

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

NEW YORK STATE SOCIAL STUDIES CORE CURRICULUM, GRADE 11:

UNITED STATES AND NEW YORK STATE HISTORY

NEW YORK STATE UNIT TWO *Constitutional Foundations for the United States Democratic Republic*
<http://www.emsc.nysed.gov/ciai/socst/pub/sscore2.pdf> (p. 125).

NEW YORK STATE UNIT THREE *Industrialization of the United States*
<http://www.emsc.nysed.gov/ciai/socst/pub/sscore2.pdf> (p. 125).

These questions and documents can be used in conjunction with the New York State Education Department standard curriculum for grade 11 Social Studies: United States History and Government, in particular, Unit Two, Chapter 1: The Constitution: The Foundation of American Society, and Unit Three, Chapter 1: The Reconstructed Nation. Students will be able to discuss what citizenship means in a democratic society, the rights of individuals and the representation of slaves, as well as electoral procedures: direct versus indirect. Students will also discuss basic constitutional principles by deciphering primary source documents such as the United States Constitution.

PART I

“Why did George W. Bush win the 2000 election with fewer votes than Gore?”

Document pages 4, 5 and 6

This lesson is appropriate for units on the U.S. Constitution, the Electoral College and the presidential elections.

STUDENTS WILL BE ABLE TO

- describe how the Electoral College works
- explain the election results of 2000

ACTIVITIES

I. Students read and complete the handout on the 2004 American League Championship series.

The Boston Red Sox defeated the New York Yankees in the 2004 American League Championship series four games to three. The result of the series would have been different if the winner was decided based on who scored the most runs. Using the box score below, calculate the score of the Yankees-Red Sox series based on the number of runs scored.

II. Discuss the opening activity.

The Electoral College vs. the Popular Vote

Presidential elections are decided in a manner similar to the seven game Yankees-Red Sox

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

series when the Yankees scored more runs (the popular vote) but lost the series (the Electoral College vote). The Yankees-Red Sox series created great passion in New York and Massachusetts, but, as you will see, it did not exceed the passion of the presidential elections of 1876, when the losing candidate won the popular vote and lost the Electoral College based on disputed election returns in the states.

III. Madison's notes on the Electoral College

A. Introduction:

The delegates to the Convention developed a complicated system to elect the president called the Electoral College. During the Constitutional Convention, James Madison, the prime architect of the Constitution and future president, kept notes of the proceedings.

B. Students read Madison's opinion on the Electoral College.

C. Discuss the following questions:

1. What were the two methods of electing the president being considered?
2. According to Madison, what are the advantages and disadvantages of the two systems? Which do you think is the better mode of electing a president?
3. How does Madison make an indirect reference to slavery in his notes? Why would slavery be an issue in the election of the president? When answering this question, remember which region had more slaves.
4. If you were designing a system to elect the president in 1787, would you have chosen direct election by the people (popular vote) or indirect election through the Electoral College? Explain the reasons for your choice. What election system would you choose today?

IV. Review Results of Bush v. Gore

A. Students read: U.S. Constitution, Article II, Clause 2

B. Discuss the following questions:

1. According to this language, is the president elected directly by all the people (popular vote) or indirectly?
2. What method would you choose to elect the president? Why is it better than another method?
3. Because each state receives Electoral College votes based on the number of senators (two for each state regardless of population) and members of the House of Representatives weighted according to population, do small or large states benefit from this system? Why?

C. Explain or read to students:

Electors were chosen by state legislatures until the 1820's when they began to be popularly elected from each state. Whoever won a plurality of the vote in a state usually gained all that state's Electors. This led to a situation where a candidate could win a majority of the Electoral College vote, but lose the overall popular vote if a candidate won large majorities in some states and then narrowly lost elections in others. He would gain no Electors in the states he lost while not being credited for the landslides in the states he won.

To understand how this system worked, we can look at a map of the United States in which the size of each state is based on its number of Electoral College votes and compare

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

it to a geographical map. In the 2000 election, Al Gore narrowly won the popular vote, but George W. Bush won the Electoral College vote 271 to 267.

V. Students review maps of Election 2000 and answer the following questions:

1. Looking at the first map, which candidate appears to have won the election easily?
2. Why does the election look much closer in the second map?
3. Explain why you think one map more accurately depicts the results of the election.

VI. Assessment Activity:

Students answer the question “Why did George W. Bush win the 2000 election with fewer votes than Gore?” as if explaining the answer to someone completely unfamiliar with the system of presidential elections in the United States of America. Be sure to incorporate the concepts of Electoral College, Electors, popular vote and majority in the answer.

