

LESSON PLAN: Fights, Freedom, and Fraud: Voting Rights in the Reconstruction Era

Grades: 8 and High School

Subject: Social Studies and U.S. History & Geography

Time Required: Two 45-minute class periods

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OVERVIEW

The Reconstruction Era (1863-1876) witnessed rapid changes in voting rights. While Congress passed legislation to give African American males the right to vote, Congress denied the vote to women and, temporarily, many former Confederates. Yet, members of Congress did not have the final say on voting rights. Depending on where an individual lived, the color of his skin, his party loyalties, and whether or not federal troops were stationed nearby, he could be denied the vote through intimidation and fraud. These conflicts over voting rights and voting fraud came to a head during the disputed 1876 presidential election. The compromise decision that settled the election ended political Reconstruction and shaped voting rights in America for over eighty years.

UNDERSTANDING GOALS

Students will understand presidential and congressional Reconstruction plans, the chronology of voting rights legislation between 1863 and 1896, who could vote where and when during Reconstruction and why, and voting fraud in the Reconstruction South.

OBJECTIVES

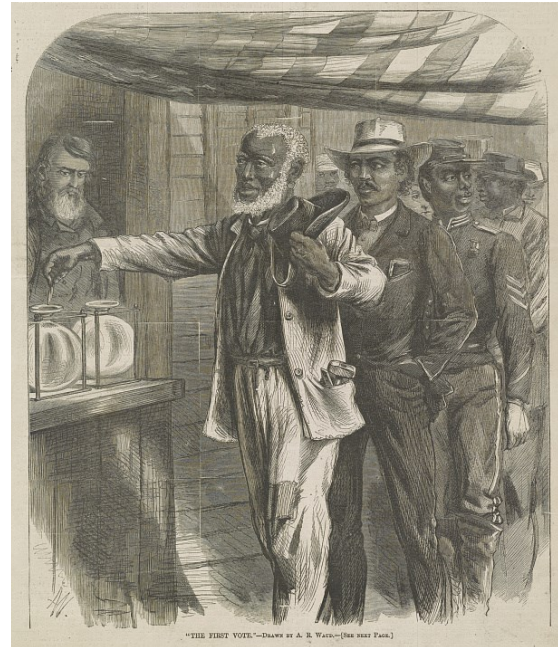
Students will learn how to use a timeline, interpret and examine primary sources, such as newspaper articles, and build critical thinking skills.

INVESTIGATIVE QUESTION

What factor(s) determined whether an individual could vote in Reconstruction America?

CURRICULUM STANDARDS

- U.S. 8.68 Explain the significance of the 13th, 14th, and 15th Amendments to the U.S. Constitution.
- U.S. 8.75 Explain the Compromise of 1877 and its role in ending Radical Reconstruction.



["The first vote"](#) [1867; detail]

CURRICULUM STANDARDS (cont.)

- US.03 Explain the impact of the Compromise of 1877, including: Jim Crow laws, lynching, disenfranchisement methods, the efforts of Benjamin "Pap" Singleton and the Exodusters, and the Plessy v. Ferguson decision.

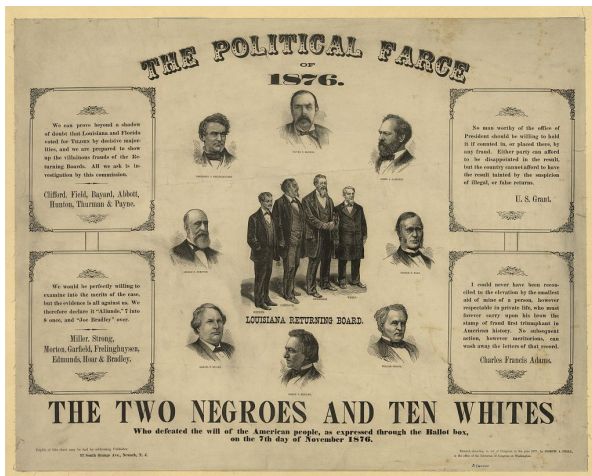
LESSON MATERIALS

- [Who Gets to Vote? Worksheet](#)
- [14th Amendment Worksheet](#)
- [Article 1 \(Pickens Sentinel\)](#)
- [Article 2 \(Indiana State Sentinel\)](#)
- [Article 3 \(Highland Weekly News\)](#)
- [Article 4 \(Belmont Chronicle\)](#)
- [Encyclopedia of the Reconstruction Era](#) (see page 50 for a Reconstruction timeline; for voting rights info, see amnesty proclamations, black suffrage, civil rights, congressional reconstruction, disenfranchisement, Military Reconstruction Acts, and presidential reconstruction)
- [Library of Congress: Teacher's Guides and Analysis Tool](#)

