The infamous 2000 presidential election produced hanging chads, butterfly ballots, endless recounts, raucous allegations, and a constitutional crisis—until a controversial Supreme Court decision allowed George W. Bush to become president despite losing the popular vote to Al Gore. Charles L. Zelden presents the definitive history of this vexing and acrimonious affair, offering the most complete, up-to-date, and accurate analysis of a remarkable episode in American politics. Zelden probes deeper than any other scholar has sought to do—showing that both the election controversy of 2000 and Bush v. Gore signaled major flaws in our electoral system that remain with us today, exposing a hidden crisis in American democracy. Zelden, who lives and teaches in Broward County (one of the key recount sites), distills the voluminous literature on Bush v. Gore in his sharply insightful and balanced account of the election crisis and the litigation that followed. Tracing the back-and-forth between concessions and retractions, Gore and Bush attorneys, and state and federal courts, he underscores the extraordinary clock-ticking tension between statutory deadlines governing the electoral process and the desire to have every vote counted and counted accurately. Zelden offers a nonpartisan analysis of the legal opinions in the case, particularly the Supreme Court's ruling; he explores the judicial philosophy underlying the reasoning of each justice. His book invites readers to consider the case independent of their personal views of the candidates and reorients our view of the crisis to emphasize the failures of the system rather than the election of a president by apparent judicial decree. He sets all of these events, issues, and legal rulings within their proper historical context, making complex issues easy to understand and also reviewing events of the succeeding seven years in light of the decision. As Zelden shows, the true tragedy of 2000 was the failure of every person and every institution involved—especially the Supreme Court—to take this crisis as an opportunity to diagnose the problems of our
broken electoral system and to urge its repair. We may prefer to put this
decision behind us, but we ignore it—and its lessons—at our peril.

My Personal Review:
If you thought you never wanted to hear or read another word about BUSH
v. GORE, you must read this definitive examination of the most
controversial Supreme Court case in modern times. Charles L. Zelden, an
expert scholar of the history of voting rights and the American South,
writes clearly and directly, without a wasted word. And even though you
know the ending, you keep reading because this book is so well crafted
and its story so well told. The research is thorough, scrupulous, and easily
followed. Zelden has done a fine job of blending conventional primary
sources such as legal briefs, court cases, and newspaper, magazine, and
book accounts with Internet sources; his judgment is always sound, and
you can take his research to the bank and get a loan on it.

With all these virtues, the book’s most important achievement is its central
thesis. The story of BUSH v. GORE is about more than the bitter contest
over who would be declared the winner of the 2000 presidential election.
Zelden proves that BUSH v. GORE is the tip of a great and threatening
iceberg. In Zelden’s view, the American electoral system is broken, and
BUSH v. GORE was the danger signal that we all should have heeded.
This argument has nothing to do with the electoral college. Instead it has
to do with the ways that we register voters, cast votes, tabulate votes, and
count votes. For at least two generations, we have run our elections on
the cheap—entrusting them (for reasons mixing constitutional habit,
laziness, and stinginess) to local partisan officials; tolerating widespread
disparities in voting methods; and allowing our electoral infrastructure to
deteriorate over time while we tell ourselves that every vote counts and
every vote is counted.

Zelden does an extraordinary job of historical detective work, in
establishing how a political contest turned into several different kinds of
legal brawl, and how the tangled set of cases making up the BUSH v.
GORE litigation made its want to the Supreme Court. His careful analysis
of why the Justices formed their views and then decided the case the way
they did is a model for any student of the Court’s workings. Most important
of all, in Zelden’s fast-paced and persuasive study, two points about the
Court’s handling of BUSH v. GORE loom large:

* First, the Court could and should have made its position that the equal-
protection clause of the Fourteenth Amendment should govern issues of
administering elections the law of the land rather than limiting that principle
to the facts of the case. Such a principle would have revolutionized federal
elections law and led to uniform national standards for conducting
elections and voting, eliminating the crazy-quilt pattern of pointless
diversity that plagues all elections to this day.
* Second, the Court could and should have put the nation on notice that the ways that we run elections today threaten to undermine constitutional democracy and require immediate fixing. A mandate of that sort, issued by either a unanimous Court or a seven-vote majority, would have forced the rest of the government into action to remedy the problems that led to BUSH v. GORE.

The Court failed to do both these things, rendering BUSH v. GORE an opportunity lost -- or, perhaps, an opportunity thrown away.

Zelden concludes that the situation we saw in BUSH v. GORE could have happened in any one of the fifty states in 2000 -- and could happen again today.

This book is essential reading for anyone who cares about democracy and the idea that in the United States, the people govern.

I have known Charles Zelden for a long time, and I read this book in manuscript. Even the demands of friendship would not have been enough to keep me reading had this book not been as good as I've described.

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Bush v. Gore: Exposing the Hidden Crisis in American Democracy by Charles L. Zelden
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