Answers could take the form of cartoons, essays, children’s books or news reports.

DISCOVERING HISTORY IN TODAY’S NEW YORK TIMES

Historical events described in textbooks often began with reports in a newspaper. The assignments below help you compare the past with the present.

1. Some members of Congress are more powerful than others. Collect Times clippings about members from small states and large states. Analyze and decide which members of Congress are most powerful and why. Does the size of their states seem to influence their power? If so, how? Write an essay in the style of the Op-Ed page of The Times including facts you have learned about these leaders to support your opinion.
2. Find articles in The New York Times that report voting fraud here in the United States and in other countries. Make a list of how people were prevented from voting and where. Take the role of a member of Congress and write a speech in support of voting reform using examples from your clippings.
3. In non-election years, potential candidates for the next presidential election speak out on important topics. Pick a potential candidate and follow this person’s comments in The New York Times by clipping articles. Which states will this potential candidate appeal to? How many electoral votes do these states have? Make a list of ways the potential candidate can gather more electoral votes.
4. Create an advertisement in support of the Electoral College. Study advocacy ads in The New York Times for ideas on how to write your position. Advocacy ads often appear on the Op-Ed page or in full pages in the A section (first section) of The Times.

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

THE 2004 AMERICAN LEAGUE CHAMPIONSHIP SERIES



Yankee Derek Jeter slides past past Red Sox catcher Jason Varitek as Bernie Williams watches, 2004 American League Championship Series.

THE NEW YORK TIMES, OCTOBER 21, 2004

A.L. CHAMPIONSHIP

BOSTON VS. YANKEES

GAME 1 Yankees 10, Boston 7

GAME 2 Yankees 3, Boston 1

GAME 3 Yankees 19, Boston 8

GAME 4 Boston 6, Yankees 4, 12 inn.

GAME 5 Boston 5, Yankees 4, 14 inn.

GAME 6 Boston 4, Yankees 2

GAME 7 Boston 10, Yankees 3
(Red Sox win series 4-3)

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

JAMES MADISON'S NOTES ON THE CONSTITUTIONAL CONVENTION, JULY 25, 1787

http://memory.loc.gov/ammem/collections/madison_papers/mjmconst.html (introduction)http://memory.loc.gov/ammem/collections/madison_papers/mjmser5.html

The option before us ^{then} lay between an appointment by Electors chosen by the people – and ^{an} immediate appointment by the people. He thought the former mode free from many of the objections which had been urged ag^t it, and greatly preferable to an appointment by the Nat^l. Legislature. As the electors would ^{be chosen for the occasion, and} meet at once, & proceed ^{immediately} to an appointment, there would be very little opportunity for cabal, or corruption. As a farther precaution, it might ^{be} required that they should meet at some place, distinct from the seat of Gov^t. and even that no person within a certain distance of the place at the time sh^d. be eligible. This mode however had been rejected, ^{as} recently & by so great a majority that it probably would not be proposed anew. The remaining ~~alternative~~ mode was an election by the ^{people} ~~people~~ ^{qualified part of them}, at large. With all its imperfections he liked this best. He would not repeat either the ^{general} arguments for or the objections ag^t this mode. He would only ^{take notice of} ~~mention~~ two difficulties which he admitted to have weight. The first arose from the disposition in the people to prefer a Citizen of their own State, and the disadvantage this w^d. ^{throw on} ~~be~~ the smaller States. Great as this objection might be he did not think it equal to such as lay ag^t every other mode which had been proposed. He thought too that some expedient might be hit upon that would obviate it. The second difficulty arose from the disproportion of ^{qualified voters} ~~population~~ in the N. & S. States, and the disadvantages which this mode would throw on the latter. The answer to this objection was ^{two} ~~four~~ 1. that this disproportion would be continually decreasing under the influence of the Republican laws introduced in the S. States, and the more rapid increase of their population. 2. That ^{local} ~~these~~ local considerations must give way to the general interest. As an individual from the S. States he was willing to make the sacrifice.

