3-5 EDITION · CLASSROOM

1876

Rutherford B. Hayes vs Samuel J. Tilden

A 35-minute lesson on the 1876 U.S. presidential election. Includes lesson plan, student worksheet, answer key, and discussion prompts.

ERA Gilded Age	ELECTORAL VOTES 369 total
WINNER Rutherford B. Hayes (Republican) · 185 EV	RUNNER-UP Samuel J. Tilden (Democratic) · 184 EV
KEY ISSUE Reconstruction's end; Southern redemption; electoral integrity; railroad corruption	TURNOUT 82.6%

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1. Cover
2. Lesson plan (35 min)
3. Reading + key words
4. Worksheet (4 questions)
5. Answer key

1876: Rutherford B. Hayes vs Samuel J. Tilden

Timing

5 min	Warm-up	When an election is very close and both sides claim to have won, how should a country decide who is the winner? What kinds of fair rules are needed?
15 min	Reading	The 1876 election was the most disputed in U.S. presidential history until the 2000 Bush v. Gore election. It produced Rutherford B. Hayes's one-electoral-vote victory through the only Electoral Commission in U.S. history. The election's resolution - the informal 1877 Compromise - effectively ended Reconstruction and inaugurated the Jim Crow era that would dominate Southern politics until the 1960s civil rights movement. The political environment was complicated. The Grant administration's second term (1873-1877) had been damaged by the Panic of 1873, the Whiskey Ring scandal (1875), the Indian Ring scandal (1876), continued Reconstruction violence (the 1873 Colfax massacre, the 1874 Coushatta massacre, the 1875 Vicksburg massacres), the 1873 Slaughterhouse Cases narrowing 14th Amendment protections, and the 1876 United States v. Cruikshank decision restricting federal authority to prosecute private racial violence. Republican prestige had eroded; the 1874 midterm elections had produced the first Democratic House majority since 1858. The Democratic Party nominated Governor Samuel J. Tilden of New York at its St. Louis convention in June 1876. Tilden was famous for his prosecution of the Tweed Ring (the New York City Tammany Hall corruption that had stolen millions in public money). Thomas A. Hendricks of Indiana was the vice presidential candidate. The Democratic platform attacked the Grant administration's corruption and called for civil-service reform, sound money, and an end to Reconstruction. The Republican Party nominated Governor Rutherford B. Hayes of Ohio at its Cincinnati convention in June 1876. Hayes had been a Civil War general (severely wounded at South Mountain in 1862) and a three-term governor of Ohio. He was nominated on the seventh ballot over James G. Blaine of Maine (who was politically damaged by association with railroad corruption). William A. Wheeler of New York was the vice presidential candidate. The Republican platform endorsed civil-service reform, continued federal Reconstruction enforcement, and a high tariff. The election was extraordinarily close. On election night, Tilden led in both popular and electoral votes. He had 184 electoral votes (one short of the 185 needed) and a popular margin of approximately 250,000 votes. Three Southern states -

Florida, Louisiana, and South Carolina - sent in two different sets of electoral results: Republican Reconstruction state officials certified Hayes; Democratic Redemption challengers certified Tilden. Oregon also produced a disputed elector (a Republican elector was found to be a federal officeholder and therefore constitutionally ineligible; he was replaced by a Democrat). The total disputed electoral votes: 20. Tilden needed only one to win; Hayes needed all 20.

The Constitution provided no clear mechanism for resolving disputed electoral votes. Congress passed the January 29, 1877 Electoral Commission Act creating a 15-member commission: 5 House members (3 Democrats, 2 Republicans); 5 Senators (3 Republicans, 2 Democrats); and 5 Supreme Court justices (2 Democrats, 2 Republicans, 1 independent - Justice David Davis). Davis was elected to the U.S. Senate by Illinois Democrats on January 25, 1877, and resigned from the Court before the Commission could convene. He was replaced by Justice Joseph P. Bradley - a Republican. The final Commission composition: 8 Republicans, 7 Democrats.

The Commission considered four disputed states (Florida, Louisiana, South Carolina, Oregon). Each dispute was decided by an 8-7 partisan vote in Hayes's favor. Hayes received all 20 disputed electoral votes. The final electoral count: Hayes 185, Tilden 184. Tilden won the popular vote 4,288,546 (50.9%) to 4,034,311 (47.9%) - a margin of 254,235 votes (3.0 percentage points). Hayes is one of only five U.S. presidents (1824 Adams, 1876 Hayes, 1888 Harrison, 2000 Bush, 2016 Trump) who lost the popular vote but won the presidency.

Democrats threatened to block the official congressional count on February 14, 1877. Behind-the-scenes negotiations at Washington's Wormley's Hotel produced the informal 1877 Compromise. The terms: (1) Democrats would accept Hayes as president without further obstruction. (2) Hayes would withdraw federal troops from Louisiana and South Carolina (the last two states with active Reconstruction governments protected by federal military presence). (3) Hayes would appoint at least one Southerner to his Cabinet (David M. Key of Tennessee became Postmaster General). (4) Federal subsidies for Southern railroad construction (including the Texas and Pacific Railroad). (5) Federal appropriation for Southern levee construction. The compromise was negotiated by Republican congressional leaders and Southern Democrats; House Speaker Samuel Randall (a Pennsylvania Democrat) blocked Democratic obstruction in the House.

