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POTTER COMMITTEE INVESTIGATION OF THE DISPUTED ELECTION OF 1876

by KAREN GUENTHER

ON Saturday, March 3, 1877, Chief Justice Morrison B. Waite, in a private ceremony at the White House, swore into office Rutherford Birchard Hayes of Ohio as the nineteenth president of the United States. This event, culminating four months of controversy, resulted from the decision of a special electoral commission and a subsequent agreement known historically as the Compromise of 1877. Nevertheless, many Democrats still refused to concede the legitimacy of the Republican victory. When Congress reconvened shortly after the inauguration, several prominent House Democrats demanded a thorough investigation of the election. Consequently, in May 1878, the House established the Potter Committee for that purpose. For the next ten months this committee examined evidence relating to possible corruption in the determination of electoral votes for Hayes's triumph. The investigation, however, only served to discredit several state election officials and to uncover conflicting and inconclusive evidence of electoral fraud.¹

The election of 1876 belonged to a period in American politics in which voters provided few solid mandates either to parties or to individuals. During this era, no president won reelection after his four years in office nor did any presidential candidate receive a majority of the popular vote. Further, congressional control was continually exchanged between the two main parties. Factional conflicts, often based on personal rivalries rather than on differences of opinion, were common within the parties.² In this climate occurred one of the closest and most dis-

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1. Sidney I. Pomerantz, "Election of 1876," in *History of American Presidential Elections, 1789-1968*, 4 vols., Arthur M. Schlesinger, Jr., ed. (New York, 1971), II, 1428.
2. John A. Garraty, *The New Commonwealth, 1877-1890* (New York, 1968), 222-23, 239.

orderly elections in American history. Prior to the election of 1876, both candidates, Rutherford B. Hayes of the Republican party and Samuel J. Tilden of the Democratic party, had achieved fame as reformers. Tilden, formerly governor of New York, emerged with a clear plurality of the popular vote, receiving approximately 250,000 more votes than his opponent. In the early returns, he seemed assured of a clear majority in the electoral college vote as well. However, the discovery of twenty disputed electoral votes made the outcome uncertain. One of these came from Oregon, where officials had declared one elector ineligible. Nineteen were from the three southern states which still had "carpetbag" governments: Florida, four; Louisiana, eight; and South Carolina, seven. To win the election Hayes needed all twenty disputed votes.³

The Constitution provided that the official counting of the electoral votes be conducted in the presence of both houses of Congress, but the Republican-controlled Senate and the Democratic-controlled House could not readily agree on the procedure for authenticating the returns. Finally, two bi-partisan committees, one from each house, jointly proposed an electoral commission bill on January 18, 1877, to solve the dispute. As authorized, the commission consisted of fifteen members— five from each house and five from the Supreme Court. The purpose of the electoral commission was to determine how the disputed votes should be counted. Its decisions on the election returns of the four disputed states were to be final unless a separate vote in both the Senate and the House sustained an objection.⁴

During February and March 1877, it became clear that the special commission, consisting of eight Republicans and seven Democrats, would decide the dispute strictly along partisan lines. The decision of the electoral votes of the first state, Florida, resulted in an eight-to-seven victory for the Republicans. This pattern continued throughout the rest of the decisions. Congress

3. George Dangerfield, "The Historical Warning of the Hotel Wormley," *New Republic*, CXXV (December 31, 1951), 18; Pomerantz, "Election of 1876," 1404-10.

4. C. Vann Woodward, *Reunion and Reaction* (Boston, 1951), 150-52; Pomerantz, "Election of 1876," 1415. For a list of the members of the Electoral Commission see *Congressional Record*, 44 Cong., 2 Sess., "The Proceedings of the Electoral Commission." The activities of the commission are also related here.

received the official announcement of the commission's decision on Florida on February 10. That same day the Democrats voted by strict party vote to recess until the following Monday. Many subsequent recesses would have had a filibustering effect of delaying the completion of the electoral vote count.⁵

