company of other people. His friends called him Rud. Hayes did not instigate the Republican post-election machinations that stole the presidential election of 1876, but he went along with the outcome. The manner in which he was elected earned him the nickname "Rutherfraud." 3. Rutherford was born in 1822 on a farm thirty miles north of Columbus, Ohio, two-and-a-half months after his father died of typhus. His mother, who never remarried, raised Rud and his sister Fanny with financial help from her bachelor brother, who was a successful Ohio businessman. Hayes entered Kenyon College at age sixteen and graduated three years later with the highest honors and as valedictorian of his class. He then went to Harvard Law School, where he studied under two renowned professors: Supreme Court Justice Joseph Story and Simon Greenleaf, author of the <i>Treatise on the Law of Evidence</i> (1842). 4. Hayes moved to Cincinnati in 1850 and set up a law practice. He began his practice dealing primarily with commercial issues but won greater prominence as a criminal attorney, defending several people accused of murder. In one case, he used a form of the insanity defense that saved the accused from the gallows; the woman was confined to a mental institution instead. Hayes also defended slaves who had escaped and were arrested under the recently enacted Fugitive Slave Act of 1850. Since Cincinnati was just across the Ohio River from the slave state of Kentucky, many such cases arose. Hayes found his work on behalf of fugitive slaves personally gratifying as well as politically useful, as it raised his profile in the newly formed Republican
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Party.

Hayes became involved with Whig (and then Republican) politics in Cincinnati. In 1858, he was appointed city solicitor after a locomotive struck the current officeholder. His selection by a single vote on the 13th ballot of the city council was the first instance of his good luck in close elections.

Hayes campaigned enthusiastically for Abraham Lincoln in the presidential election of 1860, finding the Illinoisan "shrewd, able, and possessing strength in reserve." Lincoln's unexpected victory resulted indirectly in Hayes's defeat for re-election as city solicitor when local Democrats joined forces with members of the Know-Nothing Party to oust Republican officeholders, who they feared would support war with the South. Hayes and other Cincinnati Republicans did indeed favor an armed confrontation. "We are all for war," Hayes told his uncle. "Anything is better than the state of things we have had the last few months."

5. Rutherford married Lucy Webb in 1852. Lucy, nine years younger, was bright, vivacious, unpretentious, and a graduate of Cincinnati Wesleyan Female College. She believed strongly in Methodism, temperance, and abolition. She coupled her ardent commitments with a tolerance for Rutherford's unorthodox Christianity, his occasional use of alcoholic beverages, and his more moderate antislavery attitude. Lucy and Rutherford had seven sons and one daughter. Three of the sons died before the age of two.

Lucy was the first college-educated First Lady. She chose not to serve alcohol in the White House, usually serving lemonade instead. Her stance did not sit well with many of the hard-drinking politicians of the time and earned her the nickname "Lemonade Lucy."

Lucy and Rutherford were a devoted couple. In 1877, they celebrated their twenty-fifth anniversary by repeating their wedding vows at a ceremony in the Blue Room of the White House attended by family and friends. The service was presided over by the man who had married them.

6. When Hayes was young, he went to church to please his mother; when he was married, he went to church to please his wife. But he rejected the dogmatic assertions of conventional Christianity, and, in his words, was "a non-church member." While in law school, he enjoyed the sermons of Dr. James Walker, a professor of natural religion, moral philosophy, and civil polity. The sermons of Walker, a conservative Unitarian, provided logical grounds for religious views that Hayes felt comfortable with. In particular, Walker's concept of Jesus Christ as a moderate social reformer resonated with Hayes. Rutherford had a sense of humor about his religious views. Once, when asked his denomination, he replied that he was close to being a Methodist because he slept with one every night.

