1876

Rutherford B. Hayes vs Samuel J. Tilden

A 75-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%

CONTENTS

1. Cover + overview
2. Lesson plan (instructor, 75 min)
3. Background: key terms + primary source
4. Student worksheet (7 questions)
5. Answer key + discussion prompts

1876: Rutherford B. Hayes vs Samuel J. Tilden

Standards alignment

NCSS · D2.His.4.9-12 (chronological reasoning) · D2.His.14.9-12 (causation in U.S. history). CCSS · CCSS.ELA-LITERACY.RH.9-10.2 (key ideas/details in primary sources).

Materials

One copy of the student worksheet per student. Optional: the 1876 map at theamericanvote.com/elections/-1876 projected, or printed as a handout.

Timing

5 min	**Warm-up**	Identify two structural conditions in U.S. politics by 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. The election's structural significance was the demonstration that the U.S. constitutional system could produce a popular-vote-loser president whose installation depended on partisan vote-counting and informal sectional bargaining - a precedent that would govern every disputed election since. The political environment was complicated. The Grant administration's second term (1873-1877) had been damaged by the September 1873 Panic; 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. The 1874 midterm elections had produced the first Democratic House majority since 1858. Republican prestige had eroded; Reconstruction had collapsed in eight of the eleven former Confederate states; only Louisiana, South Carolina, and Florida retained Republican Reconstruction governments under federal military protection. The Democratic Party nominated Governor Samuel J. Tilden of New York at its St. Louis convention in June 1876. Tilden was 62. He was 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 September 1862) and a three-term governor of Ohio. He was nominated on the seventh ballot over James G. Blaine of Maine (politically damaged by the Mulligan letters revealing his 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) and a popular margin of approximately 254,000 votes. Three Southern states - Florida (4 EV), Louisiana (8 EV), and South Carolina (7 EV) - sent in two different sets of electoral results: Republican Reconstruction state officials certified Hayes; Democratic Redemption challengers certified Tilden. Oregon also produced a disputed single elector (a Republican elector was found to be a federal postmaster and therefore constitutionally ineligible under Article II Section 1; he was replaced by a Democrat by the Oregon governor). 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 "shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted" - but 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 - Nathan Clifford and Stephen J. Field; 2 Republicans - Samuel F. Miller and William Strong; 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 cases (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 (also called the Wormley's Hotel Agreement, though the historical accuracy of the meeting's exact contents has been debated). The terms: (1) Democrats would accept Hayes as president without further obstruction. (2) Hayes would withdraw federal troops from Louisiana and South Carolina. (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 in the early morning of March 2, 1877.

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 from New Orleans. 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.

The 1887 Electoral Count Act attempted to provide a clearer constitutional mechanism for resolving future disputed electoral votes. The Act required states to certify their electors by a "safe harbor" deadline and provided procedures for congressional review of disputed slates. The Act's 1887 framework would govern disputed-election politics until the 2022 Electoral Count Reform Act updated it in response to the January 6, 2021 Capitol attack. Then review the Key Terms on the background page so students share vocabulary before the primary-source work.

15 min	**Primary source**	Read the excerpt aloud once. Students annotate individually (3 min), then pair-share on worksheet questions 6 and 7 (5 min).
15 min	**Discussion**	Small groups (3–4). Pick one of the three prompts at the back of this packet (or assign one). Each group reports back two sentences.
20 min	**Assessment**	

		Student worksheet. Seven questions, mixed format (5 about the reading, 2 about the primary source). Answer key in the instructor section at the back.
5 min	**Closure**	One-sentence exit ticket — see Closure section below.

Closure

One-sentence exit ticket: "What is one thing the 1876 election tells you about the Gilded Age era that the textbook didn't?"

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, South Carolina, and Florida retained Reconstruction government. The 1877 Compromise completed Redemption.

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). The 1890 Convention 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 argued the Constitution is "color-blind." Overturned by Brown v. Board of Education (1954).

