AP EDITION · DBQ + LEQ · CLASSROOM

2000

George W. Bush vs Al Gore

A 105-minute lesson on the 2000 U.S. presidential election. Includes lesson plan, DBQ pairing, student worksheet, answer key, and discussion prompts.

ERA Modern Polarization	ELECTORAL VOTES 538 total
WINNER George W. Bush (Republican) · 271 EV	RUNNER-UP Al Gore (Democratic) · 266 EV
KEY ISSUE Contested Florida recount; Supreme Court intervention; Nader spoiler effect; Clinton fatigue	TURNOUT 54.2%

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2000: George W. Bush vs Al Gore

AP framework alignment

AP US History · Period varies by cycle · Reasoning skills: contextualization, comparison, causation, sourcing. CCSS · CCSS.ELA-LITERACY.RH.11-12.2 (central ideas), RH.11-12.6 (point of view), RH.11-12.7 (multiple sources). NCSS · D2.His.5.9-12, D2.His.14.9-12, D2.His.16.9-12.

Timing

5 min	**Warm-up**	Identify two structural conditions in U.S. electoral law that the 2000 election exposed as fragile, and one specific institutional reform that emerged in response. For each, identify the constitutional clause or federal statute involved.
15 min	**Reading + vocab**	The 2000 election is the modern American test case for what happens when constitutional and statutory ambiguities collide with a margin too narrow to be settled by ordinary counting. The election produced two structural consequences that have shaped every subsequent cycle: it confirmed that the U.S. presidential system can elect a popular-vote loser, and it confirmed that the federal judiciary will intervene in election disputes when partisan stakes are high enough. The Democratic candidate was Vice President Al Gore. Gore had served in the House and Senate for sixteen years before becoming Clinton's vice president; he was a technology-policy intellectual and a careful policy detail-thinker. He chose Senator Joseph Lieberman of Connecticut as his running mate - the first Jewish candidate on a major-party national ticket. The Gore campaign was burdened by Clinton's impeachment scandal (Gore had publicly distanced himself from Clinton's personal conduct) and by Gore's own difficulty appearing authentic in televised debate (his sighing in the first debate was widely mocked). The Republican candidate was George W. Bush, governor of Texas and son of the 41st president. The younger Bush ran as a compassionate conservative, distancing himself from the Newt Gingrich-era confrontational Republicanism while preserving the party's conservative policy agenda. He selected former Defense Secretary Dick Cheney as his running mate. Bush's campaign emphasized education reform (No Child Left Behind), a Medicare prescription drug benefit, and large income-tax cuts (the eventual 2001 Bush tax cuts). A third candidate, Ralph Nader, ran on the Green Party ticket. Nader received 2.74 percent of the popular vote - 2.88 million votes nationally. In Florida he received 97,488 votes; Bush's eventual statewide margin was 537. Many Democrats argued that Nader's candidacy was decisive in costing Gore the presidency; Green Party defenders argued that Nader's issues were not addressed by the Democratic platform and that the responsibility for losing rested with the Gore campaign's strategic

choices.

The election was structurally close from the start. The closing polls showed a statistical tie. On November 7, 2000, the TV networks first called Florida for Gore at 7:50 p.m. ET (based on exit polls), then retracted the call at 9:55 p.m. when actual returns showed Florida much closer, then called the state for Bush at 2:16 a.m. ET, then retracted that call at 3:57 a.m. The vote margin was within the automatic-recount threshold defined by Florida law.

Florida's ballot problems made the recount catastrophic. Three issues compounded. First, Palm Beach County's butterfly ballot design caused an estimated 3,407 Gore-intended voters to mistakenly punch the chad for Reform Party candidate Pat Buchanan. Second, the punch-card ballots used in many counties required voters to push out small chads. Many chads were left partially attached. The decision whether each non-cleanly-punched chad counted as a vote required human judgment, and county-by-county standards varied. Third, the Florida Secretary of State (Katherine Harris) and the Florida Supreme Court disagreed on procedure and deadline.

For thirty-six days the campaigns fought in Florida state and federal courts. The Florida Supreme Court ordered statewide manual recounts on November 21 and again on December 8. The U.S. Supreme Court intervened twice. On December 12, 2000, in Bush v. Gore, the Court ruled 5-4 that the Florida recount's differing county-by-county standards violated the Constitution's equal-protection clause and that there was insufficient time to develop uniform standards before the federal deadline (December 18, 2000) for states to certify electors. The Court ordered the recount stopped. Bush's lead at that moment - 537 votes - became the final result. The majority included Rehnquist, O'Connor, Scalia, Kennedy, Thomas. The four-justice dissent included Stevens, Souter, Ginsburg, Breyer. Stevens's dissent ended: "Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."

