

Answer Key

Unit 5—The Electors Shall Meet: Electing the President

CONSTITUTIONAL CONNECTION: ELECTING THE PRESIDENT

1. They are selected in whatever manner a state's legislature directs. Today, all states choose electors by popular vote, though the people vote for electors who are pledged to vote for a certain candidate.
2. They meet in their respective states.
3. Having the people vote for certain electors who they believe are particularly wise or informed will ensure that good candidates are chosen; Having electors meet in their own states will cut down on controversies; candidates will have to appeal to electors across the entire country, not just a single (and perhaps populous) state, in order to be elected President of the United States.
4. Accept reasoned answers.

JOHN QUINCY ADAMS HANDOUT A: JOHN QUINCY ADAMS AND THE ELECTION OF 1824

1. John Quincy Adams, Henry Clay, William Crawford, and Andrew Jackson
2. No candidate had a majority of electoral votes.
3. The House of Representatives decides the election with each state having one vote. The House of Representatives was considered the branch of the national government that was closest to the people. Representatives were elected directly by the people and their terms were only two years long.
4. He used his influence as Speaker of the House to win votes for Adams. He was charged with striking a “corrupt bargain” in return for a post as Secretary of State.
5. Accept reasoned answers.

RUTHERFORD B. HAYES

HANDOUT A: RUTHERFORD B. HAYES AND THE DISPUTED ELECTION OF 1876

1. “The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates and the votes shall then be counted;...”
2. Two conflicting sets of electoral votes were submitted by each of four states.
3. The two men essentially agreed on the need for civil service reform, more responsible economic policies, and, as Hayes put it, “an intelligent and honest administration of government, which will protect all classes of citizens” in the South.
4. Northerners, concerned about economic depression and the corruption in their own state governments, were not as concerned about the civil rights of Southern blacks. Southerners were tired of federal interference in their politics.
5. Throughout the South, Democrats used violence and intimidation to prevent blacks’ voting. Republicans used similar tactics to ensure that blacks voted Republican, and both sides bought votes.

HANDOUT C: WHAT WOULD YOU DO?

1. Students may suggest returning the votes to the states and having them sort out the controversy themselves; having the President appoint a special commission; counting the set of votes that was opened first; asking the Supreme Court to investigate the allegations of fraud; or other ideas.
2. Students may suggest that Congress had no

other choice but to do something extra-constitutional as the Constitution did not address the current situation. Others may say that Congress could have inferred from other constitutional provisions what action would be appropriate, including the power of the President to appoint officers.

3. Accept reasoned answers.
4. Some students may say not at all. Others may suggest that the judicial branch could have judged the constitutionality of the special commission; the President could have issued an executive order; Congress could have returned the conflicting sets of votes to their respective states and had the state legislatures decide which votes were correct.

HANDOUT D: TILDEN'S RESPONSE TO THE ELECTION

1. I knew that I had no documentation on which to claim the presidency.
2. I have the satisfaction of knowing the people preferred me as their President, without the difficulties and responsibilities of the job.
3. Everybody knows that the real winner of the peoples' vote was deprived of the job, and the real loser of the people's vote was placed in office.
4. We are right to be proud that our Constitution provides a method for peaceful change based on a vote of the people. The question now is whether this method will survive.
5. The question that remains after this election is the most basic and significant factor of selfgovernment. The people must speak out against the way their will has been disregarded.
6. The people must develop a plan to prevent this from happening again.
7. Our people and our Constitution are strong enough to find a better way.
8. Some students might suggest that Tilden missed his own opportunity to correct an injustice by not being more vocal about what he saw as the rightful process—insisting that the election be decided in the House of Representatives. Other students may note that threats of violence were real and Tilden's supporters would not have needed much encouragement to resort to bloodshed. President Grant indicated that he was willing to extend military control in the event of disorder following the election. Tilden's calm and measured response allowed the crisis to pass. 164

BUSH V. GORE (2000) HANDOUT A: GEORGE W. BUSH AND THE SUPREME COURT CASE OF BUSH V. GORE (2000)

1. Florida
2. The Florida Secretary of State had to accept counties' election returns as late as November 26, 2000.
3. a state-wide manual recount
4. Bush argued that the varying county standards used to determine if votes would count violated the Fourteenth Amendment's guarantee of equal protection of the laws. Gore argued that there was a uniform standard for counting votes across the state, and that it would actually be more uniform than standards used on Election Day.
5. The Court halted the statewide manual recount, holding that the lack of specific, uniform standards violated the Fourteenth Amendment.