Electoral Count Act of 1887

The 1887 federal law providing procedures for congressional review of disputed electoral votes. Required states to certify their electors by a "safe harbor" deadline. The Act's framework would govern disputed-election politics until the 2022 Electoral Count Reform Act updated it.

Jim Crow

The system of state-mandated racial segregation and Black disenfranchisement that dominated Southern politics from approximately 1890 to 1965. Named for a derogatory blackface minstrel character. The system was constitutionalized by Plessy v. Ferguson (1896) and dismantled by Brown v. Board of Education (1954), the Civil Rights Act of 1964, and the Voting Rights Act of 1965.

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 (key terms and primary source), then answer the seven questions below. Questions 6 and 7 ask you to quote from the primary source.

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

Which Supreme Court Justice replaced David Davis on the Electoral Commission?

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

QUESTION 3 · SHORT-ANSWER

Identify three Southern states that sent in two different sets of electoral results in 1876, and explain what political situation in each state produced the disputed results.

QUESTION 4 · SHORT-ANSWER

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

QUESTION 5 · SHORT-ANSWER

What were the five main terms of the 1877 Compromise?

SOURCE ANALYSIS — QUESTIONS 6 AND 7 REFERENCE THE PRIMARY SOURCE ON THE BACKGROUND PAGE.

QUESTION 6 · SHORT-ANSWER

Hayes says in his inaugural that he will "recognize no enemies." What political message was he sending, and how did the framing relate to the 1877 Compromise's troop-withdrawal commitment?

QUESTION 7 · 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 after Davis was elected to the U.S. Senate by Illinois Democrats on January 25, 1877.

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

QUESTION 3

Florida (4 EV), Louisiana (8 EV), South Carolina (7 EV). The political situation in each: Republican Reconstruction state governments still operated under federal military protection in late 1876. Republican Reconstruction officials certified electoral votes for Hayes. Democratic Redemption challengers - white-supremacist former Confederate leaders organizing to overthrow Reconstruction governments - certified electoral votes for Tilden. Each state's dispute was therefore a microcosm of the broader Reconstruction-versus-Redemption political confrontation.

AP students should be able to articulate the political situation in each disputed state.

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 on January 25, 1877 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 8-7 partisan voting on every dispute in Hayes's favor. The structural significance: the entire Commission's political outcome depended on the partisan affiliation of a single Justice. Without Davis's Senate election, the Commission might have produced different outcomes on individual disputes.

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

QUESTION 5

The five main terms: (1) Democrats accept Hayes as president without further obstruction. (2) Hayes withdraws federal troops from Louisiana and South Carolina (the last two Reconstruction states with federal military presence). (3) Hayes appoints 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. Hayes kept commitments to (2) and (3); commitments to (4) and (5) were partially fulfilled or quietly abandoned.

AP students should be able to identify all five compromise terms.

QUESTION 6

Hayes was signaling that his administration would not pursue political revenge against Democrats who had opposed his election. The framing was simultaneously: (1) magnanimous (positioning Hayes as a reconciling president); (2) strategic (the 1877 Compromise required Hayes to deliver substantive concessions to Southern Democrats, particularly troop withdrawal); (3) substantively limiting (Hayes was effectively committing not to use federal authority against post-Reconstruction Southern white-supremacist politics). The framing directly enabled the troop-withdrawal commitment: by promising to "recognize no enemies," Hayes was promising not to treat post-Reconstruction Southern Democrats as ongoing threats requiring federal military presence. The structural consequence: Black civil rights would be substantively unenforced for the next 90 years.

AP students should be able to articulate the strategic relationship between the inaugural framing and the troop-withdrawal commitment.

QUESTION 7

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.

Discussion prompts

1. The 1876 Electoral Commission voted 8-7 on every dispute along strict partisan lines after Justice David Davis's replacement by Justice Joseph P. Bradley. Identify two structural reasons the Commission produced this partisan outcome and explain whether a different procedure could have produced a more politically credible result.

2. The 1877 Compromise effectively ended Reconstruction in exchange for Republican retention of the presidency. Identify three specific 1877-1900 developments that operationalized the structural collapse of Black civil rights protection in the post-Reconstruction South.