PROCEDURES

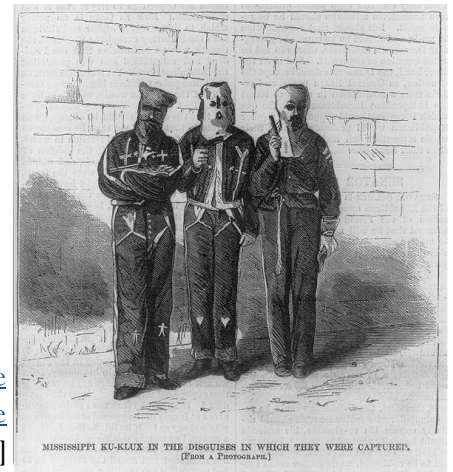
Day 1: The 14th Amendment and the Chronology of Voting Rights

- Step 1 Tell your students they will be examining voting rights during the Reconstruction Era (1863-1876). Pass out the [Who Gets to Vote?](#) worksheet.
- Step 2 Begin the lesson with two modeling activities. First, have students pair up with a neighbor. Students will read the first entry on the Who Gets to Vote? worksheet. While they read, project the first slide of the PowerPoint, and tell your students to work with their partners to answer the questions on the screen.
- Step 3 After students have read and answered the questions, they should share their thoughts with the class. Students should explain what is going on in the entry, who has the right to vote, and what textual evidence they used to come to their conclusions. The teacher should make sure that students are picking up on effective ways to analyze complicated text. For more information on analyzing texts, take a look at the questions on the [Teacher's Guide to Analyzing Books & Other Printed Texts](#).
- Step 4 Students will do the second modeling activity independently. Students will read the second entry on the Who Gets to Vote? worksheet and answer the questions on slide one of the PowerPoint (you can leave it up on the screen from the last modeling activity). When students complete their analyses, they should share their thoughts on who can, or cannot, vote. Once again, emphasize effective ways to read complicated texts.
- Step 5 Now that the students have modeled text analysis, close the PowerPoint, and pass out a copy of the [14th Amendment Worksheet](#). As students independently read the 14th Amendment, they should answer the questions in the right hand margin. If they have any questions, or are unsure of an answer, they should make a note of it in the question boxes. When students finish, discuss the 14th Amendment as a class. Review the worksheet questions and answers. If students have written anything in the question boxes, they should read their questions aloud to the class. Students should try and solve the questions as a class during the discussion.
- Step 6 The students' reading of the 14th Amendment will help them understand the next activity. There are six entries left on the Who Gets to Vote? worksheet. Divide the class into six groups and assign one entry to each group. The groups should read the passages and reflect on the modeling activities earlier. They should summarize what is going on, who is involved, who can vote, who can't vote, and why.
- Step 7 When the groups finish summarizing and analyzing their entries, each group should present its findings to the class. As best they can, students should tell the class who can vote and why. Other groups should record this information for use in the next day's activity. **Note:** It is important that the entries are discussed in order so that the students can understand that each piece of legislation was a temporary fix, voting rights changed almost yearly, and Congressional Reconstruction did not complete what it set out to accomplish.



[The political farce of 1876](#) [1877]

[Mississippi Ku-Klux in the disguises in which they were captured](#) [1872]



Day 2: Voter Fraud

- Step 1 Project slide two on the screen and introduce today's lesson. Tell students that they will be looking at examples of voting fraud during the presidential election of 1876. All of the examples of voting fraud will come from newspaper articles published in 1876 and 1877. Direct your students to the PowerPoint slide. As you go through each point, ask your students if they remember any examples from yesterday's lesson (students can feel free to look at their notes and worksheets).
- Step 2 After the short introduction and review, divide the students up into four groups and assign each group one of four newspaper articles ([Pickens Sentinel](#), [Indiana State Sentinel](#), [Highland Weekly News](#), or the [Belmont Chronicle](#)). Move to slide three of the PowerPoint. The slide lists six questions. Each student should take responsibility for one question. While the students read and discuss their articles, each student should answer her/his question. The student should prepare to answer the question during their group's presentation to the class. If students struggle with the text, remind them of yesterday's modeling activities and advise them to highlight key words.
- Step 3 After the groups have completed the assignment, each group will present its article to the class. The group should start with the first question (Student 1's question) and move down to the sixth question (Student 6's question). The class should feel free to ask questions to each group. When every group has presented and fielded questions, the class should compare the articles, their reactions to the articles, and what they learned (you can possibly make these questions into an exit slip activity).
- Step 4 Collect all handouts, notes, and worksheets from the two days' activities.