7. When the Civil War broke out, Hayes was a thirty-nine-year-old civic leader and father of three with a pregnant wife and an aging mother to support. He could have avoided serving in the war, but he did not want to sit at home while others fought for a cause he believed in. In June 1861, Hayes was appointed a major in the 23rd Regiment of Ohio Volunteers by Governor William Dennison, who remembered Hayes's yeoman work in his successful gubernatorial campaign the previous fall. Rutherford was promoted to lieutenant colonel in November 1861.

Hayes served in the army for four years, fought in fifty separate engagements, was wounded five times, and had four horses shot out from under him. In September 1862, he was shot at the Battle of South Mountain – a precursor to the Battle of Antietam. A musket ball struck his left arm just above the elbow, leaving a gaping hole and fracturing the arm. When he went down, he was momentarily alone and trapped between his troops and the rebels and thought he would die. However, his men rescued him. Hayes went home to Ohio to recover but insisted upon returning to his troops, which he did on November 30 at the rank of colonel. Upon his return, he assisted in the pursuit and capture of the fabled Confederate cavalryman John Hunt Morgan.

In October 1864, Hayes fought under General Philip Sheridan against General Jubal Early in the Battle of Cedar Creek, which was the final engagement of the Shenandoah Valley campaign. While fighting Early's troops, the rebels shot Hayes's horse out from under him, and he was thrown to the ground, injuring his ankle and knocking him out. As he regained consciousness and got to his feet, attacking Confederates ordered him to halt. Despite his ankle injury, he escaped into the nearby woods, caught up with his men, got on another horse, and kept fighting. Sheridan, described by one historian as "very young, very short, very profane, and very aggressive," rode amongst the Union troops yelling, "We'll whip 'em yet like hell." The men believed him, started chanting, "Sheridan! Sheridan! Sheridan!", and ultimately defeated Early's army. Hayes was promoted to brigadier general in December 1864. He said he felt honored to earn "it at the close of a most bloody campaign on the recommendation of fighting generals like Crook and Sheridan." After his discharge in June 1865, he was breveted the rank of major general for "gallant and distinguished services during the campaign of 1864."

8. In 1861, future president William McKinley enlisted as an eighteen-year-old private in the 23rd Regiment

of Ohio Volunteers under Hayes's command. McKinley served under Hayes for four years, rose to the rank of captain, and his diligence and bravery caught Hayes's attention. Rutherford came to look at the taciturn young man almost as a son. Hayes quietly supported McKinley's military career, and said that he was "one of the bravest and finest young officers in the army." After the war, Hayes served as his mentor in Ohio politics.

The surgeon in Hayes's regiment was his brother-in-law, Dr. Joe Webb. When Hayes was severely wounded in the Battle of South Mountain, Dr. Joe saved his life. When Hayes became president, Dr. Joe hoped to be appointed surgeon general of the Marine Hospital Service, a post for which he was well qualified. However, Hayes, after the excesses of the Grant administration, had made a promise not to appoint anyone who was a blood relative, or a relative by marriage, to a position in his administration. Therefore, he could not give the job to Dr. Joe.

9. While serving in the army in 1864, Hayes received word that he had been nominated for Congress by his friends in Cincinnati. Resisting suggestions that he take a furlough to come home and conduct his campaign, he wrote to a political confidant: "An officer fit for duty who at this crisis would abandon his post to electioneer for a seat in Congress ought to be scalped. You may feel perfectly sure I will do no such thing." It was the most effective campaign statement he could have made, and he won the seat.

Hayes began his term in Congress as a moderate but soon fell under the influence of Radical Republican leader Thaddeus Stevens of Pennsylvania, who was an ardent abolitionist. Unlike Hayes, who was a reasonable and forgiving person, Stevens hated all things southern because of all the Union soldiers killed and the everlasting stain of slavery. Hayes was willing to follow Stevens's lead, even after it led him to a more extreme position on race and Reconstruction than many of his constituents back in Ohio might have desired. Defending his support for the Civil Rights Bill of 1866, Hayes sided with the Radicals, who believed, he said, that "the Rebel states having gone into insurrection and lost their lawful state governments, it is for the law-making power of the nation to say when (or whether) such new state governments ... ought to be recognized." This conflicted with Lincoln's belief that the states had never legally left the Union or lost their places in it. As for the still unsettled question of black suffrage, Hayes reported his position as being for "suffrage for *all* the South, colored and white."

