

Bush and Gore: What Went Wrong

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Introduction

November 7, 2000, was to have been the end of a contest between two presidential candidates-George W. Bush and Al Gore- and two opposing ideologies. But a month later, after one of the closest races in U.S. history and after recounts and court challenges, Americans were still awaiting the results. Instead of a celebratory atmosphere, the mood was sombre, anxious, confused, and often angry. The nation held its breath; the potential existed for a constitutional crisis and more unexpected months of bitter debate, accusation, and controversy. The election should have been over-and seemed to be over-by the early morning hours of November 8. Gore phoned Bush to congratulate him and was on his way to concede defeat publicly, when a close vote in Florida was forced by law into an automatic recount. The recount gave victory to George W. Bush by fewer than 1000 votes. Court-ordered judicial recounts reduced this lead to 537, the total that was finally confirmed by the Florida Secretary of State. She certified Bush as the winner of all of Florida's electoral votes, enough to give him the presidency. At the time of this writing, most court rulings seem to favour Bush, but the Democrats continue to appeal these decisions, and other groups have begun several lawsuits alleging voting irregularities that may delay the result further. One of the central concerns for Americans is the legitimacy of their government and that their electoral system be reaffirmed. The democratic political process must play itself out. Jurisdictions in which there is substantial evidence of voting irregularities must examine their voting systems, procedures, and results because it is the rights of the voters that are at stake; this is fundamental to democracy. As numerous pundits have pointed out, this is a time for heroes, a time to put U.S. constitutional law above partisan politics-easier said than done. Nonetheless, while determined to stay the course, Gore said that should the legal system determine in favour of Bush, he would accept him as his president. Meanwhile, the most expensive election in U.S. history, fought by two media-savvy politicians with the best campaign staffs, ended with a nation ideologically divided right down the middle. Ironically, Bush billed this election as one fought by a party either promoting trust in the government (the Democrats) or trust in the people (the Republicans). What does seem clear is that neither party has a strong mandate to make significant policy changes. A top Republican strategist, quoted in The New York Times, indicated that Bush, if confirmed, would attempt to put his party's platform into law. Off the record, however, he stated, "This [the current uncertainty of the situation] makes the platforms of the parties and the themes of the candidates irrelevant, or something close to it." The closeness of the presidential popular vote (which Gore won by fewer than 350 000 votes out of 97 million cast) is combined with a nearly deadlocked Congress. With Bush as President, the Senate would actually be divided 50-50, while the Republicans would have a nine-seat majority in the House of Representatives (out of 435). Because representatives do not always vote along party lines in the U.S. all issues are dealt with one by one, and under these slim margins new coalitions will constantly be assembled for each vote. Ironically, what seemed like one of the most tedious presidential elections in recent years is now serving as an object lesson to all citizens that their single vote matters a great deal.

Comprehensive News in Review Study Modules

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Part of the Process

"Not everything that counts can be counted, and not everything that can be counted counts." - Albert Einstein

Democracy is not an event, it is a process. Like many of the fundamental concepts we cherish in our society, the democratic process is an ongoing one; it is imperfect, dynamic, and evolving. And like anything that is worth striving for and achieving, democracy requires that we put it to the test from time to time, as is the case especially in national elections. During the 2000 elections in the United States many components of the democratic process were put to the test, including: the candidates, the issues, the fundamental beliefs and assumptions of the citizens, and the electoral system itself. Because the democratic process requires a continual working through of many issues and many practical considerations, checks and balances and other safeguards are constantly reviewed by those whose business it is to monitor the integrity of the process.

Perceptions of the Process

The class will be divided into four groups. Before watching this News in Review report, the members of each group should review the elements listed below and, if necessary, clarify the meaning of each. Then, while watching the report, group members should focus on one or more of the elements (these should be chosen or assigned) in order to summarize later for the group the role and importance of each element in the democratic process of the 2000 U.S. elections. Once the elements have been reviewed and discussed in the groups, a spokesperson for each group should present the findings to the class as a whole.

