



READING PACKET FOR APRIL 27, 2024 | PRESIDENTIAL TRANSITIONS

CORE READING [1]: LETTER FROM JAMES MONROE TO THOMAS JEFFERSON | JANUARY 6,  
1801

SOURCE: <https://founders.archives.gov/documents/Jefferson/01-32-02-0290>

Richmond Jany 6. 1801.

DEAR SIR

Some **strange reports** are circulating here of the views of the federal party in the present desperate state of its affrs. It is said they are resolved to prevent the designation by the H. of Reps. of the person to be president, and that they mean to commit the power by a legislative act to John Marshall, Saml. A. Otis or some other person till another election. I cannot believe any such project is seriously entertained, because it wod. argue a degree of boldness as well as wickedness in that party wh. I do not think it possessed of. The report however has excited a strong sensation here. Some of the legislative body think it wod. be proper to pass resolutions declaratory of the light in which they wod. view such a measure, and that they wod. not submit to it; others for continuing the Session till after the 2d. Wednesday in Feby. to be on the ground to take such steps as might be deemed proper to defeat it. It is generally agreed that shod. the Assembly not be sitting at the time, it ought to be convoked as soon as it was known such an attempt was made. If that party wish to disorganize *that* is the way to do it. If the union wod. be broken, that wod. do it. but independant of the other motives for preserving it, it wod. be wrong to let these gentry escape in that mode the just reward of their merit. I think such an attempt, wod. not ultimately weaken the union, but be sure to expose the usurpers to exemplary punishment. The Eastern people have no thoughts of breaking the union, & giving up the hold they have on the valuable productions of the south. They only mean to bully us, thereby preserve their ascendancy, and improve their profits. My only anxiety is respecting the firmness of the republicans. If they shew themselves equal to the crisis the danger passes in a moment. Indeed there will be none. But we have been so long accustomed to recede & they to conquer, that I fear the same result even in the present case. As it is possible no election or decision may be made before the 4th. of March, ought not our election to take place before that period, that our reps. may then be on the ground? It is said that other States will also then be unrepresented; if so the motive for a change, unless it be general is less urgent; especially as it is known the fedl. party cannot have a majority of all the States. If any thing can be done here that may be useful, we ought to know it in time. I write this by Mr. **Erwin** & therefore omit details he will be able to give. Sincerely I am

dear Sir your friend & servant

JAS. MONROE



## **CORE READING 2: LETTER FROM ANDREW JACKSON TO D.G. GOODLET | MARCH 12, 1844**

**SOURCE:** [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://tile.loc.gov/storage-services/service/mss/maj/011111//011111\\_0122\\_0127.pdf](chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://tile.loc.gov/storage-services/service/mss/maj/011111//011111_0122_0127.pdf)

Hermitage, March 12, 1844.

My dear sir, Your letter of the 7th instant is received and now before me. I have read it with care, have no doubt it was written with good intentions—"blessed is the peace maker saith the Lord". Thus premised, I have to remark that I am fearful that from some cause your eyes are blinded to the imperfection of the characters of both Mr. Clay and Mr. Adams. The following facts will well considered will aid you in judging of them correctly. I remark, I never have been either of their assailants. Their falshoods and calumnies, have been levelled often against me, to destroy my character, but have fallen harmless at my feet. I have freely forgave them, but I cannot forget the vile slanders they have endeavoured to propagate against me, to injure me. You request me, (as appropriate) to express my conviction of the misrepresentations that has been made to me with regard to the alledged impropriety between Mr. Adams and Mr. clay, meaning the bargain and intrige, which made Mr. J. Q. Adams President, and Mr. Clay sec. of State, and refer to Mr. Buchannan etc. etc. Mr. Buchannan, never gave any exonerating testimony in there favour, he denied having any personal knowledge of the facts alledged against them, he has ever viewed both as corrupt men and not to be trusted. Let us take a dispationate view of the facts as recorded in the history of the times. There was a deadly enmity existing at that time between Mr. J. Q. Adams and Clay, and a posponed case of viracity existing between them, Clay and all the Kentucky delegation instructed by the legislature and requested, to vote against Mr. Adams. It was predicted before the election that Clay would make Adams President, and Adams would make Clay secretary of state. This prophecy was fulfilled to the letter. Look into the investigation before the Legislature of Kentucky and the excuse given by the members of congress, "That they understood that if Mr. Adams was President that he would make Clay secretary of state but if Jackson was made President Clay would not be made secretary of state. A member of congress approched me on that subject, "To fight the Ad[ams faction with their own] weapons," I [was not able to restrain 0298 274 my] 1 indignation and reply that such a corrupt proposition meritted, and such a rebuke that will not be forgotten. Hence the inference, as I suppose, by the Kentucky members, that if Adams was President Clay would be secretary of state, if I was Clay would not be. What was the result. Clay voted for Adams and made him President and Adams made Clay secretary of state. Is this not proof as strong as holy writ of the understanding and corrupt coalition between them, And in the open face of these stubborn facts and circumstances you wish me to give my declaration of their innocence of this combined corruption of intrigue and management. There is not a moral mind, free from party influence that do not believe that this