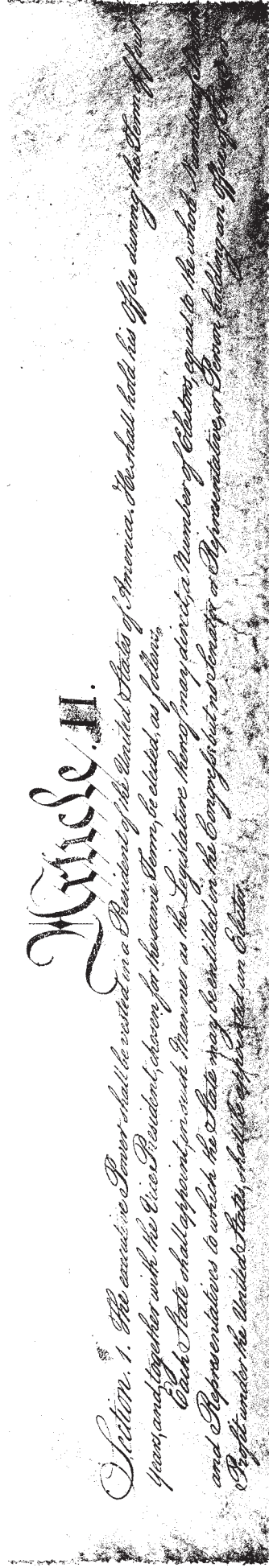
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PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

UNITED STATES CONSTITUTION ARTICLE II

http://www.archives.gov/national-archives-experience/charters/charters_downloads.html



Article. II. SECTION. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.



The City
University
of
New York

LA GUARDIA COMMUNITY COLLEGE/CUNY
LA GUARDIA AND WAGNER ARCHIVES

The New York Times
KNOWLEDGE NETWORK
INSPIRING THOUGHT

JPMorganChase

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PART 2

“How did the electoral procedures and Reconstruction lead to voter intimidation in the election of 1876?”

Document pages 10-13

This lesson is appropriate for units on the Electoral College, Reconstruction and voting rights.

STUDENTS WILL BE ABLE TO:

- understand the complexity of our election process
- explain the events of the election of 1876
- evaluate the effect of voter intimidation on the election of 1876

ACTIVITIES:

- I. Students read Background Information — The Election of 1876 handout.
- II. Document Analysis — Tilden v. Hayes: Articles from The New York Times and the Brooklyn Eagle describe how the Louisiana returning board calculated the state's final vote.
 - A. Students read articles.
 - B. Use the following questions for class discussion:
 1. Do either or both of these newspaper articles contain a point of view? If so, what is that point of view?
 2. Based on your reading of the articles, do these newspapers support a particular candidate? If so, which candidate does The Times and/or the Eagle support?
 3. Are the two newspapers in agreement about the results of the election in Louisiana?
 4. According to the author of The Times article, why are votes in Louisiana being disqualified?
 5. Explain why the Eagle agrees or disagrees with the assessment of The Times?
 6. Based on your reading of these articles, do you think it was possible to have the votes counted fairly in Louisiana? Why or why not?
 7. Do you believe that a newspaper can or should report the news without a point of view?
- III. Hayes' and Tilden's opinions in their own words:

The two candidates, Hayes and Tilden, also disagreed about the election results in Florida, South Carolina and particularly Louisiana. Hayes wrote his opinions on the election in his diary, while Tilden left an undated statement in his papers.

 - A. Students read Hayes' and Tilden's opinions.
 - B. Students answer the following questions:
 1. Both Hayes and Tilden believed that they had won the election; why did they come to such different conclusions?
 2. What are the arguments made by Hayes and Tilden that they should be elected president? Explain why you think Hayes' or Tilden's argument is stronger.

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

3. The initial election returns in these states went to Tilden, but the Republican returning boards, who finalized the results, invalidated election returns in counties where they believed African American and white Republican votes had been suppressed. Do you think this was fair?
4. Given the uncertainty surrounding the election results, how would you have resolved the election of 1876?
5. Why do you think it was so difficult to come to a result acceptable to both sides in this election?

IV. Election outcome:

Hayes would eventually be declared the winner by a congressionally appointed Electoral Commission and by an agreement called the Compromise of 1877, in which the three states were awarded to Hayes. In return, Southern Democrats received federal patronage (employment) and Southern railroads received federal subsidies to encourage the economic growth in the region. It was also agreed that U.S. soldiers would be removed from Southern states and that Reconstruction would be ended. The end of Reconstruction was the first step toward the beginnings of Jim Crow segregation and the disenfranchisement of African Americans throughout the South.

V. Assessment Activity: Examine the cartoon and respond to these questions:

What was Thomas Nast's view of the election of 1876? Why do you think he held that opinion?

BACKGROUND INFORMATION — THE ELECTION OF 1876

Only 11 years after the Civil War was fought, the United States held its most closely contested and contentious presidential election. Ulysses S. Grant had been the Union's most capable general during the Civil War, but his eight years as president and leader of the Republican Party had been notable for political corruption and scandal. Reconstruction and the rights of African-Americans also played a central role as northern whites tired of the experiment in political equality and the use of violence by white supremacists to oppose it. White supremacist Democrats, who often used violence and political skullduggery to gain power, were in control of all the Southern state governments except for South Carolina, Florida and Louisiana. The moment seemed ripe for the Democrats to win the presidency for the first time since the election of Abraham Lincoln 16 years earlier.