The Elements

- . "the best [political system] there is"
- . "the system at its worst"
- . "the night the media got it wrong"
- . inconclusiveness
- . the popular vote
- . the Electoral College
- . the State of Florida
- . the ballot process and procedures in the U.S.
- . new realities
- . "an extraordinary moment for American democracy"
- . critical and defining moments in U.S. history
- . a great drama
- . voter turn-out
- . the appeal of the candidates to the general public
- . leadership and leadership abilities
- . candidate blunders
- . the issues
- . a narrow margin

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- . legal technicalities
- . elected officials with political ties
- . the U.S. Supreme Court
- . the key legal question

Follow-up Discussion

1. How were the perceptions of each of the groups similar or different?
2. What core elements of the democratic process do you think were re-affirmed in this election? What elements were revealed as still requiring more effort?

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Parallel Lines

In many ways, Al Gore Jr. and George W. Bush share similar backgrounds. Both are children of privilege, raised by loving parents. Both come from political families and had fathers who had political careers with great successes and significant failures. Both are extremely proud "sons of the American South."

Vice President Gore

Albert Gore Sr., father of the presidential candidate, was the first member of his family to achieve the "American Dream." Born in Possum Hollow, Tennessee, the elder Gore trained as a teacher, then finished a law degree through a YMCA night-school program. He served for many years as a U.S. congressman, and then senator. In 1956 he made an unsuccessful attempt to become the Democratic Party's candidate for vice president. Albert Gore Jr. was born in 1948, and grew up in Washington and in Carthage, Tennessee, where he spent his summers. At his prep school (a private secondary school whose prime purpose is to prepare students for university) he earned a reputation as both a gentleman and a serious competitor in both academics and sports. Later, at Harvard University, he majored first in English and then in political science. In his senior year, however, he wrote a paper titled "The Impact of Television on the Conduct of the Presidency, 1947-1969." He so impressed the journalists he interviewed that they encouraged him to take up journalism as a career. Harvard was divided by the Vietnam War, and both Gore and his father were strongly opposed to it, but the graduate felt obligated to serve, and volunteered. Eventually, he was sent to Vietnam as a military journalist. In 1976, Gore left journalism to run for the House of Representatives, and won. At this stage he was seen as somewhat conservative but an effective representative for his constituents. He developed a reputation as an expert on international arms control. He ran successfully for the Senate in 1984. Gore was an unsuccessful candidate for the Democratic nomination for President in 1987-1988 but was a U. S. Senator from Tennessee from 1985 to 1993, when Bill Clinton chose him as his running mate and he subsequently became Vice President. Al Gore then put aside his presidential aspirations to work on other causes, especially environmental ones. He wrote a well-reviewed book on the subject, *Earth in the Balance*. This was one reason why he caught the attention of Bill Clinton, who had secured the presidential nomination and was looking for a vice-presidential candidate. Gore provided expertise in foreign policy and environmental issues, which Clinton lacked. He had shown leadership and diligence in the Senate, had an impeccable background, and was a Vietnam veteran (Clinton was perceived by some as a draft dodger). Clinton was further impressed by Gore's intellect, self-discipline, and loyalty. He proved to be an outstanding choice, trouncing his opposition Dan Quayle in the vice-presidential debate. As Vice President, Gore was Clinton's managing partner. His office was in the West Wing, and he and the President were committed to weekly meetings. Gore had expertise in which he assumed duties on behalf of the President in the areas of science, the environment, high technology and the Internet, communications, and space. He had real power because he had the trust of the President. No Vice President has played a more significant role in the policy-making of an administration. Gore has a reputation as a cautious

politician, but also tends to act more boldly when he is in office rather than on the campaign trail. Many suspect his caution has been dictated by his hope that he would ultimately achieve the presidency and the real power to act.