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combination made Adams president, and Clay secretary of state, and yr. calm judgment and reflection, free from any undue influence, will pronounce them guilty.

1 The letter is mutilated at this point and the restorations are as suggested by the context.

You refer to Beverly, who made the charge with many others against this corruption, but in 1840, came out against it. do you know the character of Beverly, if you do, I regret that you place any dependence in him. He is I believe a Bankrupt, both in fortune and character. But you are pleased to say, “that if all other evidence were wanting of the integrity of Mr. Clay the often repeated assertion of that great and good man John Q. Adams would be conclusive with you and you think with me. Not so with me. I know that there is neither truth nor honor in him. Have you forgot the public rebuke I was obliged to give him, for the positive falshood he stated against me to connect me with [a plan,] combining with Genl. Houston for the conquest of Texas [that] I had promised the Government of Texas to H. Burton—a baser falshood never was coined—have you forgotten his receiving a confidential letter purloined from me by that scamp Doctor Mayo, and altho marked confidential [he read it] in the House of Representative to fasten upon me the falshood that I had never sent the original to Governor Fulton of Arkansa, to enquire into the preparations making by Genl. Houston to conquer Texas, and to Mr. Adams disgrace and shewing his utter destruction of truth. Fulton then secretary of Arkansa, but acting Governor brought on the original, swore to its receipt, long before the copy marked confidential, was purloined, or in the hand of Adams. Now I ask you if any honest man getting a confidential letter in his possession, would not have at once returned it, instead of attempting to use it clandestinely to injure me. These are two instances of Mr. Adams baseness and want of truth and Justice, and as to his assertions no one who really knows him has any confidence in him, only those who use him for the vilest purposes. Mr. Adams is vindictive, reckless of truth when he wishes to defame and no confidence can be placed in him. Other cases I could state but I am too feeble to proceed, as I have to bring to your recollection Mr. Clays justice and veracity. You cannot have forgotten the great Idoletrous hard cider and coon gathering at Nashville in 1840. Mr. Clay was the leading travelling, electioneering 0299 275 demagogue there. remember I was sick at home. in his speech he charged me with appointing public defaulters to office and designated Edward Livingston. A generous Whigg hearing the charge and knowing it was false called and reported the speech to me. I, sick as I was, got into my carriage knowing the man as I did, that Clay expected I would not hear of this slander of the living and the dead, would leave it as political capital for my traducers in Nashville. You must remember I addressed him thro the papers, and proved him by the record of the Senate a wilfull and corrupt liar, and that all his endeavours, in the secrete sessions of the senate, by an overwhelming Whigg Federal majority, Mr. Edward Livingston nomination was confirmed by una[ni]mous vote Mr. Clay being present. This is only