An ominous political crisis was averted when Republican concessions and promises persuaded southern Democrats to accept the commission's decision for Hayes, which ended the filibuster on February 24. In the compromise, the Republicans promised to withdraw federal troops from the South, to leave the state governments in the control of the conservatives, and to appoint a southern Democrat to Hayes's cabinet. Other conditions of this agreement included federal expenditures for the construction of a railroad through the South and southern Democratic support for a Republican speaker of the house. Neither of these latter promises materialized.⁶

As a result of the bargaining, political and military Reconstruction ended. Within a few months after the inauguration of Hayes, however, confessions of persons involved in the elections in Florida and Louisiana pointed to widespread corruption and produced a clamor for an impartial investigation of the election in these states. Reacting to the intensifying public debate, Democratic Congressman Clarkson N. Potter of New York, a personal friend and next-door neighbor to Tilden, presented to the House of Representatives on May 13, 1878, a resolution calling for a new investigation of the 1876 elections in Florida and Louisiana.⁷ At first, the Republicans refused to vote on the issue, leaving the House and preventing a quorum. After several anxious days, the Democratic-controlled House approved the resolution by a 146 to 2 vote. The committee, headed by Potter, was "to inquire into the alleged fraudulent canvass and return of votes at the last Presidential election in the states of Louisiana and Florida."⁸ By

5. Woodward, *Reunion and Reaction*, 156, 164-65; Pomerantz, "Election of 1876," 1419-20.

6. Dangerfield, "Hotel Wormley," 19.

7. Pomerantz, "Election of 1876," 1427-28; Harry Barnard, *Rutherford B. Hayes and His America* (New York, 1954), 467. South Carolina was not considered because no proof of Republican corruption existed in that state, save the interference in the 1876 gubernatorial election.

8. U.S. Congress, House, *Investigation of Alleged Electoral Frauds in the Late Presidential Election*, H. Rept. 140, 45 Cong., 3 Sess., 1879, 1; *Con-*

subsequent resolution, the committee could also investigate alleged frauds in any of the other states. The motion to investigate evidently passed only because Potter disavowed any intention to impeach or unseat the president. Indeed, two weeks after the establishment of the committee, the Democratic-controlled House of Representatives, bowing to public apprehensions about a possible political coup, declared in a formal resolution that "no subsequent Congress . . . has jurisdiction to revise the action of the Forty-fourth Congress in the electoral dispute."⁹

Two principal reasons seemed to exist for the establishment of the Potter Committee. The main purpose of the investigation for the Democrats was to expose the corruption of Republican state officials in the counting of votes, thus making a record for election campaign purposes. Also, by keeping the question of the election dispute alive, these Democrats hoped that Hayes's title to the presidency would be further doubted, thus enhancing the prospects for a Democratic victory, possibly led by Tilden, in 1880. Therefore, the Potter Committee's leaders initially intended to embarrass and harass both Republican politicians and President Hayes.¹⁰

Although the eleven-member Potter Committee was reputed to be impartial, both the majority and minority membership reflected an anti-Hayes bias.¹¹ For example, one of the minority Republicans, Benjamin F. Butler of Massachusetts, resentful of

gressional Record, 45 Cong., 2 Sess., May 13-17, 1878; *New York Times*, May 14-18, 1878.

9. H. Rept. 140, 1-2; *Congressional Record*, 45 Cong., 2 Sess., 3665; Pomerantz, "Election of 1876," 1428; Barnard, *Hayes and America*, 469-70.
10. H. Rept. 140, 70-71; Alexander C. Flick, *Samuel Jones Tilden: A Story in Political Sagacity* (Port Washington, 1939), 427. President Hayes commented in his diary that the investigation was "a partisan proceeding for merely partisan ends" that was "not in the best interests of the country." Rutherford B. Hayes, *Hayes: The Diary of a President, 1875-1881*, T. Harry Williams, ed. (New York, 1964), 141.
11. Pomerantz, "Election of 1876," 1429. The members of the Potter Committee were J. C. S. Blackburn, D-Kentucky; Benjamin F. Butler, R-Massachusetts; Thomas R. Cobb, D-Indiana; Jacob D. Cox, R-Ohio; Frank Hiscock, R-New York; Eppa Hunton, D-Virginia; John A. McMahon, D-Ohio; William R. Morrison, D-Illinois; Clarkson N. Potter, D-New York (chairman); Thomas B. Reed, R-Maine; and William S. Stenger, D-Pennsylvania. William M. Springer, D-Illinois, later replaced Cobb. The Republican bias against Hayes was primarily because of opposition to his southern policies.

