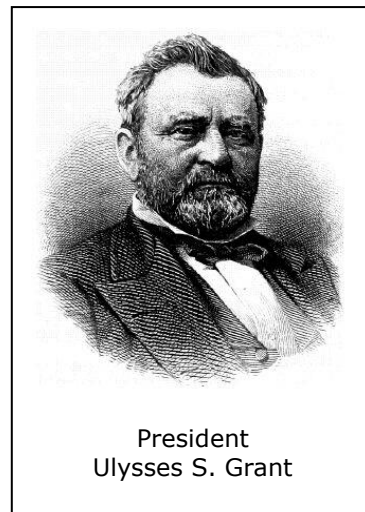


Forty-Fourth Congress

Dec. 6, 1875-Mar. 3, 1877

Second Administration of Ulysses S. Grant

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Historical Background

On May 10, 1876 the Centennial International Exhibition of 1876 convened in Philadelphia, Pennsylvania. The first official World's Fair in the United States, the Exhibition was conceived to celebrate the passage of one hundred years since the signing of the Declaration of Independence. The celebration came at a particular moment in the history of the century-old republic: the country had come through the Civil War and the Reconstruction period with the union intact, the industrial revolution had completely remade the economy of the United States, westward expansion continued to the point that U.S. territory stretched from sea to sea, and, for the first time since the Civil War, the House of Representatives had a Democratic majority.

President Grant spent much of his remaining time in office dealing with a number of corruption scandals that arose over the course of his second term. The President's Secretary of the Navy George M. Robeson was implicated in a corruption scandal involving government contracts to a grain supplier, the Secretary of War William W. Belknap was implicated in a scandal involving extortion monies paid to keep an Indian trading post operating, and Grant's private secretary Orville E. Babcock was prosecuted (and ultimately acquitted) in the Whiskey Ring Scandal.

It was therefore little surprise that the Presidential campaign of 1876 was a struggle of exceptional intensity and bitterness. For the first time in twenty years, the Democrats had a reasonable chance of winning, and they bore down hard on the Nation's economic depression, the Grant Administration's political scandals, and the President's Southern policy. Their opponents countered with "bloodyshirt" oratory, charging that the Democrats were sympathetic to the southern rebels, and attacked the personal character of their candidate, Samuel J. Tilden.

House	Senate
Majority Party: Democrat (182 seats)	Majority Party: Republican (46 seats)
Minority Party: Republican (103 seats)	Minority Party: Democrat (28 seats)
Other Parties: Independent (4 seats); Independent Republican (3 seats); Independent Democrat (1 seat)	Other Parties: Independent (1 seat)
Speaker of the House: *Michael C. Kerr; Samuel J. Randall	President Pro Tempore: Thomas W. Ferry
<i>*Died in office</i>	

Early returns before midnight on November 7 indicated that Tilden had been elected. Republican headquarters in New York closed up, and Chairman Zachary Chandler went to bed. Republican Presidential hopeful, Rutherford B. Hayes, admitted his defeat in his diary. By morning Tilden was already assured 184 electoral votes to 165 for Hayes. Not included in the electoral totals, however, were the 20 disputed votes from Oregon, Florida, Louisiana, and South Carolina. Tilden needed only one of the twenty votes to assure his election, while Hayes had to have them all to win by a bare majority of one vote.

When the contested electoral votes were counted, it was found that the four States had sent two sets of electoral votes (a Republican and Democratic set) for each candidate. The challenge of deciding which returns were authentic and which candidate had won, as provided by the Constitution, was then passed to the 44th Congress, where the results were to be counted before a joint session, a critical point since the Republicans controlled the Senate and the Democrats the House. Neither the Constitution nor law, however, was explicit as to exactly who should count the votes.

The solution finally accepted by Congress, late in January 1877, was to refer the disputed returns, if Congress were unable to reach a decision, to an electoral commission created for this purpose, consisting of fifteen members drawn in equal numbers from the Senate, the House, and the Supreme Court. The House selected three Democrats and two Republicans, the Senate selected three Republicans and two Democrats. Two of the Justices selected were Democrats; two were Republicans; and the fifth was to be selected by the four Justices and was tacitly understood that they would choose an independent, Justice David Davis.