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one case of many. This under your own eye. I ask you then my dear Sir can any man of moral virtue that knows Mr. Clay have any confidence in his veracity. All who know Mr. Clay knows that individually he is void of good morals, and that he is politically a reckless demagogue, ambitious and regardless of truth when it comes in the way of his ambition. Now my dear Doctor let us look to the protection of the religion and morals of our country, and the perpetuation of our happy republican system, which is based upon the virtue of the people, and support none for office, but good moral characters, who will use their influence to put down vice and immorality and sustain true religion and virtue, not men known to be profligate in private life and in public ambitious demagogues roaming over the Country slandering both the dead and the living, deceiving the people by falsehoods knowing them to be such, to add to their own aggrandisement and thereby reach the Presidential chair. I ask what has John Q. Adams or Henry Clay ever done for their countries good—nothing, but much mischief. They both have apostatised from their early principles, both regardless of truth, when it suits their purpose to defame. I have passed over many acts of these men to calumniate me because my debility is such that I can scarce wield my pen, all of record, and such is my opinion of them both, that I do not think there are any two men exalted as they have been, by the people equally profligate, and fit companions for Poindexter and the noted Prentice. I have never assailed these men, I have acted upon the defensive, I have forgiven them but I cannot forget their profligacy. I write what I do know, and have proof on the recorded history of the times and have stated a few of the facts that yr. eyes may be opened. yr. friend



## **CORE READING 3: CONCESSION SPEECH, AL GORE | DECEMBER 13, 2000**

**SOURCE:** <https://www.presidency.ucsb.edu/documents/address-conceding-the-2000-presidential-election>

Good evening.

Just moments ago, I spoke with George W. Bush and congratulated him on becoming the 43rd president of the United States. And I promised him that I wouldn't call him back this time. I offered to meet with him as soon as possible so that we can start to heal the divisions of the campaign and the contest through which we've just passed.

Almost a century and a half ago, Senator Stephen Douglas told Abraham Lincoln, who had just defeated him for the presidency, "Partisan feeling must yield to patriotism. I'm with you, Mr. President, and God bless you." Well, in that same spirit, I say to President-elect Bush that what remains of partisan rancor must now be put aside, and may God bless his stewardship of this country. Neither he nor I anticipated this long and difficult road. Certainly neither of us wanted it to happen. Yet it came, and now it has ended, resolved, as it must be resolved, through the honored institutions of our democracy.

Over the library of one of our great law schools is inscribed the motto, "Not under man but under God and law." That's the ruling principle of American freedom, the source of our democratic liberties. I've tried to make it my guide throughout this contest, as it has guided America's deliberations of all the complex issues of the past five weeks.

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.

Let me say how grateful I am to all those who supported me and supported the cause for which we have fought. Tipper and I feel a deep gratitude to Joe and Hadassah Lieberman, who brought passion and high purpose to our partnership and opened new doors, not just for our campaign but for our country.

This has been an extraordinary election. But in one of God's unforeseen paths, this belatedly broken impasse can point us all to a new common ground, for its very closeness can serve to remind us that we are one people with a shared history and a shared destiny. Indeed, that history gives us many examples of contests as hotly debated, as fiercely fought, with their own challenges to the popular will. Other disputes have dragged on for weeks before reaching resolution. And each time, both the victor and the vanquished have accepted the result peacefully and in a spirit of reconciliation.

So let it be with us.



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I know that many of my supporters are disappointed. I am too. But our disappointment must be overcome by our love of country.

And I say to our fellow members of the world community, let no one see this contest as a sign of American weakness. The strength of American democracy is shown most clearly through the difficulties it can overcome. Some have expressed concern that the unusual nature of this election might hamper the next president in the conduct of his office. I do not believe it need be so.

President-elect Bush inherits a nation whose citizens will be ready to assist him in the conduct of his large responsibilities. I, personally, will be at his disposal, and I call on all Americans -- I particularly urge all who stood with us -- to unite behind our next president. This is America. Just as we fight hard when the stakes are high, we close ranks and come together when the contest is done. And while there will be time enough to debate our continuing differences, now is the time to recognize that that which unites us is greater than that which divides us. While we yet hold and do not yield our opposing beliefs, there is a higher duty than the one we owe to political party. This is America and we put country before party; we will stand together behind our new president.