the president's appointment policies, revealed more antagonism toward Hayes than any of the Democratic members.¹²

During its ten-month investigation, the Potter Committee examined over 200 witnesses. Hearings formally began on June 1, with testimony taken by the committee in Washington, D.C., Florida, Louisiana; and New York throughout the summer and fall. In testimony, statements, and documents, witnesses from Florida and Louisiana presented deplorable accounts of fraud in the canvassing of the election returns.¹³ Ben Butler insisted that the committee stress the unsavory dealings between the Republican hierarchy and southern Democrats. The main investigation, though, concentrated on voting irregularities in Florida and Louisiana.¹⁴

The interest in Florida centered on revelations which had first been made prior to the formation of the Potter Committee by Samuel B. McLin, a member of the returning board. McLin "confessed" to having been "influenced" by Republican party promises of a major political appointment. In fact, after serving as a member of the returning board, he received an appointment as associate justice of New Mexico. However, upon denial of his Senate confirmation, McLin had decided to expose the irregularities, in the Florida election.¹⁵

To pursue the allegations of McLin, Potter appointed a subcommittee consisting of William Springer of Illinois, Frank Hiscock of New York, and Eppa Hunton of Virginia as chairman. McLin's testimony included specific examples of vote alterations in several Florida counties after the election. One example of such misconduct occurred at L. C. Dennis's house in Gainesville. Richard H. Black and Thomas H. Vance, two black precinct workers, conspired with Dennis to alter votes in favor of Republican candidates in Alachua County. Also, in Jefferson

12. Barnard, *Hayes and America*, 470.

13. Pomerantz, "Election of 1876," 1428-29. For the majority and minority reports on Florida see H. Rept. 140, 6-22, 77-84; (for the reports on Louisiana see 23-67, 84-92).

14. Pomerantz, "Election of 1876," 1428.

15. H. Rept. 140, 80; U.S. Congress, House, *Presidential Election Investigation, 1878-79*, House Miscellaneous Document No. 31, 45 Cong., 3 Sess., 1879, II, 1; Barnard, *Hayes and America*, 466-67; Paul Leland Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876* (Cleveland, 1906), 308-09.

County, the local election official had withdrawn at least one stack of Democratic ballots and substituted in their place 100 Republican ballots. For his timely assistance, this official had received a position in the Department of Interior. McLin also testified that General Lew Wallace, then a future governor of New Mexico, and Governor Edward F. Noyes of Ohio had informed him that if Hayes was elected, the members of the Florida Returning Board would receive handsome appointments. Based upon his knowledge of these and other irregularities, McLin informed the subcommittee that he believed that the electoral votes of Florida really belonged to Tilden.¹⁶

The Potter Committee also discovered evidence which indicated that in the original Florida returns Tilden electors had received a majority of ninety-one votes. The Florida Board of State Canvassers apparently overcame this pro-Democratic deficit by excluding approximately 1,000 votes from Hamilton, Jackson, Manatee, and Monroe counties, which allowed Hayes to win the state by 920.¹⁷ Other testimony before the Potter Committee revealed that Democrats in Florida had also engaged in improprieties. Some witnesses accused Democrats of altering votes and of attempting to bribe local election officials. When Florida electors from both parties voted on December 6, many leading Democrats allegedly tried to obtain the certificate of election for Tilden electors by force or bribery. As a result, a member of the Returning Board demanded police protection due to threats of violence.¹⁸

