



History that Doesn't Suck

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Professor Greg Jackson's presentation drew parallels between the nineteenth century and contemporary American politics, including disputed elections, partisan journalism, misinformation, and threats of political violence. Professor Jackson argued that today's divisions are serious but not historically unprecedented.

His lesson in history examined the fiercely contested presidential election of 1876 between Republican Rutherford B. Hayes and Democrat Samuel J. Tilden. Although Tilden won the popular vote and initially appeared certain to become president, disputed electoral returns from four states created a constitutional crisis.

The 1876 election was marked by widespread fraud, political corruption, and racial violence. In South Carolina, Florida, and Louisiana, intimidation and attacks against Black voters undermined the electoral process. Both political parties engaged in questionable practices, including ballot manipulation, bribery, and partisan decisions about which votes should count.

The disputed states produced competing electoral certificates. South Carolina and Louisiana experienced rival claims to legitimate state government, while Florida's election board overturned an apparent Democratic victory. Oregon's dispute involved the eligibility of a Republican presidential elector.

Congress faced an unresolved constitutional question: Who had authority to determine which electoral votes were valid? The Constitution provided little guidance, and earlier elections had established inconsistent precedents. The crisis exposed serious weaknesses in the nation's presidential election procedures.

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Court justices. The commission ultimately awarded all 20 disputed electoral votes to Hayes, giving him the presidency despite Tilden's popular-vote victory.

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The political settlement came at a devastating cost to Black Americans. Republican leaders agreed to withdraw federal troops from the South, effectively ending Reconstruction. This weakened federal protection of Black voting rights and helped enable the rise of Jim Crow segregation. The crisis also exposed the dangers of partisan control over election certification. Professor Jackson explained how the Electoral Count Act of 1887 subsequently attempted to clarify procedures and limit the authority of the U.S. Senate's presiding officer.

Professor Jackson's central lesson is that democracy does not automatically produce just outcomes. Political compromise may preserve governmental stability while sacrificing the rights of vulnerable populations. The election of 1876 illustrates both the resilience of American institutions and the profound consequences when political expediency takes precedence over equal rights.

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Impact of AI on our Democracy

In his closing remarks, Professor Jackson asked Forum participants for their opinions on the impact of Artificial Intelligence (AI) on the political process. He noted that AI presents both opportunities and risks. History offers parallels: industrialization displaced workers and provoked resistance, but also created new industries and opportunities. AI may similarly disrupt jobs, including creative professions, while generating benefits and careers we cannot yet imagine. Much of today's anxiety stems from uncertainty about the future. History suggests that neither utopia nor dystopia is inevitable;

AI will likely create new challenges while helping solve existing ones.

Professor Jackson: The blank page of tomorrow is what terrorizes us. That is what we face with AI right now.

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DISCUSSION



Senator Gary Stevens (President of the Senate, Alaska): Alaska has two U.S. Senate candidates with the name Dan Sullivan. Although they are distinguished on the ballot by their middle initials—Daniel S. Sullivan and

Daniel J. Sullivan—the Elections Committee has also identified one as the incumbent, raising concerns about fairness. Has a similar situation occurred elsewhere in the United States?



Professor Jackson: Candidates with identical names have appeared in other elections, including in Utah. Such situations raise questions about election fairness and the public's responsibility to hold election boards

accountable. History demonstrates the resilience of American institutions despite repeated challenges and abuses. Their strength depends on citizens demanding ethical conduct and continuing to strive toward a more perfect union.

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angels. Whether Alaska handles this situation ethically will depend on citizens holding election officials accountable. Our history is not one of perfection, but of continually striving toward a more perfect union.



Senator Bill Ferguson (President of the Senate, Maryland): What was the role of the press in this, and how did the free press contribute—or not—to shifting the narrative?

Professor Jackson: Most newspapers assumed Samuel Tilden had won the 1876 presidential election, and nearly all congratulated him on November 8. However, the staunchly Republican New York Times insisted that the election remained contested.

That reporting sparked a necessary controversy, even if the eventual resolution was imperfect. Without the press challenging the presumed outcome, allegations of violence, voter intimidation, and election fraud might have been overlooked or forgotten. Ironically, it was a partisan newspaper defending its preferred candidate that helped bring these issues to light.

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A free press is essential to democracy, despite its flaws. However, the press can also deliver “Fake News”—deliberately deceptive reporting—when editors

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knowingly publish false information. In contrast, strongly partisan reporting, even when misleading or inaccurate, is different if those responsible genuinely believe what they are saying.

Thomas Jefferson argued that citizens, rather than government officials, should determine what is true. He famously preferred “a nation with newspapers but no government to one with government but no newspapers.”



Senator Martin Looney (Senate President Pro Tempore, Connecticut):

Would Samuel Tilden have pursued a different Reconstruction policy than Rutherford B. Hayes? President Grant reportedly wanted to continue

Reconstruction but lacked congressional support for the necessary funding, troops, and resources. Is that accurate?

Professor Jackson: Tilden’s policies were very similar to Hayes’s, so his election likely would not have changed the outcome. The country had grown weary of Reconstruction and was moving toward abandoning it. Even Grant, despite his stature as a Civil War hero, could not reverse that political shift.

Are there any states that resolve election contests in the legislature?



Senator Robert Stivers (President of the Senate, Kentucky): In Kentucky, contested statewide elections, including races for governor and attorney general, are decided by the state Senate rather than through the procedures used for

local races. One speaker recalled a disputed election involving hanging chads that required legislative intervention. When Andy Beshear narrowly defeated incumbent Governor Matt Bevin in 2019, Bevin also had the option to contest the result before the Senate.



Senator Thomas Alexander (President of the Senate, South Carolina): A contested House election can be appealed to the full House of Representatives, and a Senate

race nearly reached the state Senate two years ago. In extremely close elections, politics can influence recounts, particularly when officials must interpret ambiguous ballots, such as those with partially punched chads.



Senator Ronald Kouchi (President of the Senate, Hawaii):

Hawaii’s recent Republican primaries produced two unusually close races. In a state House race, the incumbent initially won by one vote, while in a state Senate race,

the incumbent lost by seven votes. Under Hawaii law, voters have a limited period to correct rejected ballots, including those with signature problems.

After ballot corrections, both races ended in ties. Hawaii law provides for resolving tied elections by drawing names by lot, and in both cases the challengers were selected.

The House incumbent challenged the result in court, alleging irregularities in the drawing process. The court subsequently found that certain ballots had been improperly rejected, potentially affecting the outcome, and ordered a new primary election. The Senate incumbent also attempted to challenge the result, but missed the filing deadline, so the challenge was dismissed.

The House primary must now be rerun, with no Democratic candidate competing in the general election. The situation illustrates how a handful of ballots, election procedures, and legal deadlines can determine an election outcome.

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