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# When America Narrowly Avoided a Second Civil War

How the Compromise of 1877 Sacrificed the Formerly Enslaved to Appease Southern White Supremacists



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File:Civil war reenactment 1.jpg — Wikimedia Commons

History books never mention how close America was to having a second Civil War, much as they leave out the racial violence leading up to the 1876 presidential election and the active threats of war from Southern Democrats if they didn't get their way. I recently wrote about the violence leading up to the election. If you missed it, I invite you to catch up before reading further. It will enhance your understanding.

The Violence Leading Up to the Election of 1876 | by William Spivey | Nov, 2026 | Medium

In the aftermath of the disputed 1876 presidential election, the United States faced a genuine possibility of renewed armed conflict, particularly in the South. It was not simply a political disagreement over who would become president. The country was still struggling with the unresolved consequences of the Civil War, Reconstruction, racial violence, and the

question of whether the federal government would continue protecting the rights of formerly enslaved people.

The situation was especially dangerous because the election placed two competing claims to presidential power against each other, while Southern Democrats were increasingly determined to end Republican-controlled Reconstruction governments.

No one was certain another Civil War would occur, but political and military tensions were serious enough that many Americans had reason to fear one.

## Why the country came so close

Several developments made the crisis particularly dangerous.

1. Two competing claims to the presidency

Democrat Samuel J. Tilden had won the popular vote by approximately 250,000 votes and received 184 electoral votes, one short of the 185 needed to win. Republican Rutherford B. Hayes initially had 165 electoral votes, with 20 disputed votes from Florida, Louisiana, South Carolina, and Oregon.

Both parties claimed victory. The Democratic-controlled House and Republican-controlled Senate disagreed over who had the constitutional authority to resolve the dispute.

2. Armed groups were already operating in the South

This was not merely a theoretical threat. Southern Democratic rifle clubs were organized, armed, and frequently involved in intimidating Black voters and Republican supporters.

South Carolina was particularly volatile. In October 1876, President Ulysses S. Grant issued a proclamation declaring that insurrection and domestic violence existed in several South Carolina counties. He specifically identified armed rifle clubs that were intimidating and murdering citizens. Grant had already deployed federal troops to help maintain order.

3. Grant was preparing for the possibility of armed conflict

One of the most significant historical details is that Grant reportedly planned to impose martial law if the election dispute escalated into widespread violence.

This was not merely political rhetoric. The federal government considered how to respond if competing political factions tried to establish rival governments or prevent the lawful transfer of presidential authority.

4. Violence threatened to erupt in Washington itself

The confrontation extended beyond the South. On the day before the final electoral count, pistols were reportedly drawn on the floor of the House of Representatives. The House Sergeant-at-Arms had to intervene to restore order.

There were also calls for enormous demonstrations in Washington. One Democratic politician advocated bringing 100,000 men to the capital, although he described them as unarmed.

The fear was that demonstrations, armed political organizations, and competing claims to governmental authority could produce a confrontation Congress could not control.

## How the crisis was resolved

Congress established an Electoral Commission to decide which electoral votes should count. The commission ultimately voted 8–7 to award the disputed votes to Hayes.

Democrats threatened to obstruct the final electoral count, but Democratic House Speaker Samuel Randall eventually prevented the obstruction. On March 2, 1877, just two days before the inauguration, Hayes was officially declared the winner, 185 electoral votes to Tilden's 184.

The political settlement became known as the Compromise of 1877. Hayes became president, and the remaining federal troops protecting Republican governments in South Carolina and Louisiana were withdrawn.

That decision effectively ended Reconstruction as a federal political and military project in the South. Southern Democrats regained control, and Black Americans increasingly lost the voting rights and civil protections that federal intervention had helped secure. Hayes implemented the Posse Comitatus Act the following year to ensure federal troops would never return to the South to protect the formerly enslaved. The direct result was a complete white Democratic takeover of the South and the implementation of Jim Crow laws.