16. H. Rept. 140, 11-12; H. Misc. Doc. No. 31, II, 101; Haworth, *Hayes-Tilden Disputed Election*, 310. For a list of Florida election officials who received appointments, see H. Rept. 146, 21-22. More detailed accounts of the activities in Florida during this period may be found in Jerrell H. Shofner, *Nor Is It Over Yet: Florida in the Era of Reconstruction, 1863-1877* (Gainesville, 1974), 314-39, and in Shofner, "Fraud and Intimidation in the Florida Election of 1876," *Florida Historical Quarterly*, XLII (April 1964), 321-30.
17. H. Rept. 140, 68. In *Nor Is It Over Yet*, Shofner contends that if the Florida Canvassing Board had only declared Hayes the victor and had not also tried to elect the Republican candidate, Marcellus L. Stearns, as governor, the decision of the Canvassing Board might not have been contested. (Shofner, *Nor Is It Over Yet*, 326-27). In a telegram to Colonel W. T. Pelton, Manton Marble, agent for Tilden in Florida, reported that the Canvassing Board was "absurdly disregarding facts and flagrantly violating law" in performing its duties. (Manton Marble to W. T. Pelton, December 7, 1876, Samuel J. Tilden Papers, New York Public Library).
18. H. Rept. 140, 80-81; Haworth, *Hayes-Tilden Disputed Election*, 311.

In Washington, members of the Potter Committee expended an enormous amount of time analyzing the Florida voting scandal. Because of a divergence of opinion among members and the conflicting evidence which it gathered, the committee had difficulty in drawing conclusions. Evidence indicated that Tilden supporters in Florida resorted to extreme measures of voting fraud and violence. In particular, local blacks had been intimidated from voting. To combat this, the Board of State Canvassers usurped discretionary powers and reversed the result of many of the votes cast. As a result, the Potter Committee, despite its diligence, could not reach a clear verdict as to which party was most guilty of misconduct. Therefore, the effect of its investigation into the Florida controversy was left unclear.¹⁹

Besides Florida, the Potter Committee also investigated election discrepancies in Louisiana. Members of the Potter subcommittee investigating in this state included William Stenger of Pennsylvania as chairman, J. C. S. Blackburn of Kentucky, and Thomas B. Reed of Maine who was later replaced by Jacob Cox of Ohio. These committee members investigated a host of charges including those alleging dishonesty on the part of several prominent Republicans who visited Louisiana after the presidential election; instances of violence and intimidation during the election; the making of a second set of election certificates by the electors in Louisiana and the forgery of the names of two of the electors to the second set of certificates; and unethical agreements between friends of the Hayes administration and the representative of the governor of Louisiana. Thus, the Potter Committee took on a sizable task in investigating these matters.²⁰

The subcommittee investigated illegalities in two large parishes, East Feliciana and West Feliciana, where election officials had discarded almost 3,000 votes on the grounds that intimidation had taken place.²¹ One of the most intriguing Louisianans to

19. H. Rept. 140, 2, 6-22, 77-84; Pomerantz, "Election of 1876 " 1432.

20. H. Rept. 140, 84; H. Misc. Doc. No. 31, III, 1. For the election in Louisiana see Fanny Z. Lovell Bone, "Louisiana in the Disputed Election of 1876," *Louisiana Historical Quarterly*, XIV (July 1931, and October 1931), 408-40, 549-66; and T. B. Tunnell, Jr., "The Negro, the Republican Party, And the Election of 1876 in Louisiana," *Louisiana History*, VII (Spring 1966), 101-16.

21. Barnard, *Hayes and America*, 465. In East Feliciana Parish 1,736 votes were rejected; in West Feliciana 1,101 votes and in Ouachita 1,517 votes

appear before the committee was James E. "Scamp" Anderson of East Feliciana, who presented a sordid account of vote manipulation. Anderson's accusations even included references to complicity by prominent Republican "visiting statesmen" who were in New Orleans from November 15 until December 2, 1876. Foremost among these guests was John Sherman, Hayes's future secretary of the treasury. According to Anderson and other witnesses, these Republican officials had assured them of federal jobs in a letter written by Sherman, which was subsequently misplaced. When queried, Sherman denied sending such a letter.²²