Before the commission could meet, however, Davis who had just been elected a U.S. Senator from Illinois deemed himself ineligible and resigned from the Supreme Court. Davis was replaced by Justice Joseph P. Bradley, a moderate Republican. In February, after the differences between the two Houses left the matter unresolved, the Commission proceeded by a vote of 8 to 7 to award all twenty of the disputed votes to Hayes.

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Dell, Christopher and Stephen W. Stathis. [Major Acts of Congress and Treaties Approved by the Senate, 1789-1980](#), Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

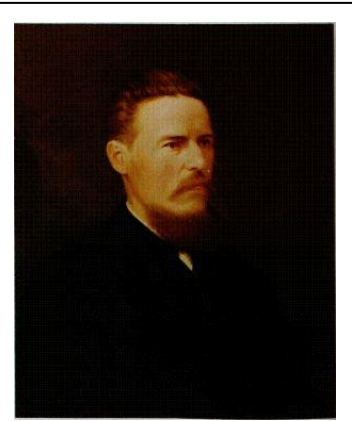
War or Peace?

Great Sioux War of 1876

Beginning in 1874, prospectors discovered gold deposits in the Black Hills of South Dakota, which was within the territory of the Great Sioux Reservation. As settlers poured in and began encroaching on the Sioux territory, the Federal government attempted to purchase the territory from the Sioux, who refused. The series of skirmishes and negotiations that followed pitted the



President Pro Tempore
Thomas W. Ferry



Speaker of the House
Michael C. Kerr



Speaker of the House
Samuel J. Randall

Federal government against the Sioux, Lakota, and Cheyenne Indians in what became known as the Great Sioux War of 1876.

The government initially tried to prevent settlers from entering the Sioux reservation. However, the influx of prospectors galvanized by the long economic depression initiated by the Panic of 1873 was more than the government could handle. Representatives of the Sioux traveled to Washington in 1875 to negotiate a settlement, however the effort failed due to the Sioux leaders' insistence upon maintaining previous agreements regarding the Great Sioux Reservation.

In November 1875 the Grant administration reversed course and decided to no longer prevent settlers from prospecting in the reservation. The government then issued an order to all Lakota and Sioux to return to the reservation by January 31, 1876 or face military action. When the deadline came and went, the government initiated the war.

Though the Indians triumphed in individual battles, most notably the Battle of Little Bighorn (Custer's Last Stand), in which Lakota Sioux and plains tribes led by Crazy Horse, wiped out the 7th Cavalry led by Lt. Col. George Custer, the government was able to muster its far superior resources to force the Native Americans to surrender. The war culminated in the Agreement of 1877, which annexed territory from the Sioux and permanently established reservations.

Reconstruction – Mississippi Plan of 1875

The Mississippi Plan of 1875 was a scheme devised by the Democratic Party to reverse the post-bellum dominance of Republicans in Mississippi. The central plank of the strategy involved a campaign of voter suppression through threats of violence coupled with the purchase of significant swaths of Black votes. These efforts were supported by a general strategy of intimidation of the Black populace, including threats of economic intimidation of Black sharecroppers. Participation of the ideologically White supremacist paramilitary Red Shirts introduced systematic violence and voter intimidation to the mix. The plan succeeded handily: whereas Republicans garnered 30,000 more votes than Democrats in the election of 1874, this was reversed in 1875, with Democrats now besting their rivals by the same number. The strategy's great success in Mississippi did not go unnoticed and Democrats in South Carolina determined to follow a similar course.

Sources:

Grant, Ulysses S. [Message from the President of the United States, Transmitting, in Compliance with a Senate Resolution of July 7, 1876, Information in Relation to the Hostile Demonstrations of the Sioux Indians, and the Disaster to the Forces under General Custer](#), Department of War, July 8, 1876, 44th Congress, 1st Session, S.exdoc.81, ProQuest Congressional, 1664 S.exdoc.81

Economic Trends and Conditions

As the 44th Congress convened, the U.S. continued to deal with the economic depression triggered by the Panic of 1873. The industries that were most

severely impacted by the depression included manufacturing, construction, and railroads. Railroads in particular, which had grown exponentially in recent years and contributed greatly to the economic growth of the immediate post-Civil War period, saw that growth all but stop subsequent to the Panic, from a rate of 7,500 miles in 1872 down to 1,600 in 1875.