During his two terms in Congress – he was re-elected in the Republican landslide of 1866 – Hayes moved further into the Radical camp. Following the decision of all but one southern state (Tennessee) to defy the Fourteenth Amendment and stay unrepresented in Congress rather than accept blacks as equal citizens, Hayes supported Stevens's harsh version of the Reconstruction Act of 1867, which repudiated the new southern state governments, divided the South into military districts, called for widespread disenfranchisement of former Confederates, and required the states to draft constitutions embracing universal suffrage and ratification of the Fourteenth Amendment before being readmitted to the Union. Hayes told an Ohio legislator: "We agreed to disregard the existing state governments in the rebellious states, to institute new ones on the basis of loyalty and colored suffrage and to hold these states firmly in the grasp of military power until the process is complete."

Except for Reconstruction matters, Hayes did not enjoy his congressional duties, which consisted mostly of running back and forth between various federal departments on behalf of his constituents. "The truth is," he complained, "this being an errand boy to one hundred fifty thousand people tires me so that by night I am ready for bed instead of soirees." He was, therefore, delighted when Radical supporters in Ohio engineered his nomination for governor in June 1867.

10. Hayes was elected governor of Ohio in 1867. As a Republican governor saddled with a Democratic legislature, he smoothly reverted to a more moderate stance. Hayes championed such noncontroversial issues as prison reform, humane treatment for the mentally ill, a state-supported home for orphans, and a new geological survey for Ohio. At the same time, he continued to swim against the tide in his home state by supporting the Fourteenth Amendment to the Constitution and increased voting rights for black citizens. The Ohio State University was established during his first term. In 1868, he enthusiastically backed Ulysses S. Grant for president.

Hayes was re-elected in 1869 and began his second term by leading a successful fight to win legislative approval for the Fifteenth Amendment, which gave blacks the right to vote. The amendment passed in Ohio by the narrowest of margins – two votes in the State House and one vote in the Senate. Noting with professional satisfaction that blacks "vote Republican almost solid," Hayes told a friend he could now leave politics with a clear conscience, since "the ratification of the Fifteenth Amendment gives me the boon of equality before the law, terminates my enlistment, and discharges me cured." He returned to private life after his second term as governor. Four years later, he was elected to a third term in 1875.

11. At the 1876 Republican National Convention, the primary contenders for the presidential nomination were: Speaker of the House James G. Blaine of Maine, Secretary of the Treasury Benjamin H. Bristow of

Kentucky, Senator Oliver P. Morton of Indiana, Senator Roscoe Conkling of New York, Governor John F. Hartranft of Pennsylvania, and Governor Rutherford B. Hayes of Ohio. Hayes's rivals all had well-known weaknesses: Blaine had been involved in a scandal involving railroads; the Republican rank-and-file disliked Bristow for his zealous investigation of the Grant administration's Whiskey Ring scandal; Morton was an unscrupulous demagogue; Conkling was closely identified with the corrupt machine politics of the era; Pennsylvania was so solidly Republican that Hartranft's presence on the ticket was not required to win the state. On the other hand, Hayes was a squeaky-clean candidate, and his Civil War heroism, his record as a reform governor, and Ohio's position as a pivotal state made him an attractive candidate.

Blaine was the overwhelming favorite, and the night before the first ballot, Hayes's campaign manager met with representatives from Bristow and Morton. The three sides agreed to test their candidate's strengths for the first few ballots. Then, if no significant movement occurred, the Bristow and Morton camps would throw their support to Hayes. Part of the agreement was that if Hayes became president, he would nominate Bristow's floor manager, John M. Harlan, for the Supreme Court.

