

In one sense, the 2004 elections in the United States were completely normal, in another they may turn out to be revolutionary. President George W. Bush, up for reelection, won both the popular vote and the electoral vote. On December 13, the electors chosen by popular vote on November 2 will meet in their respective state capitals and formally elect the next president of the United States. By December 22, these votes must reach the president of the Senate and the archivist. On January 6, 2005, both houses of Congress (the House of Representatives and the Senate) will meet in joint session and announce the vote. On January 20, the Chief Justice of the Supreme Court will swear in the new president.

## **Background**

Given the world-wide interest in the American elections, the complexity of the American electoral process, and the scarce knowledge that even Americans have about how their own presidential elections are conducted—and why—a bit of history might be relevant.

With all the difficulties that the European Union is experiencing to produce a viable constitution joining together extremely diverse nation-states, it is often forgotten that the United States faced similar problems and that the first attempt at unity was a dismal failure. The American Revolution had been fought against the British on the basis of democratic principles, which, with the freedom achieved, needed to be put into practical effect. It should be remembered that the colonies had been established separately under different auspices and for different motives, some for reasons of religious freedom, some for political, and that they had all developed their unique commercial systems. Once they had achieved independence from Britain, the only politically unifying factor disappeared; the states were not autonomous but independent, a fact encouraged by the difficult means of communication in the eighteenth century in what was an unusually large country. It should also be remembered that eighteenth century Enlightenment thinkers who heavily influenced American intellectuals considered big countries (such as Russia) as destined for

despotism. Montesquieu expressed this idea forcefully in *The Spirit of the Laws*, which had such a great influence on the evolution of the American political system. The first attempt to unite the former British colonies, therefore, resulted not as a federation of states, but as a confederation governed by the “Articles of Confederation.” This attempt turned out to be a complete failure because it left the individual states too much power. The obvious failure of the Articles as an instrument of government produced a new attempt that finally led to the present constitution of the United States in 1787.

The American constitution incorporated a great number of compromises among the representatives of the states and among different principles. With regard to the governing system, paradoxically, it seemed to embody a restoration of the king’s power, but limited and only for four years at a time. The American presidency evolved in a different way from what became the continental European tradition, which was substantially a result of the French Revolution of 1789 and the disputes over the executive power that occurred in that country and in Europe over the next hundred years.

With regard to the election of the president, the framers of the constitution instituted the indirect elections common to the eighteenth century. That is, voters did not elect the president directly but voted for people (electors) who would vote for the president. This idea—also embodied in the French Constitution of 1791—guaranteed the upper classes more control over the political system. This system was a compromise between those democrats who wished to give the people a dominant voice in the government and those who distrusted them. The question of the “independence” of each state also emerged and the framers reached a compromise. The argument was between the large and the small states, which feared that their rights would be overwhelmed by the larger population of the big states if representatives to Congress would be chosen solely by population. As a result of this dispute, the Senate would not represent people but states; each state,

large or small, would have two Senators, and thus have equality in one of the houses that could block legislation the small states did not like.

The final shape of the Congress embodied the same compromise, with the entire House of Representatives elected popularly every two years and the Senate elected every six years (one third every two years) not by the people but by the state legislatures (this was changed only in 1913). The idea was that the House of Representatives would closely represent the will of the people because Representatives would have to seek reelection every two years, while the Senate would act as a conservative check, having a longer term and being elected by the states. The framers of the constitution believed that the House of Representatives would be radical, because of its closeness to the people, while the Senators, having to account only indirectly to the people, would be conservative. In fact, the opposite happened, because the Americans became conservative. However, the framers were correct because the House better represents the people.

This grand compromise in the constitution between conservative and popular elements, large and small states, determined the makeup of the Electoral College that formally elected the president. The “electoral votes” of each state were—and are—the sum of its representatives in the House of Representatives (proportional to population), plus two Senators for each state. The Electoral College therefore is not an instrument of proportional representation. Furthermore, given the majoritarian system in which the electoral votes of each state go to the candidate who has the most votes, even if it is only one more, it is quite possible for a candidate to win the popular vote but lose the electoral vote and the presidency. This was not considered a major flaw in the eighteenth century and has happened more than once.

While this method of voting may seem unfair, it has a political advantage. When elections are close, proportional division of the votes will make this fact painfully obvious. With the American electoral system, however, small majorities in the individual states can translate into large

ones in the Electoral College and give the impression of a mandate where one does not exist.

Sometimes this impression can be an advantage to government.