## Who was in the room?

The people who negotiated the Compromise of 1877 were not a group of elected representatives formally appointed to negotiate a treaty. They were a group of Republican political operatives, Democratic congressional leaders, and influential Southern Democrats who met privately while Congress tried to resolve the disputed presidential election.

The most famous negotiations took place at the Wormley Hotel in Washington, D.C., owned by James Wormley, a prominent Black

businessman.

What makes this episode particularly interesting is that the people negotiating the settlement were largely political power brokers. They were not representatives of the millions of formerly enslaved Black Americans whose political rights would be affected by the agreement.

## Who was actually in the room?

According to Henry Watterson, a Kentucky newspaper editor and politician who attended the meeting, the February 26, 1877, conference included the following nine men.

Republican representatives — five participants

1. James A. Garfield — Ohio congressman and influential Republican leader. He would become president in 1881. He was a political associate of Hayes.

2. John Sherman — Republican senator from Ohio and one of Hayes's most important political allies. He later became secretary of the Treasury.

3. William M. Evarts — Prominent New York attorney and Republican political figure. He later served as secretary of state under Hayes.

4. Stanley Matthews — Republican senator from Ohio and a close Hayes associate. He later became a Supreme Court justice.

5. William Dennison Jr. — Former governor of Ohio and a trusted Hayes intermediary. He carried a letter from Hayes outlining his position on Southern policy.

Democratic representatives — four participants

6. Henry Watterson — Editor of the Louisville Courier-Journal. He was invited to the meeting and became an intermediary for South Carolina as well as Louisiana.

7. Edward A. Burke — Louisiana political figure who represented Democratic interests in the negotiations.

8. E. J. Ellis — Louisiana congressman and Democratic representative.

9. W. M. Levy — Another Louisiana congressman involved in the negotiations.

Watterson's account identifies these nine men as those present in Evarts's apartment at Wormley's Hotel.

An important additional figure was M. C. Butler, a former Confederate general from South Carolina. He approached Watterson before the meeting and asked him to ensure that South Carolina received the same assurances as Louisiana. Butler was not one of the nine men Watterson identified as present in the room. One person conspicuously absent was Rutherford B. Hayes himself. Neither Hayes nor Samuel Tilden participated personally in the Wormley meeting.

If such a meeting were held today, imagine this group making a decision on the fate of the nation:

Imagine a private meeting involving:

- Susie Wiles
- JD Vance
- Mike Johnson

- John Thune
- Todd Blanche
- Hakeem Jeffries
- Chuck Schumer
- James Carville
- Wes Moore

Of course, Hakeem Jeffries and Wes Moore would have to be replaced, as no Black participants would be allowed. Perhaps John Fetterman and Haley Stevens could step in? I know no women originally participated; please allow me this artistic license.

## Where was the Supreme Court during these shenanigans?

The Supreme Court was sort of involved while the Constitution was being run over roughshod. On January 29, 1877, Congress passed legislation creating a 15-member Electoral Commission.

Its membership included:

- Five U.S. senators.
- Five members of the House of Representatives.
- Five Supreme Court justices.

The commission was created to resolve competing electoral certificates from Florida, Louisiana, South Carolina, and Oregon. None of the Justices were among the nine men in a smoke-filled room that reached the actual compromise.

The Supreme Court itself had no constitutional authority to select the president. Congress had that responsibility when it counted the electoral votes. Yet Congress placed five members of the nation's highest court on a commission whose decisions effectively determined the outcome of a presidential election.

It raises a legitimate historical question about the separation of powers: Was it appropriate for sitting Supreme Court justices to participate in a political process that determined who would occupy the presidency? That question became part of the controversy surrounding the Electoral Commission and contributed to subsequent efforts to establish clearer rules for counting electoral votes. The U.S. Supreme Court never issued a definitive ruling on the Compromise of 1877's constitutionality or legality.