Legal scholars have continued to debate Bush v. Gore for two decades. Critics argue the decision was inconsistent with the Court's usual federalism jurisprudence (the conservative justices typically defer to state courts on state-law questions), that the equal-protection reasoning was novel and unsupported by prior cases, and that the majority's self-imposed limitation that the decision should not be cited as precedent (the famous footnote disclaiming any precedential weight) suggested the Court itself recognized the reasoning was ad hoc. Defenders argue the federal December 18 deadline left no time for a constitutionally adequate recount and that the Court had no choice but to intervene.

Gore conceded on December 13, 2000, in a speech widely cited as a model of democratic concession. He acknowledged the loss while making clear he believed the decision was wrong: "And while I strongly disagree with the Court's decision, I

		accept it." Bush won 271 electoral votes to Gore's 266 (one Gore elector abstained). Bush won 47.87 percent of the popular vote to Gore's 48.38 percent and Nader's 2.74 percent. Gore was the first popular-vote winner since Grover Cleveland in 1888 to lose the presidency. The 2000 election produced four durable consequences. First, the 2002 Help America Vote Act mandated replacement of punch-card ballots and required statewide voter registration databases. Second, the partisan suspicion of the Court that Bush v. Gore generated has not faded; the Senate fight over Bush's 2005 Supreme Court nominees and every subsequent confirmation fight reflects the legacy. Third, the popular-vote / Electoral College disconnect would recur in 2016, generating renewed pressure for the National Popular Vote Interstate Compact. Fourth, the 9/11 attacks nine months after Bush's inauguration consolidated his initial political weakness into a wartime presidency, postponing what would otherwise have been an immediate referendum on the controversial election result.
20 min	**Source A**	Read aloud once; students annotate individually for tone, evidence, and audience.
20 min	**Source B**	Compare/contrast against Source A. Pair-share on the DBQ comparison question.
20 min	**Worksheet**	Eight questions: 5 short-answer, 2 stimulus-based MCQ, 1 long-essay framing.
20 min	**LEQ planning**	Students sketch a thesis + outline for the LEQ comparison prompt. Submit for next-day full essay.
5 min	**Closure**	Exit ticket: one sentence summarizing the comparison.

Background

Before the worksheet, review the key terms below and then read the primary source carefully. The two source-analysis questions on the worksheet (questions 6 and 7) ask you to quote from the excerpt.

Key terms

Bush v. Gore

The December 12, 2000 U.S. Supreme Court decision effectively deciding the 2000 presidential election. 5-4 ruling that the Florida recount's county-by-county procedures violated equal protection. The majority disclaimed precedential weight in a famous footnote.

Butterfly ballot

Palm Beach County's 2000 ballot design that placed candidate names on both sides of a central punch column. Caused an estimated 3,407 Gore-intended voters to mistakenly vote for Reform Party candidate Pat Buchanan. The Buchanan vote in Palm Beach was anomalously high relative to surrounding counties.

Punch-card ballot

The 1960s-era voting technology used in many Florida counties in 2000. Voters punched out small chads to register their choice. Partially attached chads (hanging, swinging, dimpled, pregnant) generated the recount controversy. Replaced nationally by the 2002 Help America Vote Act.

Safe harbor deadline

The federal statutory deadline (3 U.S.C. § 5, December 18 in 2000) by which states must certify their electors to be guaranteed congressional acceptance. The Bush v. Gore majority cited this deadline as making any extended recount procedurally impossible.

Equal Protection Clause

The Fourteenth Amendment's requirement that states not deny "the equal protection of the laws." The Bush v. Gore majority's constitutional theory was that the Florida recount's differing county standards violated equal protection by treating identical ballots differently in different counties.

Florida Secretary of State

In 2000, Katherine Harris (Republican). The official with statutory authority over Florida election certification. Her insistence on the original certification deadline conflicted with the Florida Supreme Court's rulings, producing the procedural ambiguity that the U.S. Supreme Court ultimately resolved.

National Popular Vote Interstate Compact

A multi-state agreement under which each signatory state agrees to award its electoral votes to the national popular vote winner. As of 2025, 17 jurisdictions with 209 electoral votes have signed; the compact takes effect when signatories total 270 electoral votes. Direct response to the 2000 and 2016 Electoral College / popular vote disconnects.

Help America Vote Act

The 2002 federal law passed in direct response to the 2000 election's ballot problems. Mandated replacement of punch-card ballots with optical-scan or electronic voting in most jurisdictions, established the federal Election Assistance Commission, and required statewide voter registration databases.