EVALUATION

- 50% First Day Activities: participation in class discussion, performance on the "Who Gets to Vote?" group activity, and presentation of group work.
- 50% Second Day Activities: participation in class discussion, performance on the voting fraud group activity, and presentation of individual work.

EXTENSION ACTIVITIES

Activity 1: A Day in the Life

Have your students write a one-page response to the following prompt. The prompt should be written as if it were an actual letter:

Imagine that you are a freed slave living in South Carolina. You are getting ready to vote in the presidential election of 1876. Whom would you vote for? Why? What problems might you face when you go to the polls? What candidate(s) might your black neighbors vote for? What about your white neighbors? You decide to write about your reflections in a letter to your cousin, Robert, in New England. Your cousin bought his freedom a decade before the Civil War, moved to New England, and has been voting since 1850. What are your opinions of your cousin's voting rights?

Activity 2: "Can I see Your ID?"—Voting Fraud Today?

Voting fraud is not a relic of Reconstruction. Voting laws would be revised, reformed, ignored, and circumvented up into the twenty-first century. Several instances of Reconstruction Era, "Jim Crow," voting fraud persisted until the 1960s, until the federal government stepped up to monitor the polls and pass the Voting Rights Act of 1965. Even today, voting fraud is a major issue in American politics. Have your students look at some of the following articles, all published within the past three years: the [PBS](#) article, "[Why Voter ID Laws Aren't Really About Fraud](#)," [CBS's](#) "[Supreme Court weighs in on controversial voter ID law](#)," the [Atlantic's](#) "[How Voter ID Laws Are Being Used to Disenfranchise Minorities and the Poor](#)," and [Fox News's](#) "[Hundreds of cases of potential voter fraud uncovered in North Carolina](#)." Ask your students if they have heard anything about voting fraud. Do they believe there is voting fraud going on today? Is fraud today anything like the voting fraud of the Reconstruction Era?

WHO GETS TO VOTE?

Entry 1: In 1863, President Abraham Lincoln developed the Ten Percent Plan of Reconstruction. He hoped to end the American Civil War early and proposed that a rebellious state could return to the Union if ten percent of the state's pre-war voters agreed to take an oath of loyalty to the United States and the state's reconstructed government officially abolished slavery. Lincoln also favored granting amnesty, and thus voting rights, to most former Confederates. Republicans in Congress, however, thought Lincoln was too forgiving towards the rebellious South and pressured the president to revise his Reconstruction policies. In 1865, John Wilkes Booth assassinated Lincoln before any of the president's revisions could come to fruition.

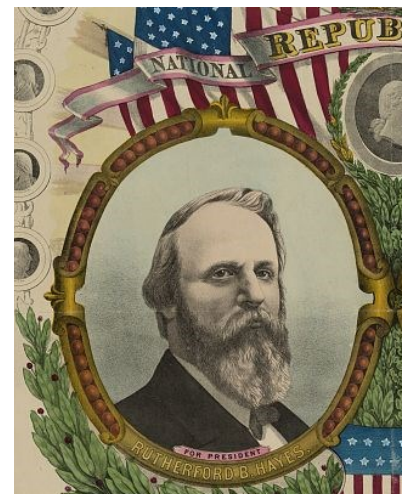
Who could vote according to Lincoln's Ten Percent Plan? Who could not vote?