Governor Bush

George W. Bush was born in 1946 into an equally prominent family. His grandfather was a senator from Connecticut, and his father a successful Texas oil businessman. Bush also attended prep school, at Andover, Massachusetts, where he demonstrated average academic success, was president of his senior class, and captain of the baseball team. He subsequently went to Yale University, his father's alma mater, where he played intramural sports and was elected president of his fraternity. He developed a reputation as a "good-time guy," witty, and someone capable of moving in all different groups. Some critics point to his stating publicly that he has no recollection of any anti-Vietnam War activity on campus, despite the fact that Yale was a hotbed of opposition to the war. In 1968 Bush joined the Texas Air National Guard as a pilot trainee (his father had been a pilot in the Second World War) and committed himself to two years of flight training and four years of part-time service. Bush refers to these as his "nomadic years," a period when he held no real job and showed no definite direction in terms of his future prospects. He has referred to this period as part of what he has called his "irresponsible youth," although he has not commented on precisely what this means. A Charge to Keep, Bush's largely ghost-written autobiography, reveals little about his life. However, during the recent campaign a 1976 driving-while-under-the-influence-of-alcohol conviction emerged, which Bush described as one of the mistakes of his youth that he has put behind him. In 1973 Bush attended Harvard Business School and subsequently began a career in oil exploration, which met with limited success. He was also unsuccessful when he attempted to win a congressional seat in 1978. However, in the 1980 election his father was chosen as the vice-presidential candidate by Ronald Reagan and served as Vice President for eight years. When the elder Bush made his own run for the presidency in 1988, George W. was one of his campaign co-ordinators. By this time, Bush had sold his interest in his oil company and used it to purchase a share in the Texas Rangers baseball team, of which he became a highly successful managing partner. By 1993, when he decided to run for governor of Texas, Bush had turned his investment in the team into a multimillion-dollar fortune. Bush won the governorship in 1994 on the issue of education. He proposed both increased funding and increased local control; his opponent's proposals had been defeated in a referendum. His popularity as Governor-even Democrats recognize his negotiation and people skills, and consider him an effective leader-led to his re-election in 1998 with 69 per cent of the vote, making him the first Texas governor ever elected to a second consecutive term. By this time, Bush was already leading all Republican polls as a potential presidential candidate in 2000. Two concerns about Bush as president that surfaced during the 2000 campaign were his lack of political experience; his qualifications consist primarily of having been Governor of Texas during a relatively crisis-free period. The second concern relates to the perception that intellectually he is not up to the job of President. The New York Times commented, "Mr. Bush is sometimes compared to President Reagan, and there are strong parallels in their communication skills, in their detachment from details, in their optimism about America. Yet from the start it was evident that Mr. Reagan stood for something rock solid. It is much less clear what Mr. Bush stands for."

Follow-up Discussion

Based on the above biographical information, what cultural influences inherent in American society do you think helped shape the careers of these two men? What personal circumstances had an impact on where they are today?

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The Issues

In countless polls prior to the election, many Americans commented that they failed to see any real difference between the policies advocated by Vice President Gore and Governor Bush. This was a statement that amazed most political commentators and newspaper editorialists. Both the Democrats and Republicans had clearly outlined party platforms; and, at least in domestic affairs, the candidates had demonstrated serious differences of opinion during the debates. What follows is a brief description of the positions taken on major issues by both Bush and Gore. As you examine these issues, try to determine the fundamental differences between the two candidates' visions of the role of government in the United States and the future of U.S. society. Why might the general public not have perceived significant differences?

Taxes

Both candidates expected a 10-year tax surplus of approximately \$4.5-trillion, and how to use this money became a central theme of the campaign. Gore proposed keeping most of the surplus to pay down the debt, and to protect and secure Medicare (a program of medical coverage for senior citizens) and Social Security (the government's retirement insurance program). He also proposed tax cuts of \$500- to \$600-billion to benefit the middle class (people earning less than \$70 000 per year.) Incentives would also be available for college tuition, job training, health insurance, child care, and retirement savings. Bush saw tax cuts as the most important proposal in his campaign. He promised he would veto any future increases to either corporate or personal taxes, and would provide a \$1.3-trillion tax cut across all income classes. As structured, the tax cut would provide 43 per cent of reductions to the richest one per cent of taxpayers. Inheritance taxes would be eliminated. Any surpluses generated by Medicare or Social Security would stay with those programs.

The Environment

The quality of the environment was a central issue for Gore, and one he has devoted years of effort to promoting. He would ban logging and road building in national forests and in any remaining pristine wildernesses (such as Tongass in Alaska), and would not permit oil drilling in the Arctic National Wildlife Refuge. He supports the Kyoto Treaty (which he helped draft) to reduce greenhouse gas emissions, and promotes investment in light-rail systems and industrial tax credits for fuel efficiency. Gore believes that reducing oil consumption should be a national priority. Bush supports increased logging and road building in national forests, favours oil drilling in Alaska, and believes in fighting rising oil prices by locating new sources. He opposes the Kyoto Treaty because he believes that such international regulation of emission standards is ineffective. Bush also supports allocating more money for maintenance of national parks, and providing incentives to private landowners to promote conservation.

