



Tuesday's Tip

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Oyez Project

April 21, 2015

The [Oyez Project](#) maintained by IIT Chicago–Kent College of Law is a Supreme Court multimedia database. It contains audio records and transcriptions of oral arguments, abstracts, and written opinions of all Supreme Court cases heard since October 1955. There are five major categories: Cases, Justices, Benefactors, About and Tour.

In the “Case” category, users can access cases through keyword searches, view cases by term (years) or view cases by issue (thirteen broad categories). Each case page also contains the voting information of each justice as well as the majority, concurring or dissenting, opinions issued.

It is a valuable and easy-to-use resource for anyone interested in learning more about the law.

OYEZ
IIT CHICAGO-KENT COLLEGE OF LAW

CASES JUSTICES BENEFACTORS ABOUT TOUR

Shifting Scales

The Roberts Court began its 10th year with arguments in a Fourth Amendment case. *Discover how the Roberts Court is interpreting the 4th Amendment* and its protection against unreasonable search and seizure.

SEARCH: bush v. gore
bush v. gore

Search results:
cases

Bush v. Gore
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?
[Civil Rights](#) [Civil Rights](#) [Judicial Power](#) [Voting](#)

Bush v. Palm Beach County Canvassing Board
Do post-election court decisions that limit legislators' or executive officials' discretion to certify election results violate the Due Process Clause of the U.S. Constitution or 3 USC Section 5? Did the Florida Supreme Court's decision change the manner in which Florida's electoral votes were chosen, thereby violating Article II Section 1 Clause 2 of the US Constitution, which confers plenary power in federal election matters on state legislatures?
[Judicial Power](#) [Remand to Determine Basis of State Court Decision](#)

Term: 2000-2009 > **2000**

Location: [Florida Supreme Court](#)

[Print this Page](#)

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?

Argument

[Bush v. Gore - Oral Argument](#)

BUSH V. GORE (NO. 00-949) - ORAL ARGUMENT
ARGUMENT OF THEODORE B. OLSON



on number 00-949, George W. Bush and Richard Cheney, versus Albert Gore, et al. Before we begin the arguments, the

Chief Justice Rehnquist

00:00 / 91:51

[Full Transcript Text](#)

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Conclusion

Decision: 5 votes for Bush, 4 vote(s) against

Legal provision:

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).

Case Basics

Docket No.
00-949

Petitioner
George W. Bush

Respondent
Albert Gore

Decided By
[Rehnquist Court \(1994-2005\)](#)

Opinion
[531 U.S. 98 \(2000\)](#)

Argued
[Monday, December 11, 2000](#)

Decided
[Tuesday, December 12, 2000](#)

Advocates

[David Boies](#)
(Argued the cause for the respondent)

[Joseph P. Klock](#)
(Argued the cause for petitioner Harris)

[Theodore B. Olson](#)
(Argued the cause for petitioner Bush)

Tags

[Civil Rights](#)
[Judicial Power](#)

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Shift

Check out the different cases year by year.
Or maybe find the status of a current one.

The Roberts Court began its 10th year with arguments in a Fourth Amendment case. *Discover how the Roberts Court is interpreting the 4th Amendment* and its protection against unreasonable search and seizure.



SEARCH:

Cases

[View cases by issue](#)

	<u>CASE</u>	<u>DOCKET NO.</u>	<u>ARGUED</u>	<u>DECIDED</u>	<u>MAJORITY AUTHOR</u>	<u>VOTE</u>
2010-2019						
2000-2009						
1990-1999	14 Penn Plaza LLC v. Pyett	07-581	12/01/2008	04/01/2009	Clarence Thomas	5-4
1980-1989						
1970-1979	324 Liquor Corp. v. Duffy	84-2022	11/03/1986	01/13/1987	Lewis F. Powell, Jr.	7-2
1960-1969						
1950-1959	44 Liquormart Inc. v. Rhode Island	94-1140	11/01/1995	05/13/1996	John Paul Stevens	9-0
1940-1949						
1901-1939	A & P Tea Co. v. Cottrell	74-1148	12/01/1975	02/25/1976	William J. Brennan, Jr.	8-0
1851-1900						
1792-1850						
View cases by issue	A Quantity Of Books v. Kansas	449	04/01/1964	06/22/1964	William J. Brennan, Jr.	7-2
	A. & G. Stevedores v. Ellerman Lines	282	02/20/1962	04/02/1962	William O. Douglas	6-2
	Aaron v. SEC	79-66	02/25/1980	06/02/1980	Potter Stewart	6-3
	Abate v. Mundt	71	11/19/1970	06/07/1971	Thurgood Marshall	7-2