The two candidates were Governor Samuel Tilden, Democrat of New York, and Governor Rutherford B. Hayes, Republican of Ohio. On election night of Tuesday, November 7th, 1876, it appeared that Tilden had won a narrow victory in the Popular Vote (total votes counted) and in the Electoral College (the awarding of electors based on who won pluralities or majorities in their respective states). By morning the Republicans realized that if they could hold the states of South Carolina, Florida, and Louisiana, Hayes would be the winner. With credible accusations of Democratic violence and vote fraud in these states and the returning boards under Republican control it appeared that the election could be turned to Hayes.

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

LOUISIANA ARTICLE

THE NEW YORK TIMES, DECEMBER 10, 1876

THE VOTE OF LOUISIANA.

WHAT THE INVESTIGATION PROVED.

DEMOCRATIC ATTEMPTS TO OVERTHROW REPUBLICAN TESTIMONY — HOW THEY FAILED—WITNESSES THAT CANNOT BE IMPEACHED—A WHITE PLANTER TELLS WHAT HE KNOWS — THE HORRIBLE CRIMES IN OUACHITA—HOW TILDEN CARRIED THAT PARISH—A TERRIBLE INDICEMENT.

A WHITE PLANTER'S STORY.

Mr.

J. W. Harrell, an extensive planter and one of the best-known gentlemen in Louisiana to-day, made the following sworn statement:

"I am a planter in the Parish of East Feliciana, and employ fifty colored men; I have often been notified that I must attend the Democratic meetings and vote the Democratic ticket or I must leave the parish; many of my hands and those of my neighbors have been cruelly whipped, and others driven away from their work, because they refused to attend the Democratic meetings and to vote the Democratic ticket; my hands were taken from their work and compelled to vote the Democratic ticket; many of them I saw deposit Democratic ballots, and they told me it was not from choice, but because they had been told that unless they did so they must leave the county; the Democrats would appoint a night for a meeting, and then ride through the country and notify all the colored men and many white men that they must attend; my hands would come to me to ask my protection, saying they did not want to attend their meetings or to vote their ticket. I told them on these occasions that I was unable to protect them. This was the case with many of my neighbors, also white planters, but the armed mob were too strong for us, and to live in peace and quiet I was compelled to endure whatever they saw fit to do. For the purpose of intimidating me, the bulldozers took one of the women in my house out, and whipped her nearly to death. They broke into my house, took the woman and stripped her and beat her terribly. I armed myself and would have resisted, but a band of forty or more surrounded me and threatened that if I had any of them exposed or attempted to arrest any one for the outrage, they would hang me. I being only one against so many, dared not resist or I would have been killed. They termed me a Radical scallawag, and said I loved the nigger better than the white man or I would not be a Republican. I was born and raised on the place where I now live, and owned many of the hands I now employ. These acts of violence were perpetrated upon all, or nearly all, the white Republican planters in my parish, as well as upon our colored hands, and it was by this system of intimidation that the Democrats carried my parish. Upon a free and fair election my parish would have been Republican by at least 1,200, there being upward of three thousand voters, of whom, without any intimidation, more than twenty-one hundred are Republican, and less than nine hundred are Democratic.

DEMOCRATIC CRIME IN OUACHITA.

This morning I went through the affidavits regarding the Democratic outrages in the Parish of Ouachita. The following is a list of the men, women and children killed and wounded there for opinion's sake during the three months which preceded the last election:

Dr. B. H. Dinkgrave, a German gentleman, shot and killed in broad daylight.

Primus Johnson, a prominent colored man, killed, shot in a dozen places.

James Jackson, a well-known colored Republican, taken out of his cabin at night, shot and killed.

Hawkins Jones, a black man, shot in twenty places; died from his wounds.

Henry Pinkston and his child, taken out of their beds at night; killed and terribly mutilated. Pinkston had refused to vote the Democratic ticket.

Eliza Pinkston, his wife, shot and cut in many places now in a dying condition.

Frederick Byneum, taken out of his house at night, shot and severely wounded. Has since died.

M. Rhodes, a prominent colored man, ambushed, shot and killed.

A. M. Cloud, a negro, well known as a Republican, shot and wounded severely.

H. W. Burrell, a colored man, shot while carrying Republican tickets from one poll to another.

William Lewis, a prominent colored Republican, shot and dangerously wounded.