Education

Education was a major plank in both party platforms. Gore proposed a 50 per cent

increase in the federal share of spending on public education, to be spent on more teachers, pre-school education, after-school programs, college tuition, and classroom technology. A total of \$115-billion would be made available. He opposed the use of vouchers (which would provide public funds to permit parents to send their children to private or religious schools). He would, however, encourage more choice for parents in the local public systems, including the creation of charter schools (which are created within the public education system based on active community involvement and input as to the goals and operations of the school). Bush is very much pro-vouchers; as Governor of Texas, he attempted, but failed, to create a voucher system for the state. He would provide vouchers for students at "under-performing" public schools to use at private schools. His proposal would provide federal loan guarantees to encourage the creation of charter schools.

Health

The main debate on health care in this campaign was how to provide assistance to seniors faced with rising drug costs. Gore proposed doing so through the existing Medicare program, subsidizing drug premiums by 50 per cent. He also pledged to provide access to health care for all children by 2005. Bush declared he would provide assistance to the individual states to permit them to subsidize premiums by 25 per cent. He also pledged tax credits so that individuals could buy private coverage.

Civil Rights for Minorities

Gore is a strong supporter of affirmative action, a controversial policy that targets specific minority groups as worthy of most favoured status when they apply for jobs or educational opportunities. He does not support numerical quotas but does support measures showing preference to Afro-Americans and other minorities. His platform also supported a ban on racial profiling by law enforcement agencies. Bush opposes affirmative action, and promotes a policy he calls "affirmative access" in which government agencies and private companies reach out to minorities. One way he would like to do this is by creating smaller government contracts for which smaller, minority-owned businesses could apply.

Abortion

Ever since the U.S. Supreme Court ruled in *Roe v. Wade* that women had the right to access to abortion, a large portion of the American public has fought to have the decision overturned. Abortion rights have been a significant issue in all U.S. federal elections. Gore pledged his support to a woman's right to choose and pledged to uphold *Roe v. Wade*. His platform included measures to protect abortion clinics from their opponents, and a policy that minors would not need parental consent for abortion. Bush would like to ban abortion, but also recognizes that public support is not there. He does, however, support attempts to pass a constitutional amendment to ban abortion, and the requirement that parents of minors be notified before an abortion can take place.

Gay Rights

Gay rights is another issue that is always contentious in U.S. elections. Gore declared his support for hate crime laws that include a sexual orientation component; he supports laws forbidding job discrimination against gays and lesbians; he opposes gay marriage, but would like to see some form of permitted civil union, and would give gays the right to adopt. Bush opposes the inclusion of gays in hate crime and job discrimination legislation. He also opposes both gay marriage and adoption by gays and lesbians. Bush has also expressed his belief that any gay members of his administration should keep their sexual orientation private.

Firearms

The right to bear arms is one of the most debated parts of the U.S. Constitution, and the candidates had major differences of opinion on this matter. Gore favoured the mandatory registration of new handguns and photo-identification licensing for handgun owners. He also proposed a limit of one gun purchase per person per month, and the installation of mandatory child-safety locks. Gore is an outspoken

opponent of the National Rifle Association (the pro-gun lobby group led by its president, actor Charlton Heston). Bush opposed new gun-control laws and supports laws allowing individuals to carry concealed weapons. He also opposed existing federal legislation requiring a waiting period for gun purchases.

Campaign Finance Reform

Spending on the 2000 federal campaign for Congress and the presidency is expected to total three billion dollars. As a general rule, Republicans outspend the Democrats about two to one. Vice President Gore came under considerable attack during the past few years for the tactics he used in raising funds for the Democratic Party, particularly not keeping separate his role as Vice President. As a result, he pledged that his first act as President would be to push for passage in Congress of the bipartisan McCain-Feingold Bill to control financial contributions. Bush sees little need for new campaign finance legislation, but does support some control on contributions from corporations and labour unions, although not those from individuals.

Defence

During the campaign, Bush regularly accused the Clinton administration of neglecting the needs of the military and causing a decline in morale. He proposed an additional \$45-billion in spending that would mostly be devoted to research and development. Gore responded by proposing an additional \$100-billion on national security: \$80-billion on the U.S. military and \$20-billion in foreign aid.

Foreign Policy

Despite the ongoing crisis in the Middle East, foreign policy was one of the least debated issues during the 2000 campaign. Gore did reveal himself as an advocate of what he called "forward engagement," a willingness to perform a peacekeeping role in humanitarian crises. Bush saw the U.S. as the country of last resort to intervene only in major (global) conflicts. In his view, the U.S. should withdraw from NATO peacekeeping, install a major missile defence program, and scrap the Comprehensive Test Ban Treaty.