As for what I'll do next, I don't know the answer to that one yet. Like many of you, I'm looking forward to spending the holidays with family and old friends. I know I'll spend time in Tennessee and mend some fences, literally and figuratively.

Some have asked whether I have any regrets, and I do have one regret: that I didn't get the chance to stay and fight for the American people over the next four years, especially for those who need burdens lifted and barriers removed, especially for those who feel their voices have not been heard. I heard you. And I will not forget.

I've seen America in this campaign, and I like what I see. It's worth fighting for and that's a fight I'll never stop. As for the battle that ends tonight, I do believe, as my father once said, that "No matter how hard the loss, defeat might serve as well as victory to shape the soul and let the glory out."

So for me this campaign ends as it began: with the love of Tipper and our family; with faith in God and in the country I have been so proud to serve, from Vietnam to the vice presidency; and with gratitude to our truly tireless campaign staff and volunteers, including all those who worked so hard in Florida for the last 36 days.

Now the political struggle is over and we turn again to the unending struggle for the common good of all Americans and for those multitudes around the world who look to us for leadership in the cause of freedom.

In the words of our great hymn, "America, America": "Let us crown thy good with brotherhood, from sea to shining sea."

And now, my friends, in a phrase I once addressed to others: it's time for me to go.

Thank you, and good night, and God bless America



**SUPPLEMENTARY READING 1: LETTER FROM ALEXANDER HAMILTON TO JAMES BAYARD |  
JANUARY 16, 1801**

**SOURCE:** <https://founders.archives.gov/documents/Hamilton/01-25-02-0169>

**To James A. Bayard**

New-York Jany. 16th. 1801.

I was glad to find my dear sir, by your letter, that you had not yet determined to go with the current of the Fœderal Party in the support of Mr *Burr* & that you were resolved to hold yourself disengaged till the moment of final decision. Your resolution to separate yourself, in this instance, from the Fœderal Party if your conviction shall be strong of the unfitness of Mr Burr, is certainly laudable. So much does it coincide with my ideas, that if the Party shall by supporting Mr Burr as President adopt him for their official Chief—I shall be obliged to consider myself as an *isolated* man. It will be impossible for me to reconcile with my notions of *honor* or policy, the continuing to be of a Party which according to my apprehension will have degraded itself & the country. I am sure nevertheless that the motives of many will be good, and I shall never cease to esteem the individuals, tho' I shall deplore a step which I fear experience will show to be a very fatal one. Among the letters which I receive assigning the reasons *pro & con* for preferring Burr to J. I observe no small exaggeration to the prejudice of the latter & some things taken for granted as to the former which are at least questionable. Perhaps myself the first, at some expence of popularity, to unfold the true character of Jefferson, it is too late for me to become his apologist. Nor can I have any disposition to do it. I admit that his politics are tinctured with fanaticism, that he is too much in earnest in his democracy, that he has been a mischevous enemy to the principle measures of our past administration, that he is crafty & persevering in his objects, that he is not scrupulous about the means of success, nor very mindful of truth, and that he is a contemptible hypocrite. But it is not true as is alleged that he is an enemy to the power of the Executive, or that he is for confounding all the powers in the House of Rs. It is a fact which I have frequently mentioned that while we were in the administration together he was generally for a large construction of the Executive authority, & not backward to act upon it in cases which coincided with his views. Let it be added, that in his theoretic Ideas he has considered as improper the participations of the Senate in the Executive Authority. I have more than once made the reflection that viewing himself as the reversioner, he was solicitous to come into possession of a Good Estate. Nor is it true that Jefferson is zealot enough to do anything in pursuance of his principles which will contravene his popularity, or his interest. He is as likely as any man I know to temporize—to calculate what will be likely to promote his own reputation and advantage; and the probable result of such a temper is the preservation of systems, though originally opposed, which being once established, could not be overturned without danger to the person who did it. To my mind a true estimate of Mr J.'s character warrants the expectation of a temporizing rather than a violent system. That Jefferson has manifested a culpable predilection for France is certainly true; but I think it a question whether it did not proceed quite as much from her *popularity* among us, as from sentiment, and in proportion as that popularity is diminished his zeal will cool. Add to this that there is no fair reason to suppose him capable of being corrupted, which is a security that he will not go beyond



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certain limits. It is not at all improbable that under the change of circumstances Jefferson's Gallicism has considerably abated.