Three hundred seventy-nine votes were needed to win the nomination. On the first ballot, the tally was: Blaine 285, Morton, 124, Bristow 113, Conkling 99, Hartranft 58, and Hayes 61. Very little changed during the subsequent four ballots. On the sixth ballot, the tally was: Blaine 308, Morton, 85, Bristow 111, Conkling 81, Hartranft 50, and Hayes 113. On the seventh ballot, 24 votes flipped to Blaine as the first few states were called. Then Indiana was called. Delegation chairman Will Cumbach walked to the stage and dramatically announced that Morton had withdrawn his name from consideration and that 25 of Indiana's 29 votes were for Hayes. When it was Kentucky's turn, Harlan went to the podium, withdrew Bristow's name from consideration, and cast all 24 of Kentucky's votes for Hayes. Tension increased as the roll call continued, with both Blaine and Hayes gaining votes. When New York was called, Conkling – who despised Blaine – announced 61 of the state's 70 votes for Hayes. Then Pennsylvania – the place of Blaine's birth – was called. If Blaine won all its 58 votes, he still had a chance. But the Hartranft supporters split almost evenly between Blaine and Hayes, and the final tally was: Blaine 351, Morton, 0, Bristow 21, Conkling 0, Hartranft 0, and Hayes 384. (N.B. As president, Hayes honored his campaign manager's deal by nominating Harlan for the Supreme Court. The Kentuckian served on the Court from 1877 to 1911. His grandson, John M. Harlan II, served on the Supreme Court from 1955 to 1971.)

12. In terms of presidential politics, 1876 should have been a Democratic year. The country was in the third year of an economic depression that many attributed to Republican economic policies. Also, the public was fed up with the numerous scandals of the Grant administration, leading to the campaign slogan: "Throw the rascals out."

Democrat Samuel Tilden seemed like the antidote for both these problems. Before entering politics, he earned a national reputation as a "financial physician" for reorganizing and reinvigorating railroad lines having fiscal problems. Later, his analysis of the financial records of the notoriously corrupt Boss Tweed took down the Tammany Hall leader, eventually landing him in prison. This feat earned Tilden a well-earned reputation as a reformer.

The Republicans, led by their rough-and-tumble national chairman Zacharias Chandler, came at Tilden hard. First, they accused him – falsely – of not paying enough federal income tax. Then they implied that the clean-shaven, fastidiously dressed, sixty-two-year-old, lifelong bachelor who lived in a tastefully decorated mansion must be a homosexual. The famous political cartoonist Thomas Nast frequently sketched Tilden wearing a dress.

But, most of all, the Republicans waved the "bloody shirt," blaming Democrats for the Civil War and all the subsequent deaths of Union soldiers. The nationally-renowned Republican orator Robert G. Ingersoll crisscrossed the country during the last six weeks of the campaign, giving the same speech over and over again. The heart of his message was:

I am opposed to the Democratic party, and I will tell you why. Every state that seceded from the United States was a Democratic state. Every ordinance of secession was drawn up by a Democrat. Every man that endeavored to tear the old flag from the heaven it enriches was a Democrat. Every man that tried to destroy this nation was a Democrat. Every enemy that this great republic has had for twenty years has been a Democrat. Every man that shot Union soldiers was a Democrat. Every man that denied to the Union prisoners even the worm-eaten crust of famine was a Democrat. Every man that loved slavery better than liberty was a Democrat. The man that assassinated Abraham Lincoln was a Democrat. Every man that raised bloodhounds to pursue human beings was a Democrat. Soldiers, every scar you have on your heroic bodies was given you by a Democrat.

13. On the evening of Election Day 1876, it was clear that Samuel Tilden had won states worth 184 electoral votes, Hayes had won states worth 165 electoral votes, and 20 electoral votes were in question. In

particular, three Republican-controlled southern states still under military control – Louisiana (8 electoral votes), South Carolina (7), and Florida (4) – had not reported definitively, and one Republican elector in Oregon was ineligible, casting a question about that vote. Since it took 185 electoral votes to win, and since Tilden had a sizeable lead in Louisiana, both Tilden and Hayes assumed that Tilden had won and went to bed.