The Potter Committee also investigated several blatant irregularities in the electoral process. The Louisiana returning board, which illegally consisted of only Republicans, displayed, according to witnesses, partisan, arbitrary, and unjust behavior. After sitting for twelve days, the board apparently excluded enough of the Democratic votes to ensure a victory for Hayes. The Potter Committee also heard testimony concerning improper conduct in the casting of Louisiana's electoral votes. The electors in Louisiana did not vote for the candidates separately, a violation of the twelfth amendment to the Constitution. Also, the Republican electors prepared a second set of returns, which included forged names, and then tried to suppress the original certificates.²³ In spite of its discovery of these irregularities, the committee discovered nothing in Louisiana serious enough to justify criticism of the honor of President Hayes. The most serious action attributed to Hayes concerned his subsequent appointment of several Louisiana election officials to positions in the national government.²⁴

suffered the same result. Out of a total of 4,354 votes rejected by the Returning Board, only 259 were Republican. (H. Rept. 140, 39).

22. H. Rept. 140, 41; Haworth, *Hayes-Tilden Disputed Election*, 312. A copy of the letter supposedly written by Sherman, along with his views on the investigation, may be found in John Sherman, *John Sherman's Recollections of Forty Years in the House, Senate, and Cabinet*, 2 vols. (Chicago, 1895), II, 653-58. For a study of the role of the "visiting statesmen" see: Ralph J. Roske, " 'Visiting Statesmen' in Louisiana, 1876," *Mid-America*, XXXIII (April 1951), 89-101.
23. H. Rept. 140, 39-40, 50, 58, 89. Copies of the certificates may be found in the *Congressional Record*, 44 Cong., 2 Sess., "The Proceedings of the Electoral Commission," 292-93.
24. Barnard, *Hayes and America*, 472-73. For a list of these appointments see the report of the majority in H. Rept. 140, 22, 48-49. In 1891, Abram S. Hewitt, Tilden's campaign manager in 1876, asserted, "The state of

Despite the dubious reliability of men such as Anderson of Louisiana and McLin of Florida, the Democratic members considered their findings to constitute a fatal blow against the Republican party and the presidency of Rutherford B. Hayes. Sensational publicity of the committee's findings by the Democratic press gave promise of political victories in 1878 and 1880. However, despite its apparent intent to scandalize the Republicans, the Potter Committee's investigation unexpectedly ended with an indictment of the integrity of Democrats. Republican strategists, by exposing coded messages of Tilden's associates, succeeded in converting the final phase of the committee's investigation into a devastating exposure of Democratic intrigue in Florida and South Carolina.²⁵

During the initial controversy between Hayes and Tilden in 1876, Congress had subpoenaed from the Western Union Telegraph Company the copies of dispatches relating to the presidential election. The House Committee on Louisiana Affairs had requested the telegrams relating to the election in that state, and the Senate Committee on Privileges and Elections had subpoenaed the Oregon dispatches. The company delivered not only the Louisiana and Oregon dispatches, but also the entire 30,000 telegrams regarding the election, many of them written in cipher. After these investigations, the committee supposedly returned all of the dispatches to Western Union which in turn burned them. However, approximately 750 were kept by George E. Bullock, a Republican clerk who had worked for the Senate committee.²⁶

In May 1878, Bullock gave the telegrams to Representative J. L. Evans, who distributed copies to prominent Republican

Louisiana has determined the result of a Presidential election. The vote of that State was offered to me for money, and I declined to buy it. But the vote of that State was sold for money!" Samuel J. Tilden, *Letters and Literary Memorials of Samuel J. Tilden*, 2 vols., John Bigelow, ed. (New York, 1908), II, 482.

