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Clarification request, Bush v. Gore material

Bryan White <zebrafactcheck@gmail.com>
To: truthometer@politifact.com

Fri, Feb 9, 2024 at 11:38 AM

Dear Truth-O-Meter,

Your [Feb. 8, 2024 explainer](#) on the Supreme Court's consideration of efforts to remove Donald Trump from the state ballots leaves a misleading impression of the 2000 Bush v. Gore decision.

The last time the Supreme Court played such a pivotal role in the presidential race was in 2000, when the justices ruled 5-4 to end a Florida recount, sealing the election for George W. Bush over Al Gore.

The SCOTUS ruled 7-2 that the recount effort permitted by the Florida Supreme Court violated constitutional equal protection rights. The SCOTUS then ruled 5-4 that constitutional safe harbor nixed the idea of a new recount effort.

<https://www.britannica.com/event/Bush-v-Gore/Majority-opinion>

For context, it wouldn't hurt to add information about the consortium effort that found Bush likely to win if a recount had taken place under guidelines likely to avoid equal protection concerns.

A comprehensive review of the uncounted Florida ballots from last year's presidential election reveals that George W. Bush would have won even if the United States Supreme Court had allowed the statewide manual recount

<https://www.nytimes.com/2001/11/12/us/examining-vote-overview-study-disputed-florida-ballots-finds-justices-did-not.html>

Thanks for your attention to this matter.

A false narrative has grown around the Bush v. Gore decision, and your explainer reinforces a misinformed view about the decision. A person thinking the SCOTUS, voting on partisan lines, simply awarded the presidency to Bush would see nothing in your fact check to challenge that notion.

<https://www.nationalreview.com/2017/05/bush-v-gore-fake-news-fake-history/>

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Sincerely,

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