Discussion

1. Candidates in elections often are accused of creating policy in an attempt to attract specific groups of voters. The Gore and Bush platforms, however, seemed remarkably consistent in their defining of issues and their approach to voters. How would you describe the segment of American society likely to respond favourably to Al Gore's platform? Who would generally favour the policies of George W. Bush?
2. The credibility of both party platforms is largely dependent on the \$4.5-trillion tax surplus actually materializing. What do you think would happen to the overall political programs of each party should the economy slow and the tax surplus be much less significant?
3. "The contrast is one of philosophy. Bush would give individual citizens more power over their money. Gore would empower the collective community through government." - Marshall Wittmann of the Hudson Institute. Discuss this statement using examples from the policy statements and from the video report.

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The Nader Factor

Anyone who followed these election results over the unusually long time it took to determine them now realizes, in such a close race many different factors can play key roles in the eventual victory of one candidate over another. In terms of the whole process from start to finish, one of the real surprises in the 2000 election was the rise of the Green Party under Ralph Nader. Nader is a respected consumers' rights advocate who first became famous in 1965 with the publication of his book *Unsafe at Any Speed*, an attack on General Motors and its safety record. Indeed, Nader has until recently been a darling of liberal forces in the U.S. and of the Democratic Party establishment, as well as an outspoken supporter of policies such as corporate responsibility and environmental conservation. It was expected that he would be a supporter of Gore's platform in this election. Nader accepted the nomination of the Green Party to bring to the U.S. what he calls the "politics of joy and justice." In doing so, he listed a number of issues he intended to fight against: the wrongs of corporate recklessness, a tax and trade policy that benefits only the wealthy, environmental degradation, a militaristic foreign policy, and private corruption of the campaign finance system. Nader has described both Gore and Bush in very unflattering terms. He has referred to George Bush as "a giant corporation disguised as a human being" and to Al Gore as a "plastic man" with a "Pinocchio nose" and as a "certified political coward." Nader failed in his attempt to achieve a five per cent popular vote (he only got three per cent), which would have secured public funding for the Greens in the 2004 election. Nevertheless, he seemed to have found an audience: mostly young, disaffected people who are disillusioned by the political process and by the traditional parties. But he is also seen to have drawn votes away from the candidate his own backers would usually support, in this case Al Gore. In the Florida contest, which ultimately was destined to decide who won the presidency (and where he won almost 100 000 votes) votes for Nader might have contributed to a Bush victory. Bush supporters generally would not support Nader's relatively left-wing platform, so he drew almost all of his support from potential voters for Gore. In swing states, Republicans even ran commercials showing Nader attacking Gore's environmental record. The key question surrounding Nader is the extent to which he, as a third-party candidate in a traditionally two-party system, took votes away from Gore (Ross Perot and George Wallace in previous elections may have had the same effect).

Discussion

1. Given what you have learned from watching the video and from reading the information in this guide, do you feel Ralph Nader is at all justified in calling Bush and Gore "politicians from the same mould"?
2. Many supporters of liberal causes felt that Ralph Nader's fight for social change should have taken place within the traditional framework of the Democratic Party because, in their opinion, a Bush presidency would guarantee the defeat of what in their political philosophy are seen as progressive causes. In your opinion, is this logical reasoning? What is your assessment of Ralph Nader's attempt to effect social change by running for President of the United States rather than working

through an established party and its platform?