Compromise was not a formal law or treaty. It was an informal political understanding negotiated by Republican and Democratic leaders. No single document set out all its terms for the Court to review.

Congress had assumed responsibility for resolving the electoral dispute. The Electoral Commission Act of January 29, 1877, established the commission. Congress subsequently accepted its decisions under the statute. The Court therefore never decided whether withdrawing federal protection from Southern Reconstruction governments as part of that political agreement violated the Constitution.

SCOTUS had been busy since the Civil War, weakening the rights of Black people. The most consequential Supreme Court decision before the Compromise of 1877 was The Slaughter-House Cases (1873), but an even more devastating blow to the rights of formerly enslaved people had come earlier in Dred Scott v. Sandford (1857).

Between the Civil War and the Compromise of 1877, three decisions were critical.

## 1. Slaughter-House Cases (1873)

April 14, 1873

The Court narrowly interpreted the Fourteenth Amendment's Privileges or Immunities Clause, limiting it primarily to rights associated with national citizenship rather than the broader rights of state citizenship.

Although the case involved white butchers challenging a Louisiana slaughterhouse monopoly, its constitutional implications were much broader. It weakened one of the principal constitutional protections that could have been used to defend the civil rights of formerly enslaved Americans.

## 2. United States v. Reese (1876)

March 27, 1876

This decision weakened federal enforcement of Black voting rights. The Court struck down portions of the Enforcement Act of 1870 because Congress had not adequately limited the statute's prohibitions to racial discrimination, as the Fifteenth Amendment required. The practical consequence was that it became more difficult for federal prosecutors to combat discriminatory interference with voting.

## 3. United States v. Cruikshank (1876)

March 27, 1876

This was perhaps the most consequential decision immediately preceding the Compromise of 1877.

The case arose from the 1873 Colfax Massacre in Louisiana, where armed white men killed scores of Black residents during a dispute over control of local government. Federal prosecutors had secured convictions against three participants under the Enforcement Act of 1870. The Supreme Court overturned those convictions.

The Court ruled that the Fourteenth Amendment restricted state action, not private individuals' actions. It therefore sharply limited the federal government's ability to prosecute private individuals who conspired to violate the constitutional rights of Black Americans.

## Why this matters to the Compromise of 1877

Consider the sequence:

1873

Slaughter-House Cases narrow Fourteenth Amendment protections.

1875

United States v. Reese weakens federal voting-rights enforcement.

1876

Cruikshank limits federal prosecution of private racial violence.

1877

Compromise ends the federal military presence sustaining Reconstruction governments in the remaining Southern states.

The historical significance is that the Supreme Court had already narrowed important federal protections for Black Americans before the political settlement of 1877.

## Did the Supreme Court revisit the issue later?

Yes, indirectly.

In Bush v. Gore (2000), the Supreme Court discussed the disputed election of 1876 and the subsequent Electoral Count Act of 1887. The opinion explained that Congress, rather than the Supreme Court, was primarily responsible for resolving disputed electoral votes.

## How did life change for Black Americans after the Compromise of 1877?

The Compromise of 1877 fundamentally changed the lives of Black Americans, particularly those living in the former Confederate states. The freedom they had gained through the Civil War and the constitutional protections established during Reconstruction remained technically intact, but the federal government's willingness to enforce those rights diminished dramatically. When President Rutherford B. Hayes withdrew the remaining federal troops from the South, white Democrats who had opposed Reconstruction regained control of state governments in South Carolina, Louisiana, and elsewhere. For formerly enslaved people, this meant losing much of the protection that had allowed them to vote, hold public office, participate in government, establish schools, acquire property, and exercise their newly recognized citizenship. Black men who had served in state legislatures and Congress found themselves increasingly excluded from political power, while Black voters faced intimidation, ballot manipulation,

violence, and eventually legal barriers designed to prevent them from voting.