Entry 2: The Civil War ended in 1865. After Lincoln was assassinated, his vice president, Andrew Johnson of Tennessee, succeeded to the presidency and oversaw Reconstruction. President Johnson amended Lincoln's Reconstruction plan to require fifty percent of a state's pre-war voters take an oath of loyalty in order to gain re-admittance into the Union. Johnson's only other requirements were that the people of each Southern state admit they had never actually seceded, write new state constitutions that explicitly abolished slavery, and elect new state governments. The plan appealed to Southerners because it did not require substantial changes. After Southerners rewrote their state constitutions to abolish slavery, the newly elected state governments could return to self-rule. Around this time, Southern states passed legislation, called black codes, that attempted to recreate slavery in the form of sharecropping and apprenticeship and denied blacks the right to vote. Congressional Republicans realized that the Southern states would obey the letter, but not the spirit, of Johnson's plan. Republicans believed that harsher legislation was required to force Southerners to reform their rebellious ways.

Who could vote under Johnson's Reconstruction Plan? Who could not vote?

Entry 3: In 1866, Congress passed the Fourteenth Amendment in response to Southern black codes. White Southern Democrats did not care for the Fourteenth Amendment and did not want to ratify it. The state of Tennessee, however, ratified the amendment in 1866. The majority of Tennessee's legislators were Unionists, having supported the Union during the war, and wanted the amendment passed. Only a small group of southern sympathizers offered opposition to the amendment. When the amendment looked like it would be ratified, the southern sympathizers left the capital building to delay a quorum. Before they got too far, Governor William Brownlow had several of the sympathizers arrested and taken back into the capital building. The amendment was soon passed. When the Tennessee legislature voted for ratification, it became the first Southern state to be re-admitted into the Union. Congress decided to make ratification of the Fourteenth Amendment a requisite for re-admittance. When six Southern states ratified the amendment in 1868, the amendment had enough votes to become part of the Constitution. Although the Fourteenth Amendment was already law, three Southern states (Virginia, Mississippi, and Texas) refused to ratify until 1870.

Using what you know about the Fourteenth Amendment, who could vote after ratification of the Fourteenth Amendment? Who could not vote?



[National Republican chart 1876](#)
[1876, detail] (Rutherford B. Hayes)

Entry 4: In 1866, "Radical Republicans" commanded a majority in both Houses of Congress and could override any of President Johnson's vetoes. That same year, white southerners rioted and attacked African Americans in New Orleans and Memphis, and Northern Republicans believed only heavy-handed tactics could bring the South back in line with legislative and constitutional mandates and ensure the rights of freed slaves. The Republicans instituted "Radical Reconstruction" in response to Johnson's lenient Reconstruction plan and Southerners' general lack of repentance and reform. Republicans passed the Military Reconstruction Act, organized the Southern states into five military districts, and gave

WHO GETS TO VOTE? (CONT.)

military personnel the power to appoint or remove Southern officials, issue orders, administer judicial proceedings, and deny former Confederates the right to vote. Additionally, the military made sure that all black men had the opportunity to vote. Under military supervision, blacks and loyal whites rewrote state constitutions, formed new state governments, and ratified the Fourteenth Amendment. After a state made the preceding changes, the military would step away and let the state resume its own administration. All the formerly Confederate states were readmitted by 1870.

In the Southern states, who could vote after the passage of the Military Reconstruction Act? Who could not vote?

Entry 5: In 1869, Congress passed the Fifteenth Amendment in response to Northern and Southern attempts to deny blacks the right to vote. It was ratified by the states in 1870. The Fifteenth Amendment made it illegal to prevent someone from voting based on “race, color, or previous condition of servitude.” It did not, however, make it illegal to discriminate based on other factors such as gender, the ability to read, or the ability to pay a poll tax. Southerners would use factors such as these to legally deny African Americans, women, and some poor whites the right vote for decades after Reconstruction. Northerners, for their part, continued to deny women the vote.

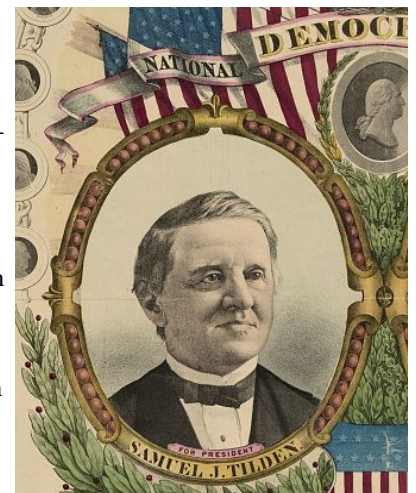
Who could vote after ratification of the Fifteenth Amendment? Who could not vote?