25. Haworth, *Hayes-Tilden Disputed Election*, 314; Barnard, *Hayes and America*, 461, 474.
26. H. Rept. 140, 77; U.S. Congress, House, "The Cipher Dispatches: Their History" (Majority Report on Cipher Dispatches), H. Rept. 140, Part II, 45 Cong., 3 Sess., 1879, 2, Pomerantz, "Election of 1876," 1430; Haworth, *Hayes-Tilden Disputed Election*, 315. For the election in Oregon see: Harold Dippre, "Corruption and Disputed Vote of Oregon," *Oregon Historical Quarterly*, LXVII (September 1966), 257-72; and Philip W. Kennedy, "Oregon and the Disputed Election of 1876," *Pacific Northwest Quarterly*, LX (July 1969), 135-44.

congressmen. Accordingly, copies of these telegrams made their way to Whitelaw Reid, editor of the *New York Tribune*. Reid assumed the task of deciphering the dispatches, which had been sent in at least six different systems of cryptography. With the aid of John R. G. Hassard and Colonel William S. Grosvenor, Reid deciphered about 600 of the telegrams. These communications revealed a Democratic conspiracy to bribe election officials, especially in the states of Florida and South Carolina. The most shocking discovery was that Colonel W. T. Pelton, the nephew of Samuel J. Tilden, had directed these activities from the New York party headquarters, which was located in Tilden's home. These telegrams also demonstrated that the same men who had been loudest in their denunciations of the Republican election officials had themselves attempted to bribe these officials.²⁷

Just at the time when the publicity of the Potter Committee's findings was having its most devastating impact on Republicans, the *Tribune* published, over a ten-day period, a full description of the cipher systems used and the keys to their interpretations, covering telegrams between New York headquarters and Democratic agents in California, Oregon, and the southern states. At first the *Tribune* published only a few of the messages in cipher, inviting readers to try their hands at decoding them. Finally, the *Tribune* carried a detailed history of the ciphers and their translations in the October 7, 1878, issue. One-half of the dispatches were written in plain English, and the rest in cipher. Most of the telegrams concerning the activities were addressed to No. 15 Gramercy Park, New York, which was Tilden's address.²⁸

The publication of these dispatches created intense national interest. Most Democrats at first refused to believe that the telegrams were genuine. However, once validity was established, the Democrats tended to denounce the underhanded manner in which they were obtained and to deny their significance.²⁹ After

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27. H. Rept. 140, 72; Haworth, *Hayes-Tilden Disputed Election*, 315-16; Pomerantz, "Election of 1876," 1430-31; *New York Tribune*, passim.
 28. *New York Tribune*, October 7, 1878; Pomerantz, "Election of 1876," 1431; Barnard, *Hayes and America*, 475; Haworth, *Hayes-Tilden Disputed Election*, 317. The main types of cipher systems are fully described in the *Tribune*.
 29. Flick, *Tilden*, 430. Public opinion to the publishing of the dispatches is contained in the *New York Tribune* issues of October 9, 10, 12, 14, 15, 16, 19, 21, and 23, 1878.

a two-month delay, Congress prepared a resolution calling on the Potter Committee to inquire into the cipher telegrams. Congress instructed the committee to determine what, if any, illegal methods were employed to influence the electoral canvass in Florida, South Carolina, and Oregon.³⁰ The Potter Committee assigned the task of deciphering the codes to Edward S. Holden, professor of mathematics at the United States Naval Academy.³¹

Party politics played an important role in the cipher investigation. Republican committeemen wanted to embarrass the Democrats by exposing the corrupt acts of Tilden and his agents and by proving that their party had not engaged in similar activities. On the other hand, Democratic committeemen proceeded to gather dispatches and to take testimony which might reveal Republican dereliction in the disputed states. Fortunately for the Republicans, no evidence existed of Republican dispatches similar to those of Tilden's agents. If they had ever existed, Republican dispatches containing incriminating evidence were probably destroyed.³²

After the unsuccessful investigation into Republican ciphers, Democratic members of the Potter Committee had to face embarrassment from the illegal activities of their own party members. The translation of the ciphers indicated that Tilden's confidential agents in Florida, C. W. Woolley and Manton Marble, at first tried legally to arrange for Tilden's election. Failing in this goal, these men apparently attempted to bribe election officials. For example, one telegram from Marble to Pelton issued on December 2, 1876, indicated that the decision of the Florida Returning Board could be secured for \$200,000.³³ Yet no evidence was found to indicate that bribes were actually paid. On February 7, 1879, Marble explained that these negotiations took place

30. H. Rept. 140, "Cipher Dispatches," 1-6; Pomerantz, "Election of 1876," 1431.

31. Pomerantz, "Election of 1876," 1431. For the report of Professor Holden see H. Misc. Doc. No. 31, 45 Cong., 3 Sess., IV, 325-85.

