AP EDITION · DBQ + LEQ · CLASSROOM

1876

Rutherford B. Hayes vs Samuel J. Tilden

A 105-minute lesson on the 1876 U.S. presidential election. Includes lesson plan, DBQ pairing, 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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1876: Rutherford B. Hayes vs Samuel J. Tilden

AP framework alignment

AP US History · Period varies by cycle · Reasoning skills: contextualization, comparison, causation, sourcing. CCSS · CCSS.ELA-LITERACY.RH.11-12.2 (central ideas), RH.11-12.6 (point of view), RH.11-12.7 (multiple sources). NCSS · D2.His.5.9-12, D2.His.14.9-12, D2.His.16.9-12.

Timing

5 min	**Warm-up**	Identify two structural conditions in U.S. politics by 1876 that would make a disputed presidential election structurally dangerous to constitutional democracy. For each, identify the specific 1873-1876 development most responsible.
15 min	**Reading + vocab**	The 1876 election is the structural test case of disputed-election resolution in American constitutional history. The election produced Rutherford B. Hayes's one-electoral-vote victory through the only Electoral Commission ever convened by Congress; required the only informal sectional bargain (the 1877 Compromise) to resolve a disputed presidential election; and effectively ended Reconstruction. 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 plus informal sectional bargaining - a precedent whose consequences shaped the next century of American politics. 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 March 2, 1876 resignation hours before his impeachment), continued Reconstruction violence, the 1873 Slaughterhouse Cases narrowing 14th Amendment protections, and the March 27, 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. By 1876, 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, famous for his prosecution of the Tweed Ring. 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. Oregon also produced a disputed single elector. Total disputed electoral votes: 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; 5 Senators; and 5 Supreme Court Justices. The Commission was designed to produce 7 Democrats, 7 Republicans, and 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).

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 accept Hayes as president. (2) Hayes withdraws federal troops from Louisiana and South Carolina. (3) Hayes appoints a Southerner to his Cabinet. (4) Federal subsidies for Southern railroad construction. (5) Federal appropriation for Southern levee construction. The compromise was negotiated by Republican congressional leaders and Southern Democrats. House Speaker Samuel Randall blocked Democratic obstruction at a key procedural moment. The count completed in the early morning of March 2, 1877.

Hayes was inaugurated March 4, 1877 (private oath; public ceremony March 5). He kept his commitment to withdraw federal troops within months. Louisiana's Reconstruction government fell April 24, 1877; South Carolina's fell 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. 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 (typically December 14 or December 18 in subsequent cycles) 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. The 2022 Act clarified the Vice President's ceremonial role in electoral certification and raised to one-fifth of each chamber the threshold for congressional objections.

Historians treat the 1876 election as a structural inflection point. The 1877 Compromise marked the end of Reconstruction and the beginning of the Jim Crow era. The 1887 Electoral Count Act tried to prevent future disputed elections but did not address the structural problems exposed by 1876 (partisan vote-counting, sectional bargaining over electoral outcomes, the disconnection between popular and electoral votes). The 2000 Bush v. Gore dispute - resolved by Supreme Court rather than Electoral Commission - was the next major test of the system. The 2020 election's contested aftermath demonstrated that the 1876 structural problems remained substantively unresolved despite the 1887 and 2022 statutory reforms.

20 min	**Source A**	Read aloud once; students annotate individually for tone, evidence, and audience.
20 min	**Source B**	Compare/contrast against Source A. Pair-share on the DBQ comparison question.
20 min	**Worksheet**	Eight questions: 5 short-answer, 2 stimulus-based MCQ, 1 long-essay framing.
20 min	**LEQ planning**	Students sketch a thesis + outline for the LEQ comparison prompt. Submit for next-day full essay.
5 min	**Closure**	Exit ticket: one sentence summarizing the comparison.

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. 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.

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.

Plessy v. Ferguson
The 1896 Supreme Court decision (7-1) constitutionalizing "separate but equal" racial segregation. Justice John Marshall Harlan's lone dissent argued the Constitution is "color-blind." Overturned by Brown v. Board of Education (1954).

Jim Crow
The system of state-mandated racial segregation and Black disenfranchisement that dominated Southern politics from approximately 1890 to 1965. 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.

Electoral Count Reform Act of 2022
The federal law passed December 2022 in response to the January 6, 2021 Capitol attack. Clarified the Vice President's ceremonial role in electoral certification, raised the threshold for congressional objections to one-fifth of each chamber, and tightened state certification rules. The first major update to the 1887 Electoral Count Act framework.

