Millions of Americans were mystified by, and outraged, by the US Supreme Court's role in deciding the presidential election of 2000. The Court had held a unique place in the system of checks and balances, seen as the embodiment of fairness and principle, precisely because it was perceived to be above the political fray. How could it now issue a decision that reeked of partisan politics, and send to the White House a candidate who may have actually lost the election? Addresses these questions head-on, and demystifies Bush vs Gore for those who are still angered by the court's decision but unclear about its meaning. Digs deeply into the Court's earlier writings and rulings, and proves beyond a reasonable doubt that the justices who gave George W. Bush the presidency contradicted their previous positions to do so. Shows how the use by the five majority justices of the equal-protection clause to halt the Florida recount was utterly irreconcilable with their previous jurisprudence, and how each violated his or her own judicial philosophy in crafting a monstrous opinion that cannot be squared with their prior opinions.

Five Justices Decide the Election
Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Outlines the constitutional and statutory framework within which presidential elections are conducted in the USA. Provides a brief chronology and an account of the US (Bush vs Gore) presidential election of 2000. The different sections of the chapter are: How We Elect Our
President (the constitutional and statutory framework); The 2000 Election and Its Aftermath; The Ground War in Florida; The Butterfly Ballot; ‘Count All the Votes’ — or at Least the Ones That Favour Gore; Bush Goes to Court; The Overseas Absentee Ballots; The Supreme Court's Initial — Unanimous — Decision; and The Supreme Court's Stay (the decision to stop recounting in Florida before even hearing an argument) — looks at other cases in which equal protection has or has not been applied by the US Supreme Court.

The Final Decision
Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Published in print: 2003 Published Online: November 2003
Item type: chapter

Gives an account of the final decision of the US Supreme Court on the Florida vote in the (Bush vs Gore) US presidential election of 2000. Includes discussion of the deliberations and decisions of the Florida Supreme Court in the case of the recount in that state. The main sections of the chapter are: Imperfect Ballots and the Misuse of the Equal-Protection Clause; Discerning Intent; The Majority's Curious Use of Precedent to Reach Its Result — the inability of the majority of the Supreme Court to point to any case that supported its questionable interpretation of the equal-protection clause; Of Fundamental Rights, Equal Protection, and Victims; Limited Circumstances — the statement by the Supreme Court that their consideration was limited to the 2000 US presidential election; The Article II Argument — by the US Supreme Court that the Florida Supreme Court had usurped the constitutional authority of the legislature; and Justification by National Crisis.

Would the Majority Have Stopped the Hand Count if Gore Had Been Ahead?
Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Published in print: 2003 Published Online: November 2003
Item type: chapter

Aims to demonstrate that, during the (Bush vs Gore) US presidential election of 2000, by any reasonable standard of evaluation, the majority
justices of the US Supreme Court failed to test the US constitutional system in ways that it had never been tested before, and did so not because of incompetence, but because of malice aforethought. The author states that he is convinced that if it had been Bush rather than Gore who needed the Florida recount in order to have any chance of winning the election, that at least some of the five justices who voted to stop the recount would instead have voted to allow it to proceed. The main sections of the chapter are: Judicial Impropriety; Hypothetical Cases Involving a Supreme Court Decision Regarding a Presidential Election; The Difficulty of Proving an Improper Motive; Academic Defenders of the Majority Justices; Ad Hominem Arguments and Analysis of Motive; and Analysing the Justices’ Motives in Bush vs Gore: A Prelude.