Economically, emancipation had not provided most formerly enslaved people with land, money, or the resources necessary to establish independent lives. After Reconstruction, the sharecropping and tenant-farming systems became increasingly entrenched, trapping many Black families in cycles of debt to white landowners and merchants. Under these arrangements, families worked land they did not own, surrendered a portion of their crops to the landowner, and frequently ended each growing season owing more than they could repay. Debt peonage and exploitative labor contracts further restricted their freedom. In some Southern states, discriminatory criminal laws and aggressive enforcement of minor offenses fed the convict-leasing system, in which Black prisoners were leased to private businesses and forced to perform dangerous labor. Slavery had legally ended, but new economic arrangements allowed many white landowners and businesses to maintain extraordinary control over Black labor.

Politically, the retreat of federal protection opened the door to the systematic destruction of Black political participation. Southern Democrats, often calling themselves Redeemers, worked to restore white political control. Initially, they relied heavily on violence, intimidation, election fraud, and threats against Black voters and their white Republican allies. Over subsequent decades, state governments adopted poll taxes, literacy tests, complicated registration requirements, grandfather clauses, and other measures designed to disfranchise Black citizens. By the beginning of the twentieth century, Black political participation had been almost entirely eliminated across much of the former Confederacy.

Socially, the end of Reconstruction accelerated the development of the racial segregation system that became known as Jim Crow. Southern legislatures

passed laws separating Black and white Americans in schools, transportation, restaurants, theaters, public accommodations, and other aspects of everyday life. Black children were generally relegated to underfunded schools, while Black adults faced restrictions on where they could live, work, travel, and receive services. The Supreme Court eventually gave constitutional approval to racial segregation in its 1896 decision in Plessy v. Ferguson, establishing the separate-but-equal doctrine that would be used to defend segregation for decades.

Perhaps most devastating was the return of widespread racial terror as a means of enforcing the new social and political order. The Ku Klux Klan, the White League, the Red Shirts, and other white supremacist organizations used beatings, arson, assassinations, and massacres to intimidate Black communities and suppress political opposition. Black people who attempted to vote, acquire land, challenge a white employer, organize politically, or resist segregation could face threats or death. With federal intervention declining, local authorities frequently failed to protect Black residents, and sometimes participated in the violence themselves. Lynching became an increasingly common instrument of racial intimidation in the decades that followed.

The consequences also produced a growing movement of Black Americans seeking opportunities and safety elsewhere. Beginning in the late 1870s, thousands left the South for Kansas and other Western destinations in what became known as the Exoduster movement. Others migrated to Northern cities in search of employment, education, and greater personal freedom. Those who remained continued building churches, schools, businesses, newspapers, and civic organizations, preserving institutions that would eventually become essential to the modern civil rights movement.

The tragedy of the Compromise of 1877 was not that it formally repealed emancipation or erased the Reconstruction Amendments. It did neither. The

Thirteenth, Fourteenth, and Fifteenth Amendments remained part of the Constitution. Rather, the settlement marked the retreat of the federal government from its responsibility to protect the rights those amendments were intended to guarantee. Black Americans went from a period in which they could vote, elect representatives, serve in government, and participate in building interracial democratic institutions to one in which those accomplishments were systematically dismantled. They had been freed from slavery, briefly given a meaningful opportunity to participate in American democracy, and then left largely on their own to defend those gains against the very people who had fought to preserve the old racial order.

## Tilden or War!

In 1861, Southern political leaders threatened war rather than accept Lincoln's election. Those threats evolved into the Civil War. In 1876, Democratic leaders and newspapers again invoked the possibility of war rather than accept a Republican presidential victory. The political circumstances were different, but both episodes demonstrated how fragile America's commitment to a peaceful transfer of presidential power could become when the losing side questioned the legitimacy of the result. A second Civil War was averted in 1877, arguably again on January 6, 2001. We will see what 2026 and 2028 bring as the unrest in America is still present.

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