As to Burr these things are admitted and indeed cannot be denied, that he is a man of *extreme & irregular* ambition—that he is *selfish* to a degree which excludes all social affections & that he is decidedly *profligate*. But it is said,<sup>3</sup> 1st. that he is *artful & dexterous* to accomplish his ends—2nd. that he holds no pernicious theories, but is a mere *matter of fact* man—3rd. that his very selfishness\* is a guard against mischevous foreign predilections. 4th That his *local situation* has enabled him to appreciate the utility of our Commercial & fiscal systems, and the same quality of selfishness will lead him to support & invigorate them. 5th. that he is now disliked by the Jacobins, that his elevation will be a mortal stab to them, breed an invincible hatred to him, & compel him to lean on the Federalists. 6th. That Burr's ambition will be checked by his good sense, by the manifest impossibility of succeeding in any scheme of usurpation, & that if attempted, there is nothing to fear from the attempt. These topics are in my judgment more plausible than solid. As to the 1st point the fact must be admitted, but those qualities are objections rather than recommendations when they are under the direction of bad principles. As to the 2nd point too much is taken for granted. If Burr's conversation is to be credited he is not very far from being a visionary.\* It is ascertained in some instances that he has talked perfect *Godwinism*.<sup>5</sup> I have myself heard him speak with applause of the French system as unshackling the mind & leaving it to its natural energies, and I have been present when he has contended against Banking Systems\*\* with earnestness & with the same arguments that Jefferson would use. The truth is that *Burr* is a man of a very subtile imagination, and a mind of this make is rarely free from ingenious whimsies. Yet I admit that he has no fixed theory & that his peculiar notions will easily give way to his interest. But is it a recommendation to have *no theory*? Can that man be a systematic or able statesman who has none? I believe not. *No general principles* will hardly work much better than erroneous ones. As to the 3rd. point—it is certain that Burr generally speaking has been as warm a partisan of France as Jefferson—that he has in some instances shewn himself to be so with passion. But if it was from calculation who will say that his calculations will not continue him so? His selfishness\* so far from being an obstacle may be a prompter. If corrupt as well as selfish he may be a partisan for gain—if ambitious as well as selfish, he may be a partisan for the sake of aid to his views. No man has trafficked more than he in the floating passions of the multitude. Hatred to G. Britain & attachment to France in the public mind will naturally lead a man of his selfishness, attached to place and power, to favour France & oppose G. Britain. The Gallicism of many of our patriots is to be thus resolved, & in my opinion it is morally certain that Burr will continue to be influenced by this calculation. As to the 4th point the instance I have cited with respect to Banks proves that the argument is not to be relied on. If there was much in it, why does Chancellor Livingston maintain that we ought not to cultivate navigation but ought to let foreigners be our Carriers?<sup>7</sup> France is of this opinion too & Burr for some reason or other, will be very apt to be of the opinion of *France*. As to the 5th point—nothing can be more fallacious. It is demonstrated by recent facts\*\* that Burr is *solicitous* to *keep upon Antifederal ground*, to avoid compromising himself by any engagements †with the Fœderalists. With or without such engagements he will easily persuade his former friends that he does stand on that ground, & after their first resentment they will be glad to rally under him. In the mean time he will take care not to disoblige them & he will always court those among them who are best fitted for tools. He will never choose to lean on good men because he knows that they will never support his bad projects: but instead of this he