3. In your opinion was Ralph Nader an asset or a liability for the Republican Party, or indeed for the American people?

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The Electoral College

"Campaigns, in fact, are a lot like real estate. Three things matter: location, location and location." - Jeffrey H. Birnbaum, Fortune, October 16, 2000 In federal elections in Canada we vote for our local candidate in our local riding, choosing a person who usually represents a particular political party. The party with the most members elected to Parliament (the majority of seats) forms the government, and the leader of that party usually becomes prime minister. This is not how it works in the United States. As a matter of fact, foreign observers of presidential elections- and many U.S. voters-are amazed to learn that presidents are not elected by direct popular vote. Instead, citizens in each state vote for electors who are nominated by each party and who are equal in number to their representation in Congress (the Senate and the House of Representatives). The winning candidates make up the 538-member Electoral College whose members cast the actual votes for president. The results are announced officially on January 6 in a joint session of Congress. To be president, a candidate needs 270 electoral votes. Each state receives an allotment of one seat for each senator (all states have two) and one for each congressperson (ranging from one, in small states like Vermont, to 54 in California). The District of Columbia (Washington, D.C.) receives three. The presidential candidate receiving the most votes, that is, who wins the "popular vote" in the state, obtains the whole of the electoral college vote of that state. The Electoral College was actually a constitutional compromise between those who wanted Congress to choose the president and those who wanted the people to decide by a direct vote for the actual presidential candidate. It guaranteed the small states at least three votes. It also pre-dated the rise of organized political parties; when it was first created, electors were free to vote as they wished. Today, electors pledge their votes to a particular party; this procedure is customary but not actually binding. In 48 states and the District of Columbia, the winner takes all. The only exceptions are Maine and Nebraska, who allot some of the votes according to who wins each congressional district.

Location, Location, Location

As a result of this structure, candidates tend to focus on a winning combination of states rather than on a truly national campaign. In any election, some states immediately are seen (through polling) to heavily favour one candidate, while others are up for grabs. Campaigns concentrate on those swing states with the largest number of electors. In close campaigns, candidates spend enormous amounts of money and time wooing voters in the closest states. Campaign 2000 was obviously an extremely close campaign. As late as November 3 one survey was showing Bush leading in 25 states with 217 electoral votes, while Gore was leading in 13 states and the District of Columbia with 207 electoral votes. Twelve states with 114 votes remained far too close to call. Many of these were in states in the centre of the U.S. - Minnesota, Wisconsin, Iowa, Illinois, Missouri, and Arkansas. As a result, both of the candidates spent most of their time and advertising dollars in this part of the country. Florida was one other state in which the contest was expected to be especially close; and it became the decisive contest.

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The Mathematical Possibilities

A candidate can lose the popular vote but win the presidency in the Electoral College, and it actually happened three times in the 19th century. It is most likely to happen when a candidate loses by large margins the sparsely populated states (which have few electoral votes) but wins by very small margins the heavily populated states (but benefits from their greater number of electoral votes). It is even possible to have a tie in the Electoral College, in which case the House of Representatives settles the election, with each state delegation receiving one vote: for example, one vote for California's 54 representatives, and one vote for Vermont's one representative.

The Implications of Constitutional Reform

Over the years there have been more than 700 measures introduced to reform or abolish the Electoral College. None have been received with real enthusiasm. The two most often considered reforms—direct popular vote and proportional representation—both present problems. Constitutionally, the individual states have the right to determine who is a registered voter. Direct popular vote would require the creation of a national election register, forcing the states to give up that right—a state power they are hardly likely to relinquish. Proportional representation (all candidates receive electoral votes in proportion to the number of popular votes cast for them in each state) would reduce the influence of the heavily populated states, but increase the potential influence of third-party candidates to control the balance of power. This is seen as a real threat to the U.S. two-party system, which many Americans view as the true cornerstone of their political stability. Any reform would require an amendment to the U.S. Constitution, and these are very difficult to pass. Many political observers believe that the recent crisis may not have been severe enough to force the revamping or replacing of the Electoral College system.

Discussion

In Canada, a majority government can receive less than 50 per cent of the popular vote. If in a riding of, say, 100 000 voters, Party A gets 40 000 votes, and the other 60 000 are split between three or four other parties, Party A wins the seat. If this is repeated across the country, Party A could have a majority of seats in Parliament but not necessarily a majority of the popular vote. In the 2000 Canadian election, for example, the Liberals won a majority (172) of the 301 seats, with only 41 per cent of the popular vote. As you have seen, in the United States it is possible for the president to receive the majority of votes in the Electoral College but less than 50 per cent of the nation-wide popular vote. Discuss the implications of these two situations.

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Bush and Gore: What Went Wrong

Of Mice and Men

But, Mousie, thou art no thy lane / In proving foresight may be vain: / The best laid schemes o' mice an' men / An' lea'e us nought but grief an' pain, / For promis'd joy.