Hayes was inaugurated March 4, 1877 (private oath; March 5 public). He kept his commitment to withdraw federal troops within months. Louisiana's Republican Reconstruction government fell on April 24, 1877; South Carolina's on April 10, 1877. With federal troops gone, Southern Reconstruction governments could not protect Black civil rights against white-supremacist political violence. Within a decade, Black voters across the South had been effectively disenfranchised through poll taxes, literacy tests, grandfather clauses, and outright intimidation. The 14th and 15th

		Amendments remained in the Constitution but were substantively unenforced. The Jim Crow era would dominate Southern politics until the 1965 Voting Rights Act.
10 min	**Worksheet**	Four questions: one matches key words, three are short answers.
5 min	**Closure**	One sentence: what surprised you about this election?

The 1876 Election

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Key words

Disputed election An election in which the official outcome is contested by one or more candidates. The 1876 election was the most disputed U.S. presidential election before the 2000 Bush v. Gore contest.

Electoral Commission The 15-member commission Congress created on January 29, 1877 to resolve the disputed 1876 election. Composed of 5 House members, 5 Senators, and 5 Supreme Court Justices. After Justice David Davis's replacement by Republican Justice Joseph P. Bradley, the Commission had 8 Republicans and 7 Democrats. Voted 8-7 on every dispute in Hayes's favor.

Compromise of 1877 The informal political settlement of the disputed 1876 election. Republicans accepted Hayes's installation in exchange for withdrawing federal troops from the South. Effectively ended Reconstruction and inaugurated the Jim Crow era.

Redemption The 1870-1877 process by which Democratic "Redeemer" governments replaced Reconstruction governments in former Confederate states. The 1877 Compromise completed the Redemption by withdrawing federal protection of the last Republican-controlled Southern states.

Tweed Ring The Tammany Hall corruption ring led by William M. "Boss" Tweed that stole approximately $200 million from New York City government in the 1860s-70s. Samuel J. Tilden's prosecution of the Tweed Ring made him politically famous and helped his 1876 presidential nomination.

Four questions

QUESTION 1 · MULTIPLE-CHOICE

How many electoral votes did Rutherford B. Hayes win in 1876?

( ) A. 184
( ) B. 185
( ) C. 203
( ) D. 231

QUESTION 2 · SHORT-ANSWER

How many electoral votes were disputed in the 1876 election, and from which states?

QUESTION 3 · SHORT-ANSWER

What was the Electoral Commission, and what was its composition after Justice Davis was replaced?

QUESTION 4 · SHORT-ANSWER

What were the four main terms of the 1877 Compromise?

Answer key

QUESTION 1

185. Hayes 185; Tilden 184. The one-vote margin was the smallest electoral-vote margin in U.S. history.

Hayes also lost the popular vote by approximately 254,000 votes - making him one of only five U.S. presidents (1824, 1876, 1888, 2000, 2016) to lose the popular vote but win the presidency.

QUESTION 2

20 electoral votes were disputed. Florida (4 EV), Louisiana (8 EV), and South Carolina (7 EV) each sent in two different sets of electoral results. Oregon also had a disputed elector (a Republican elector was constitutionally ineligible). Total: 19 + 1 = 20 disputed EVs.

Tilden needed only one of the 20 disputed EVs to win; Hayes needed all 20.

QUESTION 3

The Electoral Commission was a 15-member commission Congress created on January 29, 1877. It included 5 House members (3 Democrats, 2 Republicans), 5 Senators (3 Republicans, 2 Democrats), and 5 Supreme Court Justices (2 Democrats, 2 Republicans, 1 independent). The independent Justice David Davis was elected to the U.S. Senate by Illinois Democrats on January 25, 1877, and resigned from the Court before the Commission convened. He was replaced by Republican Justice Joseph P. Bradley. The final composition: 8 Republicans, 7 Democrats. The Commission voted 8-7 on every dispute in Hayes's favor.

The Electoral Commission is the only such body in U.S. history. The 8-7 partisan voting along Republican lines damaged the political legitimacy of the result.

QUESTION 4

The four main terms of the 1877 Compromise: (1) Democrats would accept Hayes as president without further obstruction. (2) Hayes would withdraw federal troops from Louisiana and South Carolina (the last two states with active Reconstruction governments). (3) Hayes would appoint at least one Southerner to his Cabinet. (4) Federal subsidies for Southern railroad construction (especially the Texas and Pacific Railroad) and federal appropriation for Southern levee construction. Hayes kept his commitments to withdraw troops; the railroad subsidies were never fully delivered.

The 1877 Compromise effectively ended Reconstruction. Without federal military protection, Southern Reconstruction governments fell to white Democratic "Redemption."