Spencer Dickson, a black man, taken out of his cabin and shot.

Eaton Logwood, a colored Republican, shot in his own yard before his family.

Benjamin James, a colored constable, shot, terribly wounded, and left for dead, while carrying a ballot box to the polling place.

William Clarret, a black man, and a Republican, shot, as he was told, for being "a Radical no 'count nigger."

Edward Richards, a black man, hanged and left for dead, because he would not promise to vote the Democratic ticket.

Seward Heckter, a colored Republican, hanged till he was nearly dead; now in a dangerous condition.

Randal Degrow, whipped for attending a Republican meeting; not expected to live.

The above list I give without comment. It is only necessary to add that Tilden carried Ouachita.

H. C.

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

Brooklyn Daily Eagle

WEDNESDAY EVENING, DECEMBER 6, 1876

The Political Situation—The National Tragedy.

The salient point of the political news of to-day may be briefly summarized. The Returning Board of Louisiana has performed the infamous work expected of it, completely and thoroughly, and the statement of the result is accompanied by the significant announcement that "it has not caused a ripple" of excitement in New Orleans. The Board has not only succeeded in wiping out the majority of eight thousand for the Tilden electors, which was shown indisputably on the face of election returns certified to by Republican partisan officials, but it has declared that Hayes has carried the State by majorities varying from about three thousand to over forty-five hundred. This result has been made to appear by throwing out the total vote in enough election districts carried by the Democrats to reduce the aggregate vote for Tilden, 13,291, while by the same process, the Republican vote has been reduced only 2,632.

It is hardly worth while to try to get at the details of the Louisiana outrage. Under one pretext or another, the results in a dozen parishes of the State have been tampered with, and, if necessary, a majority five times as large as that obtained by Mr. Tilden would have been reversed.

If the situation in Louisiana is allowed to remain as it is, there will not be a State of the Union that will hold its rights by any better tenure than the pleasure of the Federal authorities, or the chances of the next party contest in which it may be desirable to nullify the will of its people.

LESSON 1, PART 2

PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

RUTHERFORD B. HAYES' DIARY

<http://www.ohiohistory.org/online/doc/hayes/index.cfm>

Columbus 30 Nov., 1876. Thanksgiving

43

The Presidential question is still undecided. For more than two weeks it has seemed almost certain that the three doubtful States would be carried by the Republicans. South Carolina is surely Republican. Florida is in nearly the same condition - both States being for the Republicans on the face of the returns, with the probability of increased majorities by corrections. Louisiana is the State which will decide. There is no doubt that a very large majority of the lawful voters are Republicans. But the Democrats have endeavored to defeat the will of the lawful voters by the perpetration of crimes whose magnitude and atrocity has no parallel in our history. By murder, and ^{hellish} ~~cruelties~~ ~~that~~ ~~hellish~~ they at many polls drove the colored people away, or forced them to vote the Democratic ticket. It now seems probable that the Returning Board will have before them evidence which will justify the throwing out of enough to secure the State to those who are lawfully entitled to it.

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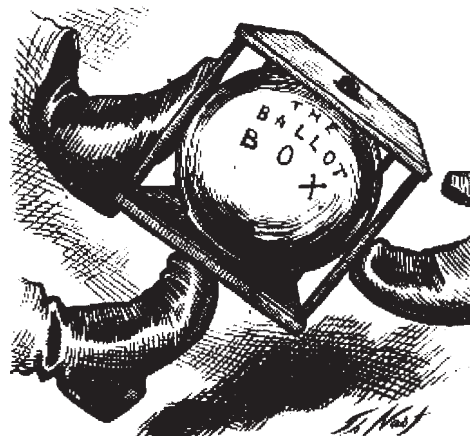
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PRESIDENTIAL ELECTIONS AND THE ELECTORAL COLLEGE

TILDEN NOTE ON THE 1876 PRESIDENTIAL ELECTION (UNDATED: CA. 1876–77)

Our Presidential election as made by the people has been subverted by a false count of the votes cast by the Presidential electors, founded on a substitution of pretended votes known at the time to be fraudulent or forged, and to have been manufactured for that particular use.

If a Presidential election should be next controlled by abusive or corrupt influence exercised by the Government upon the voters in particular States, and a vista be opened of Third Terms and Terms in indefinite series displaying the undisputed supreme mastery of the office-holding class in successive elections, our Government would have degenerated into a bad copy of the worst government of the worst ages.



Cartoon by Thomas Nast,
Harper's Weekly, December 23, 1876.

A NATIONAL GAME THAT IS PLAYED OUT.