32. H. Rept. 140, 71; Haworth, *Hayes-Tilden Disputed Election*, 323. Copies of Republican dispatches sent are in Albert M. Gibson, *A Political Crime: The History of the Great Fraud* (New York, 1885), 75-76, with discussion of this topic on pp. 75-78.

33. *New York Tribune*, October 8, 1878. The official text of this telegram in cipher and in translation may be found in H. Misc. Doc. No. 31, IV, 176. This amount (\$200,000) also appears to have been the price of the Louisiana Returning Board. See Flick, *Tilden*, 341.

only to test the integrity of the election officials. Marble acknowledged the telegrams attributed to him, but he was very guarded in his admissions. He insisted that he had not bribed anyone. The dispatches, nevertheless, discredited Democratic activity in Florida and served to embarrass Democratic members of the Potter Committee.³⁴

The Potter Committee faced an even more disconcerting problem in regard to South Carolina. The committee discovered that agents of Tilden, led by Smith M. Weed, unequivocally attempted illegalities to manipulate the vote in South Carolina. In testimony before the Potter Committee, Weed admitted that at a cost of \$60,000, the canvassing board could have been secured. Both Weed and Pelton attempted to justify their roles in the negotiations, claiming that they only intended to "ransom stolen goods from thieves."³⁵ Public interest in the cipher revelations greatly increased with the investigation of the dispatches from South Carolina, creating a greater sensation in Washington than those from Florida.³⁶

The climactic point of the Potter Committee's investigation was the examination of Samuel J. Tilden, which occurred on February 8, 1879. An experienced lawyer, Tilden chose his words carefully, asserting his innocence to any of the damaging dispatches during his testimony of two and one-half hours. When responding to a question about the bribes alluded to in the cipher dispatches, his voice rose suddenly to a dramatic intensity. He asserted that he knew nothing of the Florida offers until long after they were made. Also, he swore under oath that he had never seen any of the Oregon dispatches except one from the governor of Oregon stating that he would pick a Democratic elector from that state.³⁷ Tilden admitted that intimate associ-

34. *New York Tribune*, October 8, 1878. Pomerantz, "Election of 1876," 1432; Haworth, *Hayes-Tilden Disputed Election*, 323; Barnard, *Hayes and America*, 477.

35. H. Misc. Doc. 31, IV, 110; *New York Tribune*, October 16, 1878; Haworth *Hayes-Tilden Disputed Election*, 323.

36. *New York Tribune*, October 17, 1878. Full stories of the dispatches from Florida and South Carolina, as well as keys and vocabularies of the secret ciphers may be found in the *Tribune*, Extra No. 44, published October 19, 1878.

37. Haworth, *Hayes-Tilden Disputed Election*, 324-26; Flick, *Tilden*, 433. A copy of the telegram sent by Governor Grover of Oregon may be found in the *Congressional Record*, 44 Cong., 2 Sess., 1910.

ates such as Pelton, Weed, and Marble had deceived him by conducting these dastardly negotiations. When Tilden learned of such activity, he ordered its immediate termination. In addition, the Democratic candidate stated that the Republican administration had resorted to the exposure of the ciphers to offset the Potter investigation. With the denials of his involvement, Tilden emphatically expressed the belief that he had been denied the presidency by massive fraud and corruption.³⁸

Tilden's testimony indicated a remarkable disinterest in the activities of Colonel Pelton and others who worked for his election. Pelton admitted complicity in the dispatches, but he would not comment on Tilden's involvement. Republican members of the committee deduced that because of Pelton's penury, Tilden had to have been involved in the activities.³⁹