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will endeavour to disorganize both parties & to form out of them a third composed of men fitted by their characters to be conspirators, & instruments of such projects. That this will be his future conduct may be inferred from his past plan, & from the admitted quality of irregular ambition. Let it be remembered that Mr Burr has never appeared solicitous for fame, & that great Ambition unchecked by principle, or the love of Glory, is an unruly Tyrant which never can keep long in a course which good men will approve. As to the last point—The proposition is against the experience of all times. Ambition without principle never was long under the guidance of good sense. Besides that, really the force of Mr Burrs understanding is much overrated. He is far more *cunning* than *wise*, far more *dexterous* than *able*. In my opinion he is inferior in real ability to Jefferson. There are also facts against the supposition. It is past all doubt that he has blamed me for not having improved the situation I once was in to change the Government.<sup>9</sup> That when answered that this could not have been done without guilt—he replied—“Les grands ames se soucient peu des petits morceaux”—that when told the thing was never practicable from the genius and situation of the country, he answered, “that depends on the estimate we form of the human passions and of the means of influencing them.” Does this prove that Mr Burr would consider a scheme of usurpation as visionary. The truth is with great apparent coldness he is the most sanguine man in the world. He thinks every thing possible to adventure and perseverance. And tho’ I believe he will fail, I think it almost certain he will attempt usurpation. An[d] the attempt will involve great mischief.

But there is one point of view which seems to me decisive. If the Antifœderalists who prevailed in the election are left to take their own man, they remain responsible, and the Fœderalists remain *free united* and without *stain*, in a situation to resist with effect pernicious measures. If the Fœderalists substitute Burr, they adopt him and become answerable for him. Whatever may be the theory of the case, abroad and at *home* (for so from the beginning will be taught) Mr Burr will become *in fact* the man of our party. And if he acts ill, we must share in the blame and disgrace. By adopting him we do all we can to reconcile the minds of the Fœderalists to him, and prepare them for the effectual operation of his arts. He will doubtless gain many of them, & the Fœderalists will become a disorganized and contemptible party. Can there be any serious question between the policy of leaving the Antifœderalists to be answerable for the elevation of an exceptionable man, & that of adopting ourselves & becoming answerable for a man who on all hands is acknowledged to be a complete *Cataline* in his practice & principles? ’Tis enough to state the question to indicate the answer, if reason not passion presides in the decision. You may communicate this & my former letter<sup>10</sup> to discreet & confidential friends.

Your’s very truly,

A H



## **SUPPLEMENTARY READING 2: ADDRESS TO THE NEW JERSEY SENATE, ABRAHAM LINCOLN | FEBRUARY 21, 1861**

**SOURCE:** <https://teachingamericanhistory.org/document/address-to-the-new-jersey-senate/>

Mr. President and Gentlemen of the Senate of the State of New—Jersey: I am very grateful to you for the honorable reception of which I have been the object. I cannot but remember the place that New—Jersey holds in our early history. In the early Revolutionary struggle, few of the States among the old Thirteen had more of the battle—fields of the country within their limits than old New—Jersey. May I be pardoned if, upon this occasion, I mention that away back in my childhood, the earliest days of my being able to read, I got hold of a small book, such a one as few of the younger members have ever seen, “Weem’s Life of Washington.” I remember all the accounts there given of the battle fields and struggles for the liberties of the country, and none fixed themselves upon my imagination so deeply as the struggle here at Trenton, New—Jersey. The crossing of the river; the contest with the Hessians; the great hardships endured at that time, all fixed themselves on my memory more than any single revolutionary event; and you all know, for you have all been boys, how these early impressions last longer than any others. I recollect thinking then, boy even though I was, that there must have been something more than common that those men struggled for. I am exceedingly anxious that that thing which they struggled for; that something even more than National Independence; that something that held out a great promise to all the people of the world to all time to come; I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made, and I shall be most happy indeed if I shall be an humble instrument in the hands of the Almighty, and of this, his almost chosen people, for perpetuating the object of that great struggle. You give me this reception, as I understand, without distinction of party. I learn that this body is composed of a majority of gentlemen who, in the exercise of their best judgment in the choice of a Chief Magistrate, did not think I was the man. I understand, nevertheless, that they came forward here to greet me as the constitutional President of the United States—as citizens of the United States, to meet the man who, for the time being, is the representative man of the nation, united by a purpose to perpetuate the Union and liberties of the people. As such, I accept this reception more gratefully than I could do did I believe it was tendered to me as an individual.