Entry 6: White Southern Democrats refused both to abide by the new constitutional amendments and give blacks their civil rights. In 1870 and 1871, Congressional Republicans responded by passing a series of Enforcement Acts that reasigned troops to Southern states to protect blacks’ civil rights, prosecute offenses and suspend violators’ rights as needed, and police violence instigated by groups such as the Ku Klux Klan. Without the presence of federal troops, it is certain that a significant number of African Americans and white Southern Republicans would have been refused the right to vote and hold office.

Who could vote before the passage of the Enforcement Acts? Who could vote after they Enforcement Acts were passed?

Entry 7: A congressionally approved electoral commission decided the winner of the 1876 presidential election between Democrat Samuel Tilden and Republican Rutherford B. Hayes. Louisiana, Florida, and South Carolina had each reported victories for both Tilden and Hayes, and the lack of a clear winner in these Southern states prevented the announcement of a victor. Congress appointed a special commission to determine which one of the returns Congress would officially accept. The commission was majority Republican and made up of five senators, five representatives, and five Supreme Court justices. The fifteen men decided to accept the returns for Hayes in each of the three states and awarded Hayes with the presidency. It seems that the Democrats conceded victory to Hayes in exchange for Republican promises to remove all remaining federal troops from Southern states. With the troops gone, white Southern Democrats could return to power and deny African Americans the right to vote. It is interesting to note that the only Southern states that still had federal troops stationed within their borders or had substantial numbers of Republicans within their governments in 1876 were Louisiana, Florida, and South Carolina. After the 1876 election, most northerners lost interest in reconstructing the South politically and socially and instead turned their attention to the economy.

Who could vote before and during the 1876 election? Who could vote after the 1876 election?



[National Democratic chart, 1876-- For president, Samuel J. Tilden, for vice president, Thomas A. Hendricks \[1876, detail\]](#)

Entry 8: In 1896, Congress officially pardoned any former Confederates that had yet to receive amnesty. This decision officially restored all voting and office holding rights to these individuals. It is worthy to note, however, that a significant number of Confederate veterans, white Southerners generally, had been voting and holding office long before 1896.

Who could vote after 1896? Who could not vote?

THE 14TH AMENDMENT—APPROVED BY CONGRESS, JUNE 16, 1866

[United States Statutes at Large, Volume 14](#) [1868; republished, 1962] Pages 358-359 (pages 390-191 in PDF)

ARTICLE XIV.

SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are **citizens** of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be **apportioned** among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to **vote** at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is **denied** to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which

Any Questions?

the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No **person** shall be a senator, or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in **insurrection** or **rebellion** against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two thirds of each house remove such disability.

Any Questions?

Answer the Questions:

1. Describe the qualifications of citizenship.
2. How do states apportion, or calculate, their congressional representation?
3. How could a state lose congressional representation?
4. Who is eligible and ineligible to vote?
5. Does citizenship guarantee the right to vote?
6. What portion of the country would be most affected by Section Two?
7. What persons are referenced in Section 3? What happens to them?
8. What part of the country would be most affected by Section Three?

ARTICLE 1—"HOW HAYES WAS COUNTED IN"

["How Hayes Was Counted In,"](#) *Pickens Sentinel*, January 25, 1877 (Pickens, South Carolina)

turns. But they met at once with difficulty in Baker county, from which two returns came up, one of which gave the State to Hayes, the other to Tilden. Under the Florida law the County Canvassers are required to meet at the office of the County Clerk, within six days after the election, to canvass the vote and compile the official returns. The board of canvassers are the county Clerk, the county Judge, and a Justice of the Peace or Sheriff. In the case of Baker county the Judge (a Republican) refused to meet the Clerk, and, after waiting for him, the Clerk called in a Justice of the Peace and proceeded publicly to canvass the official precinct returns, and sent the result thus made by two of the three persons designated by law to the Secretary of State. This return gave the State to Tilden by 108 majority. The county Judge, who had refused to meet the other two, at the same time called in a person who had been appointed Justice of the Peace after the election had been held, and these two canvassed, not the official returns, but duplicates that covered only two of the four precincts, and sent their returns to the Secretary of State, which gave the State to Hayes by forty two. The Returning Board decided, as was proper, that the Clerk's return was the correct one, and this was therefore allowed and counted.