### **The 2000 Presidential Election and its Meaning**

In this sense, the 2000 election, while very close worked according to script. What made it so contentious was not the Electoral College *system* but the manner in which the votes were determined, and the domestic and foreign policies of George W. Bush before and especially after the terrorist attacks of 9/11.

The dispute in Florida revolved around mundane issues, i.e., whether everyone having a right to vote was allowed to vote; the shape of the ballot itself, which caused confusion (the “butterfly” ballot); the practical procedure of voting itself (the perforated cards and the “hanging chads”); how long the actual counting should continue, and where. Questions similar to these have always beset American, and probably all, elections

A number of things polarized the Florida elections, however. The most important was that for the first time the political process could not resolve the different questions and the lawyers had to be called in, as well as the Supreme Court. The court stopped the vote counting at a critical juncture, giving rise to cries of fraud when Bush won the state and the presidency by only 537 votes. Adding to the impression of fraud for Liberals was that Bush’s brother Jeb was governor. In addition, the Secretary of State of the state of Florida was a Republican whose intervention favored the Republican candidate (in the United States, it is an elected official of the separate states, the Secretary of State, that administer elections). Furthermore, Bush had repeatedly contended during the campaign that he was a “compassionate conservative” and that he would be open to compromise with differing political factions, exclaiming that he was a “uniter, not a divider.”

Even before the terrorist attacks of September 11, 2001, however, Bush went full speed ahead with his conservative agenda without compromise and acting as if he had a mandate from the

voters. He installed conservatives in many important posts: Dick Cheney, his vice president, had an almost perfect voting record during his tenure in the House of Representatives; John Ashcroft, the new Attorney General, was a well known conservative Senator from Missouri who lost reelection even though his opponent died in an accident shortly before the vote; “neocons” Karl Rove and Paul Wolfowitz, who had radical ideas on foreign policy, wielded great influence in the new administration. Bush’s actions and de facto repudiation of his promise to seek consensus alienated Liberals—who never forgave him from “stealing” the presidency from Al Gore—and voters who had been convinced that he would bring a new, more moderate political style to Washington, D.C. but who now saw him as doing the opposite.

Exacerbating the split between Liberals and Conservatives were the “culture wars” which by the beginning of the new millennium had been raging for decades in books, the press, and in the media in general. Increasingly, the division among Democrats and Republicans had spread to how they viewed life, that is, the “values” issue so prominent in the 2004 campaign. Evangelical Protestants in the Southern and Midwest had become increasingly alienated from the “sinful” lifestyles that they associated primarily with the Northeast and with urban America. They watched with dismay at the increasing popularity of sex, drugs, abortion, and the acceptance of gay lifestyles. For them the Monica Lewinsky affair symbolized everything that was wrong with America, and they had become more politically active during the 2000 election. George W. Bush himself was a “born again” Christian, but—given the closeness of the 2000 race—could not emphasize his religious convictions as much as he later did. Then came September 11.

### **Impact of the September 11 Attacks**

It is not possible to overstate the impact of the September 11 terrorist attacks on the American psyche. Americans tend to pull together under foreign attack, as most people do. It is important to remember, however, that in the modern period the United States has never been

subjected to a foreign attack on its soil. The last time was during the War of 1812; in 1941, Pearl Harbor was not part of an American state. In addition, the Japanese attack on Pearl Harbor did not cause as many deaths as the twin towers and Pentagon attacks. The vaunted invulnerability of the United States was gone—not only because the terrorists had successfully attacked New York and the symbol of American military power, but because of the manner in which Bin Laden’s operatives had succeeded in taking over American planes operating from American airports and used them as lethal weapons.

Despite Michael Moore’s “Fahrenheit 911,” most Americans agreed that the President did a good job in holding the country together in the aftermath of the attacks, and most of the world sympathized with America. Americans themselves could not understand why they were attacked and were dumbfounded and angered when they saw Arab women dancing in glee on television at the destruction wrought by the 9/11 attacks (later it turned out that she was not clear on what she had been doing, but this news did not reach most Americans). The American media concentrate on American news and carry very little on foreign affairs, especially in areas outside of the Northeast and the Pacific coast and, generally unaware of problems in the rest of the world, frequently have a simplistic outlook on them. When American forces invaded Afghanistan to remove the Taliban from power and to capture Osama Bin Laden, the United States had the support of the overwhelming majority of Americans and of the world’s population. With Iraq it was a different situation.

Unlike Afghanistan, the run-up to the invasion of Iraq led to an internal debate. No one doubted the heinous