However, at the Republican Party headquarters in New York City, Dan Stickles, a former Union general, made no such assumption. He realized that Republicans controlled the election boards in each disputed state, and that if Hayes got all 20 of the outstanding votes, he could win the presidency. Alone at the headquarters, except for one clerk, he sat down at the desk of Republican Party chairman Zacharias Chandler and composed a telegram – to be sent to leading Republican functionaries in the four questionable states – saying “With your state sure for Hayes, he is elected. Hold your state.” The telegram went out immediately, under Chandler’s signature. The day after the election, Chandler sent off another round of messages to the Republican governors of the three disputed southern states, urging them to take control of the fluid situation and promising them bluntly that: “Troops and money will be furnished.”

By disqualifying enough Democratic ballots, the election boards in the three southern states declared a victory for Hayes and sent their results to Congress. Democrats claimed fraud and forwarded Congress their own sets of returns showing a Democratic win. Oregon submitted two sets of returns as well. As the Constitution required, a joint session of Congress assembled in which the President of the Senate was to count the electoral votes. Congress deadlocked because the Democrats disagreed with the Republican President of the Senate over which sets of ballots should be counted.

To resolve the crisis, Congress created the Electoral Commission (five senators, five House members, and five Supreme Court justices) that was politically balanced: seven Democrats, seven Republicans, and one independent (Supreme Court Justice David Davis). But at the last minute, Davis – recently elected to the Senate – refused to serve on the commission. Since all the remaining members of the Court were Republicans, the Republicans obtained an 8 to 7 majority on the commission. Voting strictly along party lines, the commission resolved every disputed ballot for Hayes, making him the winner, 185 to 184 electoral votes.

14. The Republicans clearly stole the election from Tilden in Louisiana. Initially, the New Yorker won the state by approximately 7,600 votes. However, days after the election, soldiers and Republican politicians from the North – referred to as “visiting statesmen” – went out into the parishes to investigate, interview, and, in some cases, coach prospective witnesses to alleged Democratic campaign abuses. Under existing state law, their labors should have been rendered moot from the outset: only protests filed by mail within one day of the election were supposed to be allowed. The election board simply ignored the law, permitting parish registrars to deliver their protests by hand, open and examine various returns, and insert affidavits in some of the packages a week or more after the election. Ultimately, the election board – comprised of four Republicans – threw out the entire votes for two parishes and partial returns for twenty-two parishes. As a result, the board disqualified 13,211 Tilden voters and 2,412 Hayes voters, giving Hayes the victory. Louisiana newspaper reporters and editors, long accustomed to such post-election adventures, nevertheless were stunned by the blatant injustice of the actions of the board.

15. The Democrats refused to walk away from the election empty-handed. They could still filibuster, creating enough of a delay to prevent Hayes’s inauguration and cause a constitutional crisis, but few wanted to play this card. Some were willing, however, to use the bluff to gain concessions from the Republicans. In particular, Democrats wanted the removal of federal troops that still supported the Republican governments of Louisiana and South Carolina. They also hoped to gain some federal appointments and federal subsidies for a southern railroad.

Hayes promised nothing publicly, but some of his associates, including the sitting president, Ulysses S. Grant, privately pledged a withdrawal of troops if the southern governments promised to uphold freed person’s rights. This agreement – Democrats stopping their protest of the election in return for the withdrawal of federal troops from Louisiana and South Carolina – is often referred to as the Compromise of 1877. Hayes abided by the terms of this compromise. He also put a Democratic advocate for a southern railroad in his cabinet.