In his final State of the Union, Grant highlighted his economic successes during his tenure in office. From 1879 to 1876, he reduced overall taxation by nearly \$300 million and decreased national debt by \$435 million. He also mentioned his success in trade, taking a \$130 million deficit in 1869 to a \$127 million surplus by his administration's final year in 1876. However, the waning days of Grant's Presidency were mired by a series of corruption scandals that implicated key members of his administration.

One such implicated Grant's Secretary of War, William W. Belknap, in a scandal involving the appointing of lucrative "traderships" at U.S. military outposts along the frontier. These traderships were highly sought after and became more so as changes Belknap made granted their controllers virtual monopolies, greatly benefiting the traders while also creating hardship for soldiers who were forced to pay prices that were far above market for goods they purchased. A Congressional investigation into the practice revealed that Secretary Belknap and his late-wife Carita received quarterly kickback payments from the owner of the tradership at Fort Sill in exchange for allowing him to keep it. The House drew up articles of impeachment against Belknap, who was forced to resign from office.

Perhaps even more notorious was the Whiskey Ring Scandal, which was uncovered in 1875. At issue was a complex conspiracy involving Federal tax officials and spirits producers and retailers in which extensive bribes were paid to avoid paying the full tax rate for spirits produced and sold in the United States. Though the discovery and prosecution of the ring was a victory for the Grant administration, especially Treasury Secretary Benjamin Bristow, the President was tainted by the fact that his private secretary Orville E. Babcock was implicated in the scandal, though he was ultimately acquitted at trial.

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Morrill, Lot Myrick. [*Report of the Secretary of the Treasury on the state of the finances for the year 1876*](#), Department of Treasury, Dec. 4, 1876, 44th Congress, 2nd Session. H.exdoc.2 (T1.1:876) ProQuest Congressional, 1752 H.exdoc.2

Landmark U.S. Supreme Court Decisions

Murdock v. Memphis, held that in cases that include federal questions, the Supreme Court will not use its power of review if the case has a satisfactory

and independent state ground that can be resolved in a state court, 87 U.S. 590 (1874)

Minor v. Happersett, held that the Constitution does not grant voter rights to those whose voter rights are not granted by state law, based on the Privileges or Immunities Clause of the Fourteenth Amendment, 88 U.S. 162 (1875)

Welton v. Missouri, affirmed the decision of the lower courts that the sale of goods without a license was a matter to be handled by the state, in this case Missouri, and that Congress not exercising its power to regulate such commerce does not discriminate against citizens of other states in which this law is not practiced, 91 U.S. 275 (1875)

Totten v. United States, concluded that an oral contract between a dead spy and President Lincoln was unenforceable because courts cannot hear cases in disputes involving spying contracts, because it might do harm and embarrass the government, 92 U.S. 105 (1876)

United States v. Cruikshank, concluded that the Bill of Rights under the U.S. Constitution only applied to the actions of the federal government, not to the States, and that U.S. citizens are subject to two governments, their state government and the federal government, 92 U.S. 542 (1876)

Sources:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America, Analysis and Interpretation](#). Senate, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6 (Y1.1/3:103-6). ProQuest Congressional, 14152 S.doc.6

1875 Events

- **Jan. 5:** President Grant sends troops to Vicksburg, Miss. to respond to violence against African Americans by White Democrats as part of the Mississippi Plan of 1875
- **May 1:** 238 members of 'Whiskey Ring' accused of corruption
- **May 31:** Reciprocity Treaty between U.S. and Hawaii ratified
- **May 7:** The Treaty of Saint Petersburg is signed by Japan and Russia, where Japan gave up claims to Sakhalin Islands for control over the Kuril Islands up to the Kamchatka peninsula
- **June 4:** Tufts University and Harvard University play each other in what is described as the first game of college football
- **Aug. 25:** [Captain Matthew Webb becomes the first person to successfully swim across the English Channel](#)
- **Oct.:** The Ottoman state declares partial bankruptcy and gives financial control to their European creditors
- **Nov. 9:** [Indian Inspector E.C. Watkins declares that bands of Sioux and Cheyenne tribesman under Sitting Bull and Crazy Horse are a threat to U.S. interests](#)
- **Dec. 4:** Boss Tweed, of the Tammany Hall New York political machine, escapes from prison and heads south to Cuba, and later to Spain