- Robert Burns

These lines express the universal dilemma that humans face when, despite their best intentions (and constitutional plans), unpredictable or unforeseen events destroy or upset the ideals they envisioned. In the poem, the mouse, which has carefully built a home in a field, finds its house shattered by modern human technology—a plough. The United States is often referred to as the greatest industrialized nation in the world and the epitome of democracy. But as this election has shown, their constitutional engine is not perfect; procedures, systems, and machinery failed. There was a standoff between the margin of victory and the margin of error, leading to multiple legal cases challenging the results. Many asked why one of the candidates did not concede in the interests of the nation. One veteran Republican asked a Democrat colleague (both of whom had flirted with the presidency), "Could you do it [concede]?" His colleague laughed and said, "I couldn't, and neither could you." Below are some of the key reasons why things went wrong in this election.

. The election had no clear electoral majority because the validity of voting results in Florida was questioned.

. Of six million votes cast, the result depended on the 25 electoral votes in Florida, where Bush led by as little as 930 popular votes. (Winning popular votes assures all electoral votes in a state, although nation-wide Gore won the popular vote.)

. Gore's campaign called for a recount of 14 000 ballots from Miami-Dade and Palm Beach counties, but as Time magazine expressed it, ". . . when you are shuffling through 6 million votes and double-punched ballots and hanging chads and missing postmarks and the whole archaeology of human frailty, every count by machine or by hand yields a different result." Gore's request was denied by a lower court but appealed in the Florida Supreme Court.

. Katherine Harris, Florida's Secretary of State is a Republican and co-chair of the Florida Bush campaign. Critics say she delayed hand counts and then told counties that had missed the deadline that their results couldn't be counted. Ironically Bush declared hand counts unconstitutional in a campaign in which he repeatedly stated his trust in people as opposed to machines. Harris, however, was prevented from officially certifying the vote by the Florida Supreme Court but briefly was the most powerful woman on the planet.

. A political question became a judicial one. Courts began to interpret state laws and election procedures, judging, for example, whether "dimpled chads" (incompletely punched paper ballots) could be counted. The U.S. system has at least five different methods of voting and no standardized ballot. Costs frequently determine which method is used; and the methods are imperfect. In a close race such as this one, this is critical.

In requesting a denial of hand counts, a Bush campaign lawyer called them "selective, standardless, subjective, unreliable, and inherently biased." A Gore campaign lawyer argued that the hand count is "more accurate and actually

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increases democracy." Constitutional ideals, however, can become inoperative or extremely problematic if the machinery fails to work efficiently and conclusively.

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Bush and Gore: What Went Wrong

Discussion, Research, and Essay Questions

1. The 1960 election between John F. Kennedy and Richard M. Nixon was almost as close as the 2000 election between Al Gore and George W. Bush. Kennedy, the Democratic Party candidate, defeated Nixon, the Republican, by a margin of less than two-tenths of one per cent of the popular vote. Many pro-Kennedy election irregularities were alleged, especially in Illinois, yet Nixon conceded defeat the day after the election, making no demands that these alleged irregularities be investigated. Research the events surrounding election night in 1960. What is the likelihood that Democratic "dirty tricks" played a part in the Kennedy election? What do you think are some of the reasons Nixon conceded defeat, rather than demanding an investigation?

2. Many observers feel that neither candidate in this election has earned a real mandate to govern. What steps might be taken by the next president to secure this mandate once he is in office?

3. Writing in The Globe and Mail, columnist Andrew Cohen said that no matter how this process plays out, "The most powerful job in the world will remain the most powerful job in the world, with the enormous influence it has historically carried." Do you agree with Cohen's statement, or do you foresee any negative impact on the prestige and legitimacy of the office if the process becomes bogged down in legal wrangles?

4. Many foreign newspapers have published stories that mock the U.S. election results and find the candidates' dilemma most amusing; one Italian newspaper, La Repubblica, had as its front-page headline "A Day as a Banana Republic." What effects might the election uncertainty have on the United States' foreign relations?

5. The media have been heavily criticized for their election coverage. Many newspapers, including Canadian newspapers, were forced to recall their front pages after prematurely declaring Bush the winner. Television networks, in particular, came under fire for erroneously declaring states won by a candidate on the basis of minimal returns. How would you describe the responsibility of the media in reporting election results? Should they try to do more than report the totals as they appear? Do they bear any responsibility for the frustrations currently felt by American voters?

6. The U.S. is obviously a nation divided politically. Bearing in mind that a new congressional election will take place in 2002, and a new presidential election in 2004, what steps should the parties begin to take right now to prepare for the next sets of elections, and to secure a greater amount of popular support?

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