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## SUPPLEMENTARY READING 3: LETTER FROM GEORGE BUSH TO WILLIAM CLINTON | JANUARY 20, 1993

SOURCE: <https://www.documentcloud.org/documents/5362700-George-HW-Bush-Clinton-The-Letter>

THE WHITE HOUSE  
WASHINGTON

Jan 20, 1993

Dear Bill,

When I walked into this office just now I felt the same sense of wonder and respect that I felt four years ago. I know you will feel that, too.

I wish you great happiness here. I never felt the loneliness some Presidents have described.

There will be very tough times, made even more difficult by criticism you may not think is fair. I'm not a very good one to give advice; but just don't let the critics discourage you or push you off course.

You will be our President when you read this note. I wish you well. I wish your family well.

Your success now is our country's success. I am rooting hard for you.

Good Luck - *George*

Dear Bill,

When I walked into this office just now I felt the same sense of wonder and respect that I felt four years ago. I know you will feel that, too.

I wish you great happiness here. I never felt the loneliness some Presidents have described.

There will be very tough times, made even more difficult by criticism you may not think is fair. I'm not a very good one to give advice; but just don't let the critics discourage you or push you off course.

You will be our President when you read this note. I wish you well. I wish your family well.

Your success now is our country's success. I am rooting hard for you.

Good luck -

George



**SUPPLEMENTARY READING 4: OYEZ SUMMARY OF BUSH V. GORE| DECEMBER 11, 2000**

**SOURCE:** <https://www.oyez.org/cases/2000/00-949>

## Facts of the case

Following the U.S. Supreme Court's decision in *Bush v. Palm Beach County Canvassing Board*, and concurrent with Vice President Al Gore's contest of the certification of Florida presidential election results, on December 8, 2000 the Florida Supreme Court ordered that the Circuit Court in Leon County tabulate by hand 9000 contested ballots from Miami-Dade County. It also ordered that every county in Florida must immediately begin manually recounting all "under-votes" (ballots which did not indicate a vote for president) because there were enough contested ballots to place the outcome of the election in doubt. Governor George Bush and his running mate, Richard Cheney, filed a request for review in the U.S. Supreme Court and sought an emergency petition for a stay of the Florida Supreme Court's decision. The U.S. Supreme Court granted review and issued the stay on December 9. It heard oral argument two days later.

## Question

Did the Florida Supreme Court violate Article II Section 1 Clause 2 of the U.S. Constitution by making new election law? Do standardless manual recounts violate the Equal Protection and Due Process Clauses of the Constitution?

## Conclusion

Noting that the Equal Protection clause guarantees individuals that their ballots cannot be devalued by "later arbitrary and disparate treatment," the per curiam opinion held 7-2 that the Florida Supreme Court's scheme for recounting ballots was unconstitutional. Even if the recount was fair in theory, it was unfair in practice. The record suggested that different standards were applied from ballot to ballot, precinct to precinct, and county to county. Because of those and other procedural difficulties, the court held, 5 to 4, that no constitutional recount could be fashioned in the time remaining (which was short because the Florida legislature wanted to take advantage of the "safe harbor" provided by 3 USC Section 5).

Loathe to make broad precedents, the per curiam opinion limited its holding to the present case. Rehnquist (in a concurring opinion joined by Scalia and Thomas) argued that the recount scheme was also unconstitutional because the Florida Supreme Court's decision made new election law, which only the state legislature may do. Breyer and Souter (writing separately) agreed with the



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per curiam holding that the Florida Court's recount scheme violated the Equal Protection Clause, but they dissented with respect to the remedy, believing that a constitutional recount could be fashioned. Time is insubstantial when constitutional rights are at stake. Ginsburg and Stevens (writing separately) argued that for reasons of federalism, the Florida Supreme Court's decision ought to be respected. Moreover, the Florida decision was fundamentally right; the Constitution requires that every vote be counted.