



Railroaded

Photo by Eric Gay, AP

*A great Hope fell. You heard no noise.
The Ruin was within.*

Emily Dickenson

ANDREW JOHNSON ESCAPED being shot along with Lincoln only because his would-be assassin backed out and got drunk at the last minute. (Johnson appeared to be roaring drunk himself at his vice-presidential inauguration in 1861, but was reasonably sober when unexpectedly sworn in as president four years later.)

Prior to the war, Johnson had been a staunch defender of the Union. Denounced as ‘King Andy’ in his native South, on one ill-advised trip home to campaign against secession, he was dragged from a train by a Rebel mob and narrowly escaped being lynched as a traitor. As president, however, Johnson sought to restrict social progress for blacks merely to legally ending slavery.

Johnson favored a watered-down version of Reconstruction, openly opposing equal rights for blacks and instructing the states that only white voters be allowed to take part in drafting new state constitutions. “This is a country for white men,” he declared, “and by God, as long as I am President, it shall be a government for white men!” Predictably, the white supremacist elite promptly returned to power in the South, passing racist laws designed to create a permanent black underclass.

Radical Republicans won a majority in Congress in 1866, derailing Johnson's racist program and passing the 14th Amendment and other liberal measures over numerous Johnson vetoes, but the laws were largely unenforceable and were mostly ignored in the South. (In 1868, Johnson’s foes had him impeached on a technicality, but fell one vote short of removing him from office.)

Despite their limited effect, the new laws—especially those giving blacks the right to vote—faced great opposition, spurring the rise of the Ku Klux Klan and a new outbreak of lynchings and racist violence in the South.

With the help of the black vote, Civil War general Ulysses Grant was elected in 1868, but his attempts to protect Southern blacks from white terror and discrimination were crippled by his administration's rampant corruption. (In the most serious scandal, the *Crédit Mobilier* affair, railroad executives pocketed millions of dollars in inflated construction costs, after bribing a number of highly-placed Washington politicians.)

Despite the corruption, Grant was reelected by a landslide in 1872, although Democrats regained a majority in Congress after the Panic of 1873 dashed Republican hopes that expansion of the railroads would be enough to pull the South out of poverty.

Republican Rutherford Hayes was nominated in 1876—largely on his reputation for fairness—and proceeded to win what many historians consider the most fraudulent presidential election in U.S. history.

When the votes were counted, Democrat Samuel Tilden fell short of election by a single electoral vote, and a specially appointed commission declared Hayes the winner after a secret backroom deal with Republicans to end Reconstruction.

Hayes dutifully withdrew Federal troops from the South, solidifying the restoration of white supremacy. Many soldiers were reassigned to confront a surge of strikes in the North—most notably, the Great Railroad Strike of 1877, which saw the first use of federal troops against a private company. One Northern newspaper declared the 'Southern question' dead, replaced by 'the question of labor, capital, work and wages.'

Another Lincoln Republican and former Union Army general, James Garfield, was narrowly elected in 1880. Garfield spoke out in favor of equal rights for blacks, but was fatally shot barely three months into his term by a disgruntled assassin expressing a preference for vice-president Chester Arthur.

As president, however, Arthur also failed to reign in Southern Democrats. In 1883, the Supreme Court struck down the Civil Rights Act of 1875—which banned discrimination in public accommodation and transportation—helping give rise to the decades-long 'Jim Crow' era of segregation and discrimination.

The chief reform of Grover Cleveland's two non-consecutive terms—the Interstate Commerce Act of 1887—was welcomed by the railroads it was supposed to protect the public from. Railroad lawyer Richard Olney privately praised it for satisfying "the popular clamor for government supervision ... at the same time that that supervision is almost entirely nominal." (In 1893, Cleveland appointed Olney as his attorney general—and later, his Secretary of State.)

A landmark Supreme Court ruling in 1886 established the precedent for using the 14th Amendment—intended to provide protection for blacks—to instead grant legal protection to corporations as 'persons.' Over the following two decades, of 307 14th Amendment cases brought before the Court, 288 dealt with the rights of corporations and only 19 with blacks.

Ironically, this momentous precedent was founded on a court reporter's misinterpretation of the judge's decision in his summary of the case. By this time, the railroads were the most powerful corporations in America, and coincidentally, the reporter happened to be the former president of a small railroad company.