Faithless elector

A presidential elector who casts a ballot for someone other than the candidate they were pledged to support. In 2000, DC elector Barbara Lett-Simmons abstained as a protest against DC's lack of voting representation in

Congress; her abstention reduced Gore's total from 267 to 266.

Concession Speech

AL GORE, DECEMBER 13, 2000

Gore conceded the election the day after the Supreme Court's Bush v. Gore decision ended the Florida recount. The speech is widely cited as a model of democratic concession - acknowledging the loss while criticizing the decision that produced it.

> *"Now the U.S. Supreme Court has spoken. Let there be no doubt, while I strongly disagree with the court's decision, I accept it. I accept the finality of this outcome which will be ratified next Monday in the Electoral College. And tonight, for the sake of our unity as a people and the strength of our democracy, I offer my concession. I also accept my responsibility, which I will discharge unconditionally, to honor the new President-elect and do everything possible to help him bring Americans together in fulfillment of the great vision that our Declaration of Independence defines and that our Constitution affirms and defends."*

Gore, "Concession Speech" (Washington, DC, December 13, 2000). Public domain.

Document-based question

Source A is on the Background page; Source B is below. Use both as evidence for the worksheet's source-analysis questions and the LEQ.

SOURCE A

Concession Speech

AL GORE, DECEMBER 13, 2000

"Now the U.S. Supreme Court has spoken. Let there be no doubt, while I strongly disagree with the court's decision, I accept it. I accept the finality of this outcome which will be ratified next Monday in the Electoral College. And tonight, for the sake of our unity as a people and the strength of our democracy, I offer my concession. I also accept my responsibility, which I will discharge unconditionally, to honor the new President-elect and do everything possible to help him bring Americans together in fulfillment of the great vision that our Declaration of Independence defines and that our Constitution affirms and defends."

Gore, "Concession Speech" (Washington, DC, December 13, 2000). Public domain.

SOURCE B

Dissenting Opinion in Bush v. Gore

JUSTICE JOHN PAUL STEVENS, DECEMBER 12, 2000

"What must underlie petitioners' entire federal assault on the Florida election procedures is an unstated lack of confidence in the impartiality and capacity of the state judges who would make the critical decisions if the vote count were to proceed. Otherwise, their position is wholly without merit. The endorsement of that position by the majority of this Court can only lend credence to the most cynical appraisal of the work of judges throughout the land. It is confidence in the men and women who administer the judicial system that is the true backbone of the rule of law. Time will one day heal the wound to that confidence that will be inflicted by today's decision. One thing, however, is certain. Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."

Stevens, J., dissenting in Bush v. Gore (Washington, DC, December 12, 2000). Public domain.

The 2000 Election

Answer the eight questions below. Source A is on the Background page; Source B is on the DBQ Pair page.

QUESTION 1 · SHORT-ANSWER

Identify the key phrase in Source A (Gore's concession) that signals his acceptance of the result while preserving his disagreement with it. Quote it verbatim.

QUESTION 2 · SHORT-ANSWER

Identify the key phrase in Source B (Stevens's dissent) that warns of long-term damage to public confidence in the judiciary. Quote it verbatim.

QUESTION 3 · SHORT-ANSWER

Both sources address the Bush v. Gore decision's legitimacy, but they make different claims about it. Identify the specific claim each source makes.

QUESTION 4 · SHORT-ANSWER

Both sources were produced on essentially the same day (December 12-13, 2000). What does the temporal collocation tell you about the political context Stevens and Gore were addressing?

QUESTION 5 · SHORT-ANSWER

Source B argues that Bush v. Gore reflects "an unstated lack of confidence in the impartiality and capacity of the state judges." Identify one specific aspect of the majority's reasoning that supports this critique and one constitutional-federalism principle it violates.

QUESTION 6 · MULTIPLE-CHOICE

How did the Bush v. Gore majority dispose of its potential precedential weight?

( ) A. It explicitly cited the case as binding precedent
( ) B. It limited the holding to the present circumstances
( ) C. It overruled prior election-law decisions
( ) D. It delegated future cases to the Florida Supreme Court

QUESTION 7 · MULTIPLE-CHOICE

The 2002 federal statute passed in direct response to the 2000 election's ballot problems was the:

( ) A. Voting Rights Act amendments
( ) B. Help America Vote Act
( ) C. Bipartisan Campaign Reform Act
( ) D. Election Reform Act

QUESTION 8 · SHORT-ANSWER

Sketch your thesis sentence for the LEQ (next page). State your position: was Bush v. Gore a routine judicial resolution or a partisan-motivated departure? Identify one piece of evidence from each source you will use.

