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Charles L. Zelden. *Bush v. Gore: Exposing the Hidden Crisis in American Democracy.* Lawrence: University Press of Kansas, 2008. xvi + 390 pp. $34.95 (cloth), ISBN 978-0-7006-1593-3.

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Local Problems/National Crisis

In *Bush v. Gore*, historian Charles L. Zelden recaptures the suspense, confusion, and frustration of the 2000 presidential election, and infuses it with renewed relevance. Unwilling to accept the simplistic thesis that George W. Bush and the United States Supreme Court colluded to rob Vice President Al Gore of the election, Zelden returns to the micro-politics of voting in Florida, showing how mistakes made at the ground level influenced national outcomes. Among these mistakes were outdated and/or poorly designed voting machines "incapable of providing an accurate count," as well as the distribution of confusing "butterfly ballots" that included upward of ten candidates in alternating columns for the presidential election alone (pp. 8, 9). Such technical problems resulted in "overvotes" in counties like Palm Beach and "undervotes" in Broward and Miami-Dade (pp. 9, 11). Breakdowns at the local level exacerbated already close returns, inspiring a once magnanimous Gore to retract his early acknowledgment of defeat and begin to push for recounts.

The battle over recounts, Zelden shows clearly, led to the core legal dispute at the heart of *Bush v. Gore.* Stymied by Republicans at the state and local levels, Gore appealed through the Florida courts to have recounts held over the opposition of Secretary of State (and Republican) Katherine Harris. While Florida's Supreme Court sided with Gore, Republicans protested, ultimately winning an appeal to the nation's highest tribunal. Alarmed by voting problems at the local level, the United States Supreme Court became particularly concerned that the Sunshine State lacked uniform standards governing recounts. In some counties, for example, election officials tended to count ballots that had only been partially marked, or "dimpled" by defective machines (p. 49). In others, officials insisted that dimples were not enough and that holes had to be punched through in at least two corners–resulting in "hanging chads" (pp. 34-35). Precisely because Florida failed to systematize recounts, the Supreme Court held that further vote counting violated the equal protection clause of the Fourteenth Amendment. This result, argues Zelden, was not simply a product of judicial bias or ego, but a reasonable conclusion given that finding "a real winner" in Florida "was impossible" thanks to the state's arbitrary voting procedures (p. 35).

Two conclusions emerge from this study that are worth noting. One, *Bush v. Gore* was not necessarily the legal travesty that the media portrayed it to be. While Zelden notes that the Court could have allowed Florida to muddle through on its own, it is unlikely that this would have produced a more just outcome, for Florida's process was fundamentally flawed to begin with. If anything, Zelden posits, the Court should have gone further in the case and held that Florida, and states like it, needed to improve the mechanics of their election process.

The technical problems inherent in America's election process, Zelden concludes, whether defective machines or corrupt officials engaged in "administrative gerrymandering," constitute the true hidden crisis in American democracy, one that has left the nation's democracy on the "brink of failure" (pp. 274-277, 281). While this might be a bit of an overstatement, it is hard to disagree with Zelden's point that a closer look should be taken at local voting policies, and that reforms should be made. Of course, no matter how many reforms are made, vagaries in elections will probably continue, raising a larger normative point that Zelden seems reluctant to make. Assuming that elections are too close to call, why not split electoral votes? The question of allotting electoral votes does not factor largely in Zelden's work, but its shadow stalks his pages. After all, few disagree that Gore won the popular vote in 2000; why continue the antebellum ruse of veiling Athenian elitism in terms

of popular democracy? Perhaps Zelden will answer this question in future work. For now, his book makes a persuasive case for local reform and represents a masterful synthesis of local and national history. It promises to be a classic work on *Bush v. Gore.*

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