16. Hayes’s cabinet choices angered leading Republicans. He did not choose any of his chief rivals for the GOP presidential nomination. Furthermore, when Blaine and Conkling suggested their lieutenants for cabinet positions as “a condition for good relations,” he did not comply with their wishes. He also defied influential Pennsylvania and Illinois Republicans by refusing to give the War Department to either J. Donald Cameron or John A. Logan. For his cabinet he chose: for State, William M. Evarts of New York; for Treasury, John Sherman of Ohio; for Interior, Carl Schurz of Missouri; for Postmaster General, David M. Key of Tennessee; for War, George McCrary of Iowa; for Navy, Richard W. Thompson of Indiana; and for Attorney

General, Charles Devens of Massachusetts.

Three of these choices riled up influential Republicans. Evarts was challenging Conkling's control of New York Republicans. Grant and GOP party regulars despised Schurz for his part in the Liberal Republican revolt that tried to deny Grant a second term. Many Republicans were enraged that Key – a Democrat and ex-Confederate – got the postmaster general spot, which controlled a vast patronage fiefdom: all the local postmaster slots.

The common factor for Hayes's cabinet choices was that they were all men who helped him get elected. Evarts was one of Hayes's most eloquent lawyers before the Electoral Commission. Sherman was a "visiting statesman" in the aftermath of the election in Louisiana and brokered a deal to make William Kellogg a U.S. Senator. Kellogg was the former Louisiana governor who had signed the official board certificate giving the state to Hayes. Key was a protégé of Texas and Pacific Railroad lobbyist Andrew J. Kellar, and his selection to the most powerful patronage position in the government was widely viewed as a payoff to both the railroad lobby and the Southern Democrats in Congress who helped forestall a last-minute filibuster. Devens was a member of the Electoral Commission who consistently voted the eight-to-seven line.

The Hayes administration also took care of others who helped him "win" the election. Marcellus Stearns, the outgoing governor of Florida, who had endorsed his state's questionable findings, was named U. S. Commissioner at Hot Springs Arkansas. Florida election board chairman Samuel McLin was appointed to the New Mexico Supreme Court. Lew Wallace, one of the "visiting statesmen" in Florida, was named territorial governor of New Mexico. James Madison Welles, the chairman of the Louisiana election board, became Collector of the Port of New Orleans. Sixty-nine men involved in the Louisiana election received federal appointments, mostly through Treasury Secretary John Sherman.

17. The contested elections in Louisiana and South Carolina affected the gubernatorial races as well as the presidential race. In Louisiana, the actions of the election board gave the governorship to Republican Stephen Packard, but Democrats insisted that Francis Nicholls had won. In South Carolina, the Republicans claimed that Daniel Chamberlain had won; the Democrats claimed victory for Wade Hampton. After Hayes's inauguration, Packard and Chamberlain occupied their respective statehouses, but only because federal troops surrounded each statehouse, protecting them.

After his election, Hayes was in no hurry to keep the pledges made on his behalf to remove the federal troops from these two states. Instead, he appointed a commission to travel to Louisiana and advise him on the situation there. In the meantime, southern patience was wearing thin. Senator Lucius Q. C. Lamar of Mississippi took the extraordinary step of writing personally to the president and reminding him, in no uncertain terms, of his previous commitments. "It was understood that you meant to withdraw the troops from South Carolina and Louisiana," Lamar wrote on March 22, 1877. "Upon that subject, we thought that you had made up your mind; and indeed, Mr. President, you told me that you had. We cannot willingly acquiesce in the delay which is to be prolonged at the expense of so much suffering and in the face of so much danger." Hayes withdrew the troops from South Carolina and Louisiana on, respectively, April 3 and April 20, and Democrats Hampton and Nicholls took over as governors of their respective states shortly after.