1876 Events

- **Jan. 1:** [The Reichsbank, Germany's central bank, opens in Berlin](#)
- **Feb. 7:** President Grant's personal secretary Orville E. Babcock acquitted in Whiskey Ring trial but is dismissed from office
- **Feb. 22:** [Johns Hopkins University is founded in Baltimore, Maryland](#)
- **Mar 4:** [Congress moves to impeach Secretary of War Belknap for complicity in Indian Ring Frauds](#)
- **Mar. 7:** [Alexander Graham Bell is granted a patent for the first telephone in the U.S.](#)
- **Apr. 16:** [Bulgarians rise up against Ottoman occupiers but are eventually struck down, leading to the deaths of 30,000 Bulgarians, known as the Bulgarian April Uprising](#)
- **May 10:** Centennial Exhibition opens in Philadelphia
- **May 17:** [German inventor Nickolous Otto files a patent for the four-stroke internal combustion engine](#)
- **June 25-26:** *Great Sioux War of 1876* - [Colonel George Custer and 268 men of the 7th Cavalry Regiment are killed by nearly 2,500 Lakota, Cheyenne, and Arapaho warriors led by chiefs Sitting Bull and Crazy Horse in the Battle of Little Bighorn](#)
- **July 4:** [The U.S. celebrates the Centennial anniversary of the signing of the Declaration of Independence](#)
- **July 8:** White terrorists attack Black Republicans in Hamburg South Carolina, killing 5
- **Aug. 1:** [Colorado admitted as the 38th U.S. state](#)
- **Sept. 12:** King Leopold II of Belgium hosts the Brussels Geographic Conference, which discusses ideas related to exploring and colonization of Africa
- **Sept. 15-18:** [When a White woman in Ellenton, South Carolina accused two Black men of attacking her, a mob of as many as 600 White members of neighboring militia and paramilitary groups descended on the town, destroying a stretch of the Port Royal Railroad and killing as many as 100 Blacks, while suffering only one fatality](#)
- **Nov. 7:** *1876 U.S. Presidential election* – Samuel Jones Tilden wins popular vote
- **Dec. 5:** The Brooklyn Theater fire burns and kills an estimated 280 people
- **Dec. 6:** *1876 U.S. Presidential election* – [Electoral College meets to determine election outcome of three states totaling 20 electoral votes](#)

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Bureau of Education. [Study of history in American colleges and universities \[overview with detail for selected institutions and some data\]](#). Executive Branch Documents. Apr. 18, 1887. Education Bur. Circ. of Info. No. 1887/2 (I16.5:887/no.2). ProQuest Congressional, I1605-17.2

Chandler, Zachariah. [Letter from the Secretary of the Interior, transmitting, in answer to a Senate resolution of April 19, 1876, a copy of the report of the Commissioner of Indian Affairs in relation to the present situation of Indian disturbances in the Sioux reservation](#), Committee on Indian Affairs, Senate, July 8, 1876, 44th Congress, 1st Session. S.exdoc.52, ProQuest Congressional, 1664 S.exdoc.52

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Grant, Ulysses S. [Message from the President of the United States, communicating \[...\] correspondence with diplomatic officers \[...\] in relation to the revolt in the Turkish provinces](#). Senate, Jan. 24, 1877. 44th Congress, 2nd Session, S.exdoc.24. ProQuest Congressional, 1719 S.exdoc.24

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Kerr, Michael Crawford. [Untitled Articles of Impeachment against William W. Belknap](#), Senate. Apr. 3, 1876. 44th Congress, 1st Session, S.misdoc.84. ProQuest Congressional, 1665 S.misdoc.84

McCrary, George Washington. [Mode of counting the electoral vote](#). Committee on the Judiciary, House. Dec. 7, 1876. 44th Congress, 2nd Session, H.misdoc.6. ProQuest Congressional, 1768 H.misdoc.6

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Treasury Department. [Importations Through the Mail \[of articles from signatories to General Postal Union of 1874, customs treatment\]](#). Treasury Department circulars, May 16, 1876. Treas. Dept. Circ. No. 1876/67 (T1.4:876/67). ProQuest Congressional, T104-3.67

Major Acts

Electoral Commission. Provided for a commission of five Senators, five Representatives, and five Justices of the Supreme Court to judge and decide "as to which is the true and lawful electoral vote" of the States from which there was more than one return in the 1876 disputed electoral votes cast for President and Vice President. Approved Jan. 29, 1877. ([19 Stat. 227, Chap. 37](#))

Sources:

Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980*](#), Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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