



### GRANT US LIBERTY

CHIEF JUSTICE William Rehnquist's new book, *Centennial Crisis: The Disputed Election of 1876*, reminds us that more than just a century separates the Hayes-Tilden and Bush-Gore presidential controversies. In 1876, civil war, if not the Civil War, was a continuing concern. Reconstruction was still underway and it was viewed by many southerners as a hostile and unlawful military occupation. There was a real danger of renewed violence. And thus, as Rehnquist reports, the President Ulysses S. sent the following message to General William T. Sherman on November 10, 1876, three days after election day, when it was clear that disputed returns in Florida, Louisiana, and South Carolina were not going to be settled without controversy:

Instruct General Augur, in Louisiana, and General Ruger, in Florida, to be vigilant with the force at their command to preserve peace and good order, and to see that proper and

legal Boards of Canvassers are unmolested in the performance of their duties. Should there be any grounds of suspicion of fraudulent counting on either side, it should be reported and denounced at once. No man worthy of the office of President would be willing to hold the office if counted in, placed there by fraud; either Party can afford to be disappointed in the result, but the country cannot afford to have the result tainted by the suspicion of illegal or false returns.

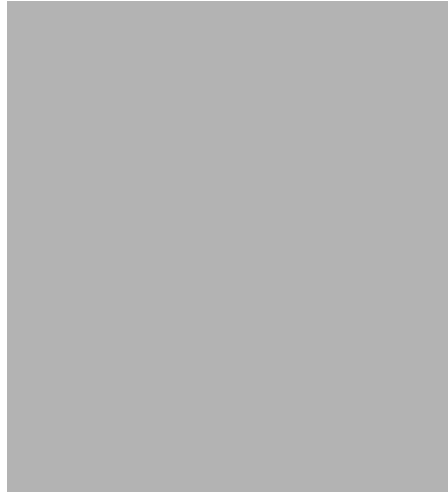
Grant was concerned about more than just peaceful vote counting in contested states. Recalling, perhaps, the precarious position of the capital city during much of the Civil War, he readied the troops in at least one other jurisdiction. James G. Blaine, a prominent politician from Maine who had been Rutherford B. Hayes's strongest competition for the 1876 Republican presidential nomination, reported Grant's additional disposition of troops as follows:

President Grant, noticing the condition of the public mind and giving full head to the possibility of danger, quietly strengthened the



James G. Blaine

military forces in and about Washington, with the intention simply of suppressing disorder, but as excited Democrats declared, with the design of installing Hayes by the aid of the Army of the United States. At no time in General Grant's career did his good judgment, his cool temperament, and his known courage prove more valuable to his countrymen. Every honest man knew that the President's intention was to preserve order and to see that the conflict in regard to the Presidency was settled according to law. To avert the reign of a mob he rightfully took care that the requisite military



Ulysses S. Grant

force should be at the Capital. No greater proof of General Grant's power to command was given, even on the battle-field, than the quieting effect of his measures upon the refractory and dangerous elements that would have been glad to disturb the public peace.

William H. Rehnquist, *CENTENNIAL CRISIS: THE DISPUTED ELECTION OF 1876* 101 (Knopf 2004); James G. Blaine, *II TWENTY YEARS OF CONGRESS: FROM LINCOLN TO GARFIELD* 582 (Henry Bill 1886). *GB*