The Inconsistency of the Majority Justices With Their Previously Expressed Views

Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Aims to demonstrate that, during the (Bush vs Gore) US presidential election of 2000, by any reasonable standard of evaluation, the majority justices of the US Supreme Court failed to test the US constitutional system in ways that it had never been tested before, and did so not because of incompetence, but because of malice aforethought. Contrasts the prior decisions and writings of the particular majority justices with the opinions that they joined in this case; the dramatic discrepancies found raise troubling questions. Moves from this concrete evidence to a more speculative consideration of what may have motivated these inconsistencies. The different sections of the chapter look first at the decisions of Justice Antonin Scalia, Justice Sandra Day O’Connor, Justice Anthony Kennedy, Chief Justice William H. Rehnquist, and Justice Clarence Thomas. The following speculative sections first ask generally why each justice behaved as they did, and then go on to devote separate sections on the motives of each of the five justices.
The Importance of Bush v. Gore to All Americans

Alan M. Dershowitz

Aims to demonstrate that, during the (Bush vs Gore) US presidential election of 2000, by any reasonable standard of evaluation, the majority justices of the US Supreme Court failed to test the US constitutional system in ways that it had never been tested before, and did so not because of incompetence, but because of malice aforethought. Discusses the importance of Bush vs Gore to all Americans, and starts by noting that Bush vs Gore is certainly not the first bad Supreme Court ruling. It looks at some of the other evil, immoral, and even dangerous, decisions made, most of which have been overturned by later courts and condemned by the verdict of history. However, for the most part, the justices who wrote or joined the majority opinions for these terrible decisions were acting consistently with their own judicial philosophies; Bush vs Gore was different because the majority justices violated their own previously declared judicial principles, and in this respect, the decision in the Florida election (recount) case may be ranked as the single most corrupt decision in Supreme Court history. The different sections of the chapter discuss why criticism and accountability are important, some lessons to be learned from Bush vs Gore, the wages of Roe vs Wade (a controversial abortion case that helped to secure the presidency for Ronald Reagan), and changing how justices are selected.

Election Blues 2000

George P. Fletcher

In this afterword, the author discusses the events surrounding the 2000 U.S. Presidential election, in which George W. Bush became President based on a Supreme Court ruling that gave him the majority in the electoral college, defeating Vice President Al Gore, who had won the popular vote. The widely held ideal of a popular democracy is contrasted with the reality of the Twelfth Amendment system of electoral votes, and the author asserts that such contrasts point to the ongoing conflict
between our “two constitutions” and our own sense of nationhood. Issues of voter disenfranchisement raised in the election are also examined.

Introduction
Alan M. Dershowitz

in Supreme Injustice: How the High Court Hijacked Election 2000

Presents the author's strong opinions on the ending of the 2000 US presidential election. Starts by pointing out that the five justices who ended the 2000 election by stopping the Florida hand recount have damaged the credibility of the US Supreme Court, and that their lawless decision in Bush vs Gore promises to have a more enduring impact on Americans than the outcome of the election itself. The USA accepted the election of George W. Bush, as it must under the rule of law, but the unprecedented decision of the five justices to substitute their political judgement for that of the people threatens to undermine the moral authority of the high court for generations to come — for the Supreme Court consists of only nine relatively unknown justices with small staffs, and it has wielded an enormous influence on US history. The majority ruling in Bush vs Gore has marked a number of significant firsts in American history; these are outlined and it is noted that there is now a widespread loss of confidence that reaches to the highest part of the judiciary, that the Supreme Court decision may well have violated Article II of the Constitution, and, furthermore, determined a presidential election on doubtful equal protection grounds. Attempts to explain the Court's decision and the justices concerned, and establish how the USA has reached the point where five unelected judges could have had so much influence on the political destiny of a nation.

The Press as Amateur Psychologist, Part II
Kathleen Hall Jamieson and Paul Waldman

in The Press Effect: Politicians, Journalists, and the Stories that Shape the Political World
In the 2000 election, journalists settled on twin portraits of Al Gore and George W. Bush that framed the coverage each received. Gore was portrayed as the lying panderer, while Bush was portrayed as the inexperienced dolt. These portraits then determined how campaign events were interpreted. While neither portrait was complimentary, in the end they worked to Bush's advantage, because no moral value was attached to inexperience, while a moral value was attached to Gore's alleged dishonesty.