The withdrawals of federal troops from the statehouses in Louisiana and South Carolina represented the symbolic end of Reconstruction, but it is shortsighted to blame the end of Reconstruction on Hayes. It was the inevitable result of a political process that had been going on since President Grant refused to intervene in the Mississippi election of 1875, a process motivated by the fact that the rest of the country – faced with economic problems – had lost interest in imposing its will upon the South. Either way, the end of Reconstruction had catastrophic and far-reaching effects on the four million black Americans living in the South. Over the next two decades, southern blacks were systematically disenfranchised until very few could vote – a situation that persisted well into the twentieth century. Also, despite Key's appointment and his distribution of post office patronage, any hopes of winning southerners to the Republican party quickly evaporated. Consequently, after the troops left, the South became solidly Democratic and remained so until approximately 1964.

18. Hayes assumed office during the economic depression that followed the Panic of 1873, and the railroads, which had recently engaged in a rate war, were in a down cycle. Shortly after he took office, the nation's four largest railroad companies agreed amongst themselves to raise rates and simultaneously lower wages by ten percent. (At the time, there were no anti-trust laws to prohibit such collusion.) This pay cut, the second significant one since the depression started, led to the Great Railway Strike of 1877, during which railroad service was disrupted in Martinsburg (WV), Baltimore, Pittsburgh, Philadelphia, Chicago, and St. Louis. Governors sent in state militias to restore service and violence resulted.

Railroads executives urged Hayes to use federal troops to suppress the strike, but he and his cabinet refused to intervene on the side of railroad management. He did, however, send troops to the affected cities to quell the violence when local authorities requested assistance. The strikes in each city died shortly

afterward.

19. The Nez Perce War, which broke out in June 1877, originated in a classic way: white men encroaching on Indian land and then claiming it. The ancient home of the bands that constituted the Nez Perce Indian nation was in the mountainous region surrounding the point where Oregon, Washington, and Idaho meet. The Nez Perces deified their ancestral land ("the Earth is my mother"), and to exchange it for other territory was tantamount to renouncing their religion. The federal government had guaranteed this area to them in 1855, but white intruders discovered gold in the heart of the region in 1860. Those who rushed in to mine gold and stayed to raise cattle and crops paid no heed to the fact that they were trespassers. Abetting covetous settlers were federal Indian agents, who bribed and coerced the chiefs of some Nez Perce bands to agree to an 1863 treaty removing their people to a reservation in Lapwai, Idaho. Other Nez Perce bands refused to agree to the treaty and remained on their land. One of these bands, which was led by Chief Joseph, stayed in the Wallowa Valley of northeastern Oregon and tried to live peaceably with its white neighbors. Many white settlers were fond of Joseph – a feeling that he reciprocated – but others were contemptuous of Indian rights and wanted to force the non-treaty Nez Perces onto the Lapwai Reservation.

The Grant administration exacerbated matters by vacillating. In June 1873, Grant ordered that Joseph's band be given part of the Wallowa Valley for a reservation, but a vigorous protest by white settlers, the governor, and the Oregon congressional delegation eventually made him change his mind. In June 1875, he rescinded his previous order; in January 1877, Grant decided that the 1863 treaty obligated all Nez Perces to move to the Lapwai Reservation. Joseph, frustrated because the whites failed to understand that "the country they claim belonged to my father, and when he died, it was given to me and my people." He was determined not to leave it "until I am compelled to."

When Hayes took office, Joseph and his fellow nontreaty Nez Perce chiefs, Looking Glass and White Bird, hoped to reason with the Indian Bureau and the U. S. Army to avoid being displaced. However, at a council on May 14, 1877, General Oliver Otis Howard insisted that if the nontreaty Nez Perces did not move within thirty days, they would be forced off their lands. Faced with moving or fighting, Joseph and the other nontreaty Nez Perces agreed to move.

The Indians smoldered with resentment, and Hayes and Secretary of the Interior Schurz did not understand the crux of the problem: that the government was illegally forcing the nontreaty Nez Perces off their land. During the move, fighting broke out with white settlers, the Army attacked the Indians, and the Nez Perce War began. The Nez Perces fought valiantly, but eventually, the army overpowered them. The once-proud people of the Northwest ended up as paupers in the Indian Territory (present-day Oklahoma).

