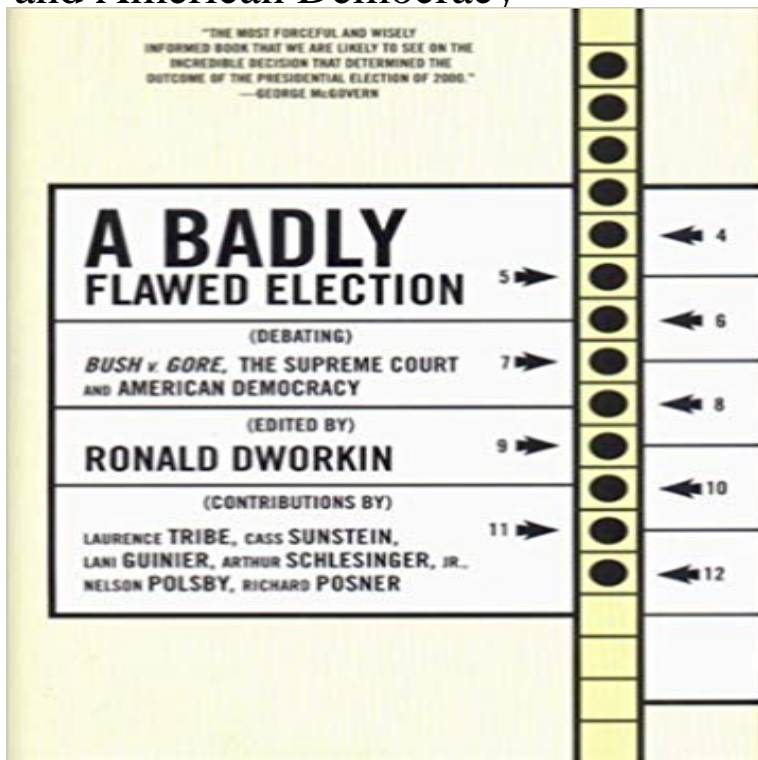


A Badly Flawed Election: Debating Bush V. Gore, the Supreme Court, and American Democracy



Americas leading constitutional scholars and historians debate the most controversial election in US history. The 2000 presidential election ended, according to constitutional law scholar Ronald Dworkin, in the worst possible way not with a national affirmation of democratic principle but by the fiat of the five conservative Supreme Court justices over the fierce objection of the four more liberal justices. The Courts decision ensured both a George W. Bush victory and a continuing cloud of suspicion over that victory as well as an unprecedented examination of the politics of the Court itself. Now Dworkin, one of the most important liberal analysts in Anglo-American jurisprudence, has assembled a distinguished cast of leading legal scholars and historians to debate the consequences of that fiat in a unique group exchange format, with printed responses by each of the contributors to the essays of the others. This book will undoubtedly be welcomed as the most thorough, intellectually rigorous examination of the 2000 election. A Badly Flawed Election includes contributions by Dworkin, conservative Judge Richard Posner, Harvard Law Schools Lani Guinier, the University of Chicago Law Schools Cass Sunstein, New York University law professor Richard Pildes, historian Arthur Schlesinger, Jr., Berkeley political scientist Nelson Polsby, and Harvards Lawrence Tribe, who argued Vice President Al Gores case before the Supreme Court. Tribes original essay combines analysis with a personal reflection on the impact the Courts decision has had on his own attitude toward the Court, constitutional law, and teaching. The book also includes a major new introduction by Dworkin, assessing the legal, political, and ethical legacy of the election, and will feature a discussion of policy proposals that would ensure meaningful election reform.

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