Long-essay-question

LEQ PROMPT

Gore's concession speech (Source A) treats the Bush v. Gore decision as a wrong but legitimate exercise of judicial authority that must be accepted to preserve democratic norms. Justice Stevens's dissent (Source B) treats the same decision as an act that fundamentally damages public confidence in the rule of law. Using BOTH sources and your knowledge of the 2000 election and its aftermath, evaluate the extent to which Bush v. Gore was a routine judicial resolution of a state-law dispute or a partisan-motivated departure from the Court's usual practice. Defend a clear thesis.

GRADING RUBRIC

Thesis (1 pt): must take a defensible position on the routine-vs-departure axis. Contextualization (1 pt): mention at least two of the safe-harbor deadline, the butterfly ballot, the chad ambiguity, the Florida Supreme Court's rulings, the Court's subsequent disclaimer of precedential weight. Evidence (2 pts): must quote at least one phrase from each source. Analysis (1 pt): must explicitly evaluate the extent - routine vs. departure - rather than treating them as equivalent. Total 5 points.

Answer key

QUESTION 1

Accept any of: "while I strongly disagree with the court's decision, I accept it", "I accept the finality of this outcome", "for the sake of our unity as a people and the strength of our democracy". The first phrase is the cleanest articulation of the dual posture.

Gore's framing is a self-conscious model of democratic concession: disagreement with the decision plus acceptance of the outcome. AP students should be able to identify it as a deliberate rhetorical structure rather than a mere expression of feelings.

QUESTION 2

Accept any of: "the most cynical appraisal of the work of judges throughout the land", "the wound to that confidence that will be inflicted by today's decision", "It is the Nation's confidence in the judge as an impartial guardian of the rule of law". The last phrase is the most quoted.

Stevens's dissent is one of the most-cited passages in any Supreme Court opinion. The "true loser" framing has become the touchstone for legal critiques of the decision.

QUESTION 3

Source A treats the decision as wrong but procedurally legitimate - a binding judicial outcome that must be accepted regardless of its substantive merits. Source B treats the same decision as both wrong and damaging - an act that erodes the public trust on which judicial authority depends. The first framing preserves the institution by accepting its outputs; the second framing critiques the institution for outputs that compromise its standing.

The two framings reflect different theories of institutional legitimacy. Gore's framing is procedural; Stevens's framing is substantive. AP students should be able to articulate the difference.

QUESTION 4

Both sources were produced during the immediate political aftermath of an unprecedented Supreme Court intervention in a presidential election. The temporal collocation tells you that the legitimacy question was being debated in real time across both political and legal spheres. Gore's concession (December 13) was constrained by Stevens's dissent (December 12): Gore had to acknowledge the Court's authority while honoring the dissent's critique of it. The two texts read together show the political and legal communities working out how to absorb a partisan-divided Supreme Court ruling.

The political-legal interaction in real time is a structurally important feature of Bush v. Gore that AP students should recognize.

QUESTION 5

Critique points: (1) The majority's equal-protection reasoning was novel and unsupported by prior cases. (2) The Court's usual federalism jurisprudence defers to state courts on state-law questions; the majority did not here. (3) The famous footnote disclaiming precedential weight signaled the Court itself did not believe its reasoning could be generalized. Federalism principles violated: (1) The principle that state courts are the final arbiters of state law absent a clear federal-law violation. (2) The principle that federal courts should not insert themselves into state electoral processes absent clear constitutional violations.

The Bush v. Gore federalism critique is one of the most-developed in modern American constitutional scholarship. AP students should be able to articulate the basic shape of the argument.

QUESTION 6

It limited the holding to the present circumstances.

Footnote 9 of the majority opinion states: "Our consideration is limited to the present circumstances, for the problem of equal protection in election processes generally presents many complexities." This disclaimer is one of the most-criticized features of the decision; it suggests the Court itself recognized the reasoning was ad hoc.

QUESTION 7

Help America Vote Act.

The 2002 Help America Vote Act mandated replacement of punch-card ballots, established the federal Election Assistance Commission, and required statewide voter registration databases. It is the direct legislative response to the 2000 election's procedural failures.

QUESTION 8

Open-ended thesis sketch. Acceptable answers should: (1) take a defensible position on the routine-vs-departure axis, (2) avoid treating them as equivalent, (3) signal at least one piece of evidence from each source. Award credit for any defensible thesis that meets these three conditions.

The thesis sketch is preparatory. The LEQ rubric on the next page evaluates the full essay.