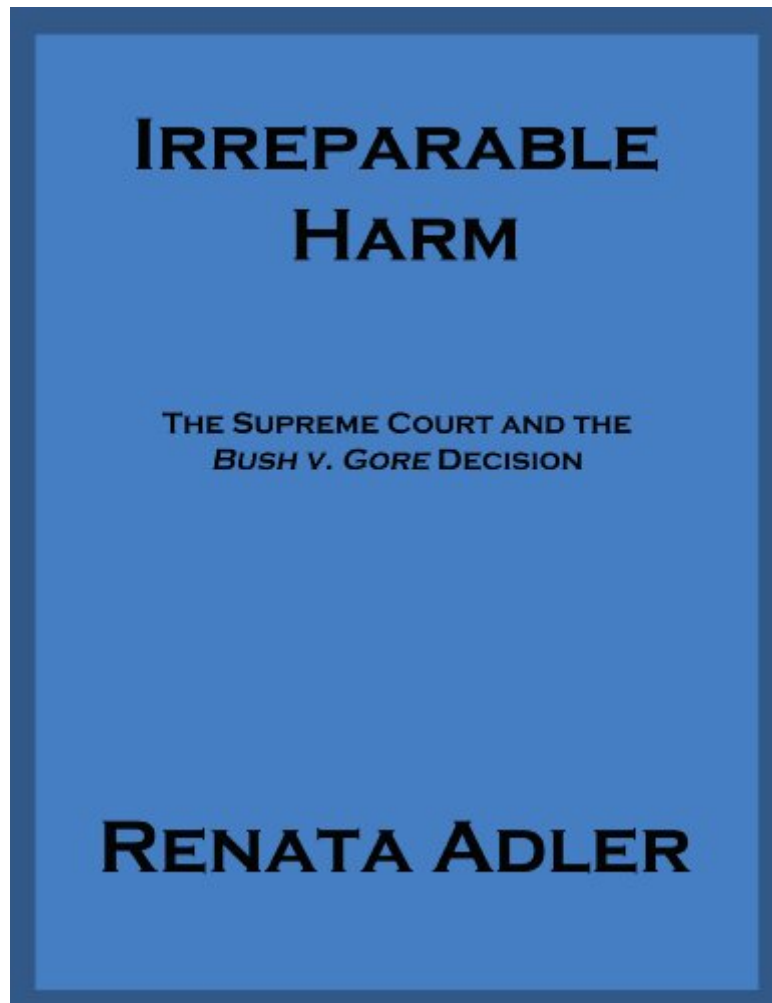




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Irreparable Harm



Synopsis

At the time the Supreme Court handed down its decision in Bush v. Gore it seemed clear that the Court had made a poor, wrong, speciously argued, lamentable --- but possibly not irremediable --- decision. There had been bad decisions before. This one was unnecessary: Bush would have become president even if the Court had permitted the system, with its vote count and the respective powers of the U.S. Congress and the Florida legislature and state courts, to proceed in a Constitutional way. But the system had long been resilient. The Court's own vote was close. Bush v. Gore was a turning point, but there have been many turning points. It could be that the system would simply right itself. The case, and its year, 2000, seem in any event so long ago. Perhaps it has just gone away. It can be argued, however, that far from going away, the case initiated a series of radical turning points in our history --- all of them having to do with improper, arrogant, often mindless exercises of power on the part of the executive and the judiciary; timid, equally mindless failures to exercise responsibility on the part of the legislative. The effects are not confined to government. Bush v. Gore was an important step. It was followed by other steps, in virtually every other part of our system having to do with power --- finance, politics, force --- the obligations and limits of conduct, the grounds of trust. All of them can be regarded, especially cumulatively, as important steps. All of them since (if not directly because of) this decision by what had once been a highly and deservedly respected Court, were down. Based on a piece originally published in The New Republic, "Irreparable Harm" is a contemporaneous analysis of the historic decision in Bush v. Gore.

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This brilliant essay on Bush v. Gore lays it all out. The decision was reckless, partisan, and dishonest. They ignored the law to appoint George W. Bush President. And that worked out so well.

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