20. When Hayes accepted the Republican nomination for president, his acceptance letter stated that one of the main goals of his administration would be civil service reform, i.e., that government jobs should be awarded based on merit, not political connections, and that civil servants should not be forced to contribute to political parties. He was so adamant about this pursuit that he pledged to be a one-term president to avoid using patronage to secure his re-election.

Shortly after taking office, he issued an executive order prohibiting political "assessments" (fees paid by government workers to the political party that controlled their positions) and forbade the management of political parties, conventions, and campaigns by civil servants. Hayes wanted to depoliticize the civil service, but he did not want to destroy Republican party organizations. However, several Republican Party leaders in Congress believed that he *would* damage their organizations and ignored his order.

21. Hayes chose to use the New York Customs House as a testing grounds for civil service reform. This key agency was a hotbed of politics and a vital element in Senator Roscoe Conkling's political machine. It employed over 1,300 people, who, together with blood relatives, in-laws, and friends, controlled a formidable bloc of votes. The three main posts (collector, surveyor, and naval officer) were filled by Conkling's lieutenants, who were deeply involved in political activities. In particular, the collector was future president Chester A. Arthur.

In the fall of 1877, Hayes tried to replace the three men, but Conkling blocked confirmation of two of the replacements in the Senate. Hayes bided his time until the Senate recessed, then used recess appointments to put his team in place: Collector Edwin A. Merritt, Surveyor Charles K. Graham, and Naval Officer Silas W. Burt. These men were confirmed when the Senate returned.

Hayes sent a letter to Merritt outlining the reforms he wanted to be implemented. He ordered Merritt to conduct his office "on strictly business principles" and urged that neither the recommendation of a congressman nor that of "other influential persons should be specifically regarded. ... Let no man be put out because he is Mr. Arthur's friend, and no man put in because he is our friend." He directed Merritt, Graham, and Burt to devise regulations based on the Grant Civil Service Commission rules, with which Burt had experience.

Burt was the dynamic force behind the new customhouse rules, which applied to all employees, except for those in a few offices of special trust. Appointments were made from the three candidates who had scored highest on a competitive exam. New appointees could enter only at the lowest grade; more senior vacancies were to be filled by promotion from within the customhouse. As a result of the implementation of these rules, the customhouse became a showcase for political reform, and the success of this initiative was a significant factor in the passage of the Pendleton Civil Service Reform Act of 1883, two years after Hayes left office.

22. In the election of 1878, the Democrats won control of the Senate (they already had control of the House). Southern Democrats soon tried to repeal Reconstruction legislation authorizing the president to employ federal troops to protect the rights of black voters. The tactic they used was to attach riders to unrelated appropriations bills. They did this seven times, and Hayes vetoed all seven bills.

23. In 1868 the Senate had ratified the Burlingame Treaty with China, allowing an unrestricted flow of Chinese immigrants into the United States. As the economy soured after the Panic of 1873, Chinese immigrants were blamed in the American West for depressing workmen's wages. During the Great Railroad Strike of 1877, anti-Chinese riots broke out in San Francisco, and a third party, the Workingman's Party, formed with an emphasis on stopping Chinese immigration. In response, Congress passed the Chinese Exclusion Act in 1879, abrogating the 1868 treaty. Hayes vetoed the bill, believing that the United States should not abrogate treaties without negotiation. The veto drew praise from eastern liberals, but Hayes was bitterly denounced in the West. After the veto, Assistant Secretary of State Fredrick W. Seward suggested that the countries work together to reduce immigration, and he and James Burrill Angell negotiated with the Chinese to do so. Congress passed a new law to that effect, the Chinese Exclusion Act of 1882, after Hayes left office.

24. Opposed by his party's leaders and subject to Democratic majorities in Congress, Hayes was able to secure very little constructive legislation. He helped make civil service reform acceptable, and his administration – unlike Grant's – had no scandals. Hayes kept his pledge to be a one-term president and did not run in 1880.

See the next page for a list of references.

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