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.

Mississippi Plan
The post-1875 strategy of Mississippi Democrats to disenfranchise Black voters through systematic violence and constitutional revision (the 1890 Mississippi Constitutional Convention).

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 governed disputed-election politics until 2022.

Wormley's Hotel Agreement
The informal negotiation at Washington's Wormley's Hotel in late February 1877 that produced the Compromise of 1877. The specific contents of the meeting have been debated by historians, but the political result - Democrats accepting Hayes in exchange for federal troop withdrawal - is unambiguous.

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 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.

Document-based question

Source A is on the Background page; Source B is below. Use both as evidence for the worksheet's source-analysis questions and the LEQ.

SOURCE A

Inaugural Address

RUTHERFORD B. HAYES, MARCH 5, 1877

“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.

SOURCE B

Memorial of Frederick Douglass

FREDERICK DOUGLASS, APRIL 14, 1876

“When, therefore, it shall be asked what we have to do with the memory of Abraham Lincoln, or what Abraham Lincoln had to do with us, the answer is ready, full, and complete. Though he loved Caesar less than Rome, though the Union was more to him than our freedom or our future, under his wise and beneficent rule we saw ourselves gradually lifted from the depths of slavery to the heights of liberty and manhood; under his rule we saw the most powerful aggregation of evils in the world rolled back; under his rule we saw the prejudices of generations dissipated by his masterly statesmanship. We are at this moment far from the period of the entire emancipation of our race. There is much to be done before the dignity, the manhood, and the rights of the colored man shall be fully understood and respected.”

Douglass, "Oration in Memory of Abraham Lincoln" (Washington, DC, April 14, 1876). Public domain.

The 1876 Election

Answer the eight questions below. Source A is on the Background page; Source B is on the DBQ Pair page.

QUESTION 1 · SHORT-ANSWER

Identify the key phrase in Source A (Hayes's Inaugural) that frames the disputed election's resolution as a successful constitutional outcome. Quote it verbatim.

QUESTION 2 · SHORT-ANSWER

Identify the key phrase in Source B (Douglass's Memorial speech) that warns about incomplete emancipation. Quote it verbatim.

QUESTION 3 · SHORT-ANSWER

Both sources address the political situation of 1876-77, but they make different diagnoses. Identify the specific diagnosis each source makes.

QUESTION 4 · SHORT-ANSWER

Source B was delivered seven months before Source A. What does the temporal ordering tell you about how Black political observers anticipated the structural fragility that the 1877 Compromise would then operationalize?

QUESTION 5 · SHORT-ANSWER

Source A says Hayes will "recognize no enemies." Identify the specific political consequence this commitment had for federal protection of Black civil rights between 1877 and 1900.

QUESTION 6 · MULTIPLE-CHOICE

The 1896 Supreme Court decision constitutionalizing "separate but equal" racial segregation was:

( ) A. Brown v. Board of Education
( ) B. Plessy v. Ferguson
( ) C. United States v. Cruikshank
( ) D. Civil Rights Cases

QUESTION 7 · MULTIPLE-CHOICE

The 1887 federal law providing procedures for congressional review of disputed electoral votes was the:

( ) A. Electoral Count Act
( ) B. Help America Vote Act
( ) C. Pendleton Civil Service Act
( ) D. Hatch Act

QUESTION 8 · SHORT-ANSWER

Sketch your thesis sentence for the LEQ (next page). State your position: was the 1877 Compromise a structural betrayal, a contingent settlement, or an inevitable outcome? Identify one piece of evidence from each source you will use.

Long-essay-question

LEQ PROMPT

Hayes's 1877 Inaugural (Source A) frames the disputed election's resolution as a successful test of constitutional democracy ("the depth and sincerity of the popular love of order and adherence to law"). Douglass's April 1876 Memorial speech (Source B) - delivered seven months before the election - had already warned that "we are at this moment far from the period of the entire emancipation of our race" and that "much" remained "to be done before the dignity, the manhood, and the rights of the colored man shall be fully understood and respected." Using BOTH sources and your knowledge of the 1865-1900 period, evaluate the extent to which the 1877 Compromise was (a) a structural betrayal of Black civil rights that constitutional democracy itself had been designed to protect, (b) a contingent political settlement that traded short-term electoral resolution for long-term collapse of Reconstruction enforcement, or (c) the inevitable outcome of declining Northern white commitment to continued federal civil-rights protection that the 1876 election merely confirmed. Defend a clear thesis.

