1876

Rutherford B. Hayes vs Samuel J. Tilden

A 50-minute lesson on the 1876 U.S. presidential election. Includes lesson plan, background reading with primary source, 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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2. Lesson plan (50 min)
3. Background: key terms + source
4. Worksheet (6 questions)
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1876: Rutherford B. Hayes vs Samuel J. Tilden

Standards alignment

NCSS · D2.His.4.6-8 (chronological reasoning) · D2.His.14.6-8 (causation). CCSS · CCSS.ELA-LITERACY.RH.6-8.2 (central ideas in primary sources).

Timing

5 min	**Warm-up**	List two structural conditions in 1876 that would make a disputed presidential election dangerous to constitutional democracy. For each, identify the specific 1873-1876 development most responsible.
15 min	**Reading + vocab**	The 1876 election was the most disputed in U.S. presidential history until 2000. 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 1965 Voting Rights Act. The political environment was complicated. The Grant administration's second term (1873-1877) had been damaged by the September 1873 Panic that produced the longest U.S. economic contraction until the Great Depression. The Whiskey Ring scandal (1875), the Indian Ring scandal (Secretary of War Belknap's 1876 resignation hours before impeachment), continued Reconstruction violence (the 1873 Colfax massacre of 150 Black men by White League paramilitaries; 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 had eroded Republican prestige. 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 62, famous for his prosecution of the Tweed Ring (the Tammany Hall corruption that had stolen approximately $200 million from New York City government). 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 was 53. He 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 (politically

damaged by association with railroad corruption) and Roscoe Conkling of New York (the Stalwart Republican faction leader). 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 to win) 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. The Twelfth Amendment specified that the president of the Senate (the Vice President - then Henry Wilson, who had died in November 1875) "shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." But the Amendment did not specify what should happen if a state submitted two competing sets of 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). The independent Justice Davis was elected to the U.S. Senate by Illinois Democrats on January 25, 1877, before the Commission could convene; he resigned from the Court. 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 (especially 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 at a key procedural moment, allowing the count to complete. Hayes was inaugurated March 4, 1877 (private oath because the date fell on a Sunday; public ceremony March 5). He kept his commitment to withdraw federal troops within months. Louisiana's Republican Reconstruction government fell on April 24, 1877 when federal troops withdrew. South Carolina's fell 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 1890 Mississippi Plan and the 1898 Louisiana Constitution operationalized the disenfranchisement at the state-constitutional level. The 14th and 15th Amendments remained in the Constitution but were substantively unenforced. The 1896 Plessy v. Ferguson decision constitutionalized "separate but equal." The Jim Crow era would dominate Southern politics until the 1965 Voting Rights Act.
10 min	**Primary source**	Read aloud once. Annotate individually. Quick pair-share on the source-analysis question.
10 min	**Discussion**	Small groups (3–4). Pick one prompt; report back two sentences.
10 min	**Worksheet**	Six questions: 2 multiple-choice, 3 short-answer, 1 map-read.

Background

Before the worksheet, review the key terms below and then read the primary source carefully. The two source-analysis questions on the worksheet (questions 6 and 7) ask you to quote from the excerpt.

Key terms

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. Negotiated at Washington's Wormley's Hotel. 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. By 1877, only Louisiana and South Carolina remained under Reconstruction government. The 1877 Compromise completed Redemption by withdrawing federal protection.

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 made him politically famous and helped his 1876 presidential nomination.

Mississippi Plan

The post-1875 strategy of Mississippi Democrats to disenfranchise Black voters through systematic violence (the 1875 election) and constitutional revision (the 1890 Mississippi Constitutional Convention, which introduced poll taxes, literacy tests, and "understanding clauses" to exclude Black voters while exempting whites through grandfather clauses).

Plessy v. Ferguson

The 1896 Supreme Court decision (7-1) constitutionalizing "separate but equal" racial segregation. Justice Henry Billings Brown's majority opinion held that state-mandated racial segregation did not violate the 14th Amendment if facilities were "equal." Justice John Marshall Harlan's lone dissent (the "Great Dissenter") argued the Constitution is "color-blind." Overturned by Brown v. Board of Education (1954).

Inaugural Address

RUTHERFORD B. HAYES, MARCH 5, 1877

Hayes took the public oath at the East Portico of the U.S. Capitol on March 5, 1877 (the private oath had been administered March 4 in the Red Room of the White House because March 4 fell on a Sunday). The address explicitly addressed the disputed election and committed to civil-service reform, sound money, and continued protection of Black civil rights (though the Compromise of 1877's troop withdrawal would substantively contradict that commitment within weeks). The "those who object" passage was Hayes's direct response to ongoing Democratic complaints about the Electoral Commission's 8-7 partisan voting.