ARTICLE 2—"JONES, OF SOUTH CAROLINA"

["Jones, of South Carolina,"](#) *Indiana State Sentinel*, December 6, 1876 (Indianapolis, Indiana)

In a word, the telegraph of last night announces that the state house of South Carolina is surrounded with a cordon of federal bayonets, and the only "open sesame" within the charmed circle is a pass bearing the presumably symmetrical signature of Jones. The legislature, whose organization and membership thus depends upon Jones's will, may in some way decide the casting of South Carolina's electoral vote, and thus elect Hayes or Tilden. Is it to be wondered at that this once obscure party at once rises to the dignity of a personage in the nation? Shall we wonder at the unanimous demand going up from the lakes to the gulf. Who is Jones? Shall we not rather join it, and, waiting with beating hearts and bated breath for information so closely affecting the country's destinies, hope in the meantime that this Jones, this Palmetto Warwick, this strangely appointed arbiter of the result of state and national elections, this obscure president maker and unheralded despot, may, after all, prove a mild mannered tyrant, and treat the American people who seem to be delivered bound into his hand as leniently as is consistent with his ideas of justice.

Transcription:

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ARTICLE 3—"PUT YOUR HAND OVER YOUR MOUTH"

["Put Your Hand over your Mouth,"](#) *Highland Weekly News*, October 26, 1876 (Hillsboro, Ohio)

I notice the Hillsboro Gazette has become interested about us poor colored people. I do not know why it has become so all at once. The Gazette says Wm. Anderson was brutally assaulted by a band of negroes because he voted the Democratic ticket. Suppose he was. What has the Gazette to do with that? It was done by entirely his own race. What is the colored man assaulted for in South Carolina? Is that because he "votes the Democratic ticket?" No! but because he *will not* vote it!

Hold on, Mr. Gazette! "It is poor rule that will not work both ways." You do not say any thing about the colored men who are killed in the South because they will not vote for your party. But you are very sorry for poor Bill Anderson because he has lost a leg in Uncle Sam's army. What warm sympathy, to come from a *Democrat!*

You say Bill voted as he pleased. I do not think he voted as *he* pleased, but to *please others*. There are but few negroes that would vote the Democratic ticket if they were to vote as they please.

As to Rickman, I do not know that he has much more colored blood in him than the Editor of the Gazette. Even though he is a colored man, he voted the Democratic ticket, and after voting for the Democrats, they were helping to abuse and run him off. Yet the Gazette says it was "a band of negroes." That is all you care for the colored man. Get his vote and then run him out of town.

Note:

Wm. (William or Bill) Anderson is an African American.

ARTICLE 4—"WADE HAMPTON'S CANVASS: A CAMPAIGN OF TERROR..."

["Wade Hampton's Canvass: A Campaign of Terror in South Carolina: startling facts plainly told—how the Democrats hope to overcome the Republican majority," Belmont Chronicle, October 26, 1876 \(St. Clairsville, Ohio\)](#)

It is by strictly obeying General Gary's order, it is by such acts of violence as the above, that the Democrats hope to overcome the Republican majority, and carry South Carolina for Tilden and Hampton. The general plan of their campaign is very simple, yet it promises to be most effective. In all parts of the State they have organized campaign clubs that operate under the direction of one general head. Every cross-rod, every hamlet, has its company or squad, commanded by a Captain or some subordinate officer. These clubs are organized for the purpose of intimidating negro voters and keeping them away from the polls. They have no other object. They exist for no other purpose. How well they do the duty which has been assigned to them may be inferred from the fact that the black men of the counties of Banwell and Aiken are leaving their homes in hundreds and seeking safety in the woods and swamps, or in flight to Columbia and other parts of the State. A number of them have sought the protection of the handful of United States troops stationed at Aiken, and others have pledged themselves to vote for Tilden and Hampton, and are allowed to live in peace. Old men and young men, married and single, even the boys, have engaged in what is called "the great work of redeeming the country." They ride through the country at all hours of the night and day, often beating negroes and threatening to kill them if they did not pledge themselves to vote the Democratic ticket. In some cases they have taken unfortunate men from their cabins in the dead of night, and in sight of their terrified wives and screaming children, have kicked them until they were insensible and almost dead. In short, all the terrors of the Ku-Klux Klan have been revived in South Carolina. The only difference is that the Klan operated in secret. The Tilden campaign clubs do their work openly and boast of it.