GRADING RUBRIC

Thesis (1 pt): must take a defensible position on the betrayal-vs-contingent-vs-inevitable axis. Contextualization (1 pt): mention at least two of the 1873 Panic, the 1873 Colfax massacre, the 1875 Cruikshank decision, the 1890 Mississippi Plan, the 1896 Plessy v. Ferguson decision. Evidence (2 pts): must quote at least one phrase from each source. Analysis (1 pt): must explicitly evaluate the extent rather than treating the three framings as equivalent. Total 5 points.

Answer key

QUESTION 1

Accept any of: "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". The "love of order and adherence to law" phrase is the cleanest framing.

Hayes's framing positions the Electoral Commission's partisan voting as a successful constitutional outcome.

QUESTION 2

Accept any of: "we are at this moment far from the period of the entire emancipation of our race", "there is much to be done before the dignity, the manhood, and the rights of the colored man shall be fully understood and respected", "though the Union was more to him than our freedom or our future". The "far from the period of the entire emancipation" phrase is the cleanest warning.

Douglass's framing is one of the most-quoted Black political assessments of the Reconstruction era.

QUESTION 3

Source A diagnoses the 1876-77 political situation as a successful constitutional test - the system has resolved a disputed election through "established law" and demonstrated American constitutional resilience. Source B diagnoses the same situation as structurally incomplete - emancipation has not produced full civil rights, and significant political work remains to be done. The two diagnoses are politically incompatible: Source A treats Reconstruction as complete enough that "established law" can govern; Source B treats Reconstruction as substantively incomplete and warns against premature declarations of constitutional success.

AP students should be able to identify the two diagnoses as ideologically distinct.

QUESTION 4

The seven-month temporal ordering tells you that Black political observers had already anticipated the structural fragility that the 1877 Compromise would then operationalize. Douglass's April 1876 speech preceded the November 1876 election, the January 1877 Electoral Commission, and the February-March 1877 Compromise negotiations - but it correctly identified that emancipation had not produced full civil rights. The structural lesson: post-emancipation Black political observers had a clearer view of Reconstruction's structural fragility than Northern white politicians (including Hayes) had. The 1877 Compromise was, from Black observers' standpoint, the structural confirmation of what they had already understood about the substantive limits of post-emancipation politics.

AP students should be able to articulate the structural significance of Black observers' political foresight.

QUESTION 5

Hayes's commitment to "recognize no enemies" had the specific consequence of removing federal authority as an active protector of Black civil rights. The "no enemies" framing precluded the federal government from treating Southern white-supremacist political violence as enemy action requiring federal military response. The structural consequences: (1) the April 1877 withdrawal of federal troops from Louisiana and South Carolina; (2) the structural collapse of Reconstruction governments in both states within weeks; (3) the systematic disenfranchisement of Black voters through poll taxes, literacy tests, and grandfather clauses; (4) the 1890 Mississippi Plan and 1898 Louisiana Constitution institutionalizing disenfranchisement; (5) the 1896 Plessy v. Ferguson constitutionalization of "separate but equal." Between 1877 and 1900, federal protection of Black civil rights effectively ceased. The 14th and 15th Amendments remained on the books but were substantively unenforced until the 1965 Voting Rights Act.

AP students should be able to articulate the structural consequences of Hayes's "no enemies" commitment.

QUESTION 6

Plessy v. Ferguson. The 1896 Supreme Court decision (7-1) constitutionalizing "separate but equal" racial segregation. Justice John Marshall Harlan's lone dissent argued the Constitution is "color-blind." Overturned by Brown v. Board of Education (1954).

AP students should know Plessy v. Ferguson as the structural constitutionalization of Jim Crow.

QUESTION 7

Electoral Count Act. 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 governed disputed-election politics until the 2022 Electoral Count Reform Act updated it.

AP students should know the Electoral Count Act of 1887 as the structural legacy of the 1876 dispute.

QUESTION 8

Open-ended thesis sketch. Acceptable answers should: (1) state a clear position on the betrayal-vs-contingent-vs-inevitable axis, (2) avoid treating them as equivalent, (3) signal at least one piece of evidence from each source. Award credit for any defensible thesis that meets these three conditions.

The thesis sketch is preparatory. The LEQ rubric evaluates the full essay.