> *"The President of the United States of America must always be by the spirit of his oath the servant of the whole nation. The recent contest, marked by the most lamentable disturbance of our political tranquility, has illustrated more than any other the depth and sincerity of the popular love of order and adherence to law. The people having decided, through forms of established law, that this great responsibility is mine to assume, I shall, in the discharge of my official duty, recognize no enemies. He serves his party best who serves his country best. The sweeping revolution of the entire political affairs of the Southern States effected within so brief a period is one of the marvels of our history."*

Hayes, "Inaugural Address" (Washington, DC, March 5, 1877). Public domain.

The 1876 Election

Read the background page, then answer the six questions below.

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 · MULTIPLE-CHOICE

Justice David Davis was replaced on the Electoral Commission by:

( ) A. Stephen J. Field
( ) B. Joseph P. Bradley
( ) C. Samuel F. Miller
( ) D. Nathan Clifford

QUESTION 3 · SHORT-ANSWER

How many states sent in two different sets of electoral results in 1876? Identify them.

QUESTION 4 · SHORT-ANSWER

How did Justice David Davis's replacement by Justice Joseph P. Bradley change the Electoral Commission's composition and its political outcome?

QUESTION 5 · SHORT-ANSWER

Hayes says in his inaugural that the disputed election "has illustrated more than any other the depth and sincerity of the popular love of order and adherence to law." What political message was he sending, and to whom?

QUESTION 6 · MAP-READ

On the 1876 election map, identify the three Southern states that sent in disputed electoral results. What pattern do they share, and what does it reveal about post-1874 Reconstruction politics?

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.

QUESTION 2

Joseph P. Bradley. A Republican Justice who replaced the independent Justice David Davis (who had been elected to the U.S. Senate by Illinois Democrats on January 25, 1877). Bradley's replacement of Davis was the structural mechanism by which the Commission acquired its 8-7 Republican majority.

AP students should know the Davis-Bradley replacement as the structural pivot of the Electoral Commission outcome.

QUESTION 3

3 states. Florida, Louisiana, and South Carolina. Each state's Republican Reconstruction officials certified electoral votes for Hayes; Democratic Redemption challengers certified electoral votes for Tilden. Oregon also had a single disputed elector (a Republican constitutionally ineligible as a federal officeholder, replaced by a Democrat).

AP students should know the three disputed Southern states plus the Oregon irregularity.

QUESTION 4

Before Davis's replacement, the Commission had 7 Democrats, 7 Republicans, and 1 independent (Davis). After Davis was elected to the Senate by Illinois Democrats and resigned from the Court, he was replaced by Justice Joseph P. Bradley - a Republican. The new Commission composition: 8 Republicans, 7 Democrats. The change produced the 8-7 partisan voting on every dispute in Hayes's favor. Without Davis's departure, the Commission might have split or produced different outcomes on individual states. The Davis-Bradley replacement is the structural mechanism by which the Commission acquired its decisive Republican majority.

AP students should be able to articulate the Davis-Bradley replacement and its structural consequence.

QUESTION 5

Hayes was sending three messages: (1) to Democrats who were considering ongoing obstruction: the dispute had been peacefully resolved through "established law" and further obstruction would be illegitimate. (2) to Republicans uneasy about the Commission's partisan voting: the resolution was lawful and constitutional. (3) to the broader country: the resolution demonstrated American constitutional resilience under pressure. The framing was politically strategic - it positioned the 1876 dispute as a successful test of constitutional democracy rather than as a partisan power grab. The strategic function was to delegitimize ongoing Democratic complaints while building political support for the 1877 Compromise.

AP students should be able to identify the strategic political function of Hayes's framing.

QUESTION 6

Florida, Louisiana, South Carolina. Pattern: all three are former Confederate states still under Reconstruction government in 1876 - the last three of the eleven seceded states with active Republican-controlled governments protected by federal military presence. The pattern reveals: (1) the structural fragility of Reconstruction state governments; (2) the systematic Democratic Redemption effort to overthrow Reconstruction by producing disputed electoral certifications; (3) the explicit relationship between Reconstruction's end and the 1876 election's resolution. The 1877 Compromise's troop withdrawal would end Reconstruction in all three states within weeks.

AP students should be able to read the 1876 map as evidence of the structural relationship between Reconstruction and the disputed election.