The testimony before the Potter Committee indicated that the attempted bribery was not authorized by the Democratic National Committee, nor by any of its officials, especially the presidential candidate.⁴⁰ However, the revelations of the committee, did irreparable damage to the reputation of Tilden. *Harper's Weekly* wrote off Democratic pretensions to being the "party of reform," absolving Republicans of any corruption. The magazine also praised Hayes as an authentic statesman and downgraded Tilden as a "shrewd politician."⁴¹ After the deciphering of the dispatches, the American public seemed to hold the Democrats equally responsible for the election irregularities of 1876. The martyrdom of Tilden was no longer an election issue.⁴²

The cipher investigation also nullified the importance in the public mind of the final majority report of the Potter Committee. This report informed an incredulous public that Samuel J. Tilden and Thomas A. Hendricks had been the true choice of a majority of the electors.⁴³ The Republican minority refused to

38. Flick, *Tilden*, 431; Haworth, *Hayes-Tilden Disputed Election*, 326. For Tilden's testimony see: H. Misc. Doc. No. 31, IV, 272-94.

39. H. Rept. 140, 74; Barnard, *Hayes and America*, 477.

40. H. Rept. 140, "Cipher Dispatches," 2.

41. Pomerantz, "Election of 1876," 1432.

42. Malcolm C. Moos, *The Republicans* (New York, 1956), 156; Pomerantz, "Election of 1876," 1430.

43. Barnard, *Hayes and America*, 478. Summaries and conclusions of the majority, minority, and Butler reports may be found in H. Rept. 140, 67, 92-93, and 117-18.

admit that the electors were as purchasable as the Democrats had claimed. Also, the Republicans stated that if Tilden had been innocent of participation in the negotiations, then he should have divorced himself from the affairs of Pelton rather than let him continue the negotiations.⁴⁴

The findings of the Potter Committee revealed a disgraceful chapter in American political history. The transition from the ordeal of Reconstruction to the normalization of politics had put the nation to the severest test since the Civil War itself. The mad scramble for political power and economic advantage resulted in the corruption of honorable men and the weakening of party principles. The original purpose of the Potter Committee, the embarrassment of the Hayes administration by raising the fraud issue of the 1876 election, was never realized. Instead, the Democrats implicated themselves, thus dashing Tilden's chances of running again in 1880, and removing much of the propaganda alleging Hayes as the fraudulent victor in 1876-1877. While the revelations of the committee did not remove the stain of corruption from the Republican party, it did show independents that the Democrats were not much better. Another consolation to Republicans was that Hayes had not been personally accused of wrongdoing. Even so, the Potter Committee hearings were an ordeal for him, as they permitted Democratic newspapers to emphasize that top Republican officials had been reluctant to notice the obvious voting irregularities.⁴⁵

By an accident of history, it fell to the Hayes administration to embark on a program of political regeneration and high moral purpose. The stigma of the "stolen" election unfortunately obscured the real accomplishments of Hayes. Whatever its original intention, the Potter Committee uncovered damaging, if conflicting, evidence that only brought the electoral process into disrepute and put both political parties on the defensive.⁴⁶ As

44. H. Rept. 140, 73; Haworth, *Hayes-Tilden Disputed Election*, 326-27.

45. H. Rept. 140, 72; Flick, *Tilden*, 436; Kenneth E. Davison, *The Presidency of Rutherford B. Hayes* (Westport, 1972), 166; Barnard, *Hayes and America*, 471. Incidentally, the Democratic candidate for vice president in 1876, Thomas A. Hendricks of Indiana, was not involved in these activities. Later, in 1884, he was elected to this position, successfully running on the Democratic ticket with Grover Cleveland of New York. Hendricks died in office in 1885.

46. Pomerantz, "Election of 1876," 1430.

a result of the investigation, the cry of "fraud" had lost its effectiveness by 1880. In that year, James A. Garfield, the Republican candidate and one of the members of the infamous electoral commission, won election over his Democratic opponent, Winfield S. Hancock. The Potter Committee had indeed sown "the wind and reaped the whirlwind."