The Press as Soothsayer
Kathleen Hall Jamieson and Paul Waldman

in The Press Effect: Politicians, Journalists, and the Stories that Shape the Political World
Published in print: 2002 Published Online: November 2003
DOI: 10.1093/0195152778.003.0004
Item type: chapter

If news is the rough draft of history, the draft written on November 7, 2000 was rougher than most. This chapter analyzes how the preconceptions journalists brought to election night 2000 resulted in critical errors in judgment, leading to mistaken calls alternately benefiting Al Gore and George W. Bush. While all the networks did not use the same frames to describe the same events, each was misled by the metaphors guiding their coverage.

The Press as Shaper of Events
Kathleen Hall Jamieson and Paul Waldman

in The Press Effect: Politicians, Journalists, and the Stories that Shape the Political World
Published in print: 2002 Published Online: November 2003
DOI: 10.1093/0195152778.003.0005
Item type: chapter

In the dispute over Florida's vote in the 2000 election, Al Gore and George W. Bush fought a fierce battle to determine the press frames that would govern the debate. Bush was far more successful, pushing frames including “chaos” and “military ballots” to the forefront. Subsequent analyses reveal that had press coverage been different, Gore could have won Florida and the presidency.
In times of crisis, the press acts in a patriotic role, fostering national unity and defending American institutions. After George W. Bush was inaugurated, the press ignored evidence that Al Gore had as much of a claim to be the victor in Florida as Bush, shaping stories about postelection analyses of the Florida vote to make only a Bush victory seem legitimate. On September 11, journalists filled in rhetorical gaps in Bush's performance, then changed the criteria by which the president was judged.

The Impact of Candidate Traits in American Presidential Elections

Larry M. Bartels

The aim of this chapter is to provide a systematic test of the conventional wisdom that personality is key in contemporary American electoral politics. Using survey data from the six most recent presidential elections, the contours are examined of the candidates’ images (traits), the bases of those images in voters’ more fundamental political predispositions, and the impact of voters’ assessments of the candidates’ personal qualities on individual voting behaviour and on aggregate election outcomes. In stark contrast with the popular conception of contemporary electoral politics as candidate–centred and image–driven, it is argued that candidates’ images are largely epiphenomenal and have only a modest impact on election outcomes. This conclusion is underlined by the analysis given of the 2000 (Bush vs. Gore) presidential election, in which the estimated impact of voters’ assessments of the candidates’ personalities was even smaller than in the previous five elections considered here, although quite probably large enough to be decisive in an election decided by a few hundred votes in a single state.
Winning Isn't Everything: Losers' Consent and Democratic Legitimacy
Christopher J. Anderson, André Blais, Shaun Bowler, Todd Donovan, and Ola Listhaug

in Losers' Consent: Elections and Democratic Legitimacy
Published in print: 2005 Published Online: July 2005
Item type: chapter

Provides an overview of the argument. Describes how elections produce unequal outcomes—for some to win, others have to lose. Also highlights the importance of losers’ consent for understanding political legitimacy. Losers’ consent is critical for democratic systems to function because losers are numerous; in part, it is important because of the incentives that losing creates. Also describes examples of graceful and sore losers in various countries around the world. Concludes by providing an alternative view of elections as institutional mechanisms that can enhance or diminish the legitimacy of political systems.

The Mourning After
John Ibson

Published in print: 2018 Published Online: May 2019
Item type: book

In the aftermath of World War II, the closeness that many American servicemen experienced during the war was followed by a period of unprecedented scorn for men’s intimacy. The Mourning After describes and interprets this cruel irony. An outbreak of vicious homophobia was the most obvious manifestation of the scorn, but the postwar inhibition of male closeness also took its toll on friendships, the relationship between fathers and sons, and, indirectly, on men’s relationships with women. The Mourning After picks up where the author’s acclaimed Picturing Men left off, showing how everyday photographs of males together in the years after the war documented an increasing space between males, and a certain somberness found even among American boys. The book then considers literature as cultural evidence, examining the shift in how intimacy between males was received by readers of the work of John Horne Burns, a once-celebrated American novelist who was consigned to obscurity after his work’s setting shifted, from the war abroad to the postwar home front. Ibson then contrasts Burns’s fate with the postwar fortunes of Gore Vidal. In this sweeping reinterpretation of the postwar
years, Ibson marshals diverse evidence-from popular culture, a notorious murder, psychiatry, child development advice, and memoirs of the children of World War II veterans, for instance-to make his case that a prolonged postwar mourning, along with pervasive guilt, occupied the very center of midcentury American masculinity, giving all too many American males a widespread sense of longing that continues into the present.

Children
Anne Stott

in Wilberforce: Family and Friends

DOI: 10.1093/acprof:oso/9780199699391.003.0011
Item type: chapter

The chapter contains anecdotes of the children of the Clapham sect. It relates Wilberforce’s move from Clapham to Kensington Gore. It describes the childhood of Marianne Thornton and moves on to a more general account of the education of the Clapham girls. There is a discussion of the educational theories of the period, showing the influence of John Locke’s writings. The chapter points out the conflicts between Evangelical views of original sin and the influence of Enlightenment views of childhood. It is argued that in sending their sons away to school, Evangelical fathers unwittingly undermined their association of virtuous masculinity with domesticity. Thomas Babington Macaulay’s experiences at Maurice Preston’s school are described in some detail. There are analyses of William Wilberforce’s and Zachary Macaulay’s difficult relationships with their eldest sons.

The 2000 Presidential Election Controversy Manoj Mate And Matthew Wright
Manoj Mate and Matthew Wright

in Public Opinion and Constitutional Controversy

Item type: chapter

The Supreme Court's decision in Bush v. Gore (2000) may have decided the disputed 2000 presidential election, but in its immediate aftermath, the controversy lived on in the divisions the case caused in public opinion toward the Court itself. This chapter follows a long line of scholarship
that measures the public's trust, confidence, and support for the Court in the wake of controversial decisions. The chapter analyzes data from the 2000 and 2004 National Annenberg Election Studies, which provide various measures of support for the Supreme Court both immediately before and after Bush v. Gore. The findings of short-term polarization immediately following Bush v. Gore, which recedes completely four years later, attests to the resiliency of popular attitudes toward the Court even in the face of its most “legitimacy-threatening” decisions.

Catholic and critical
Geoffrey Rowell

in The Vision Glorious: Themes and Personalities of the Catholic Revival in Anglicanism
Published in print: 1991 Published Online: October 2011
DOI: 10.1093/acprof:oso/9780198263326.003.0010
Item type: chapter

This chapter discusses new bearings in the Catholic revival in Anglicanism represented by the theological works of Charles Gore, Henry Scott Holland, and the Holy Party. They promoted and encouraged new social thought and action and a form liberal Catholicism as contained in the Essays Catholic and Critical. Despite this, the problem of change and continuity in the Christian Church and in Christian theology remained to be of central concern. This was reflected in renewed interests in John Henry Newman's Lectures on the Prophetical Office.

Separate Spiritual Truth
Peter Hinchliff

in God and History: Aspects of British Theology 1875-1914
Published in print: 1992 Published Online: October 2011
DOI: 10.1093/acprof:oso/9780198263333.003.0006
Item type: chapter

This chapter explores the collection of essays published in 1889 as Lux Mundi. Lux Mundi is said to be responsible for bringing the heirs of the Tractarians into the modern age and Charles Gore himself, who contributed an essay on inspiration, is sometimes given the personal credit for creating the new attitude of mind. However, such an account needs correction because it ignores the sophistication of some essays included in the book, thus obscuring its real significance. When placed in
its proper context, Lux Mundi is better understood as effect rather than cause of a widespread change in attitude.

The Bush v. Gore Decision
Lawrence S. Wrightsman

in The Psychology of the Supreme Court

Published in print: 2006 Published Online: April Publisher: Oxford University Press DOI: 10.1093/Item type: chapter

The decision by the Supreme Court in Bush v. Gore will forever be mentioned as one of its most significant. On December 12, 2000, it curtailed the recounting of votes in Florida, meaning that George W. Bush had been elected president. This chapter begins with a chronology of events leading up to the decision. It then summarizes the opinion, describes criticisms and other reactions, and seeks to explain the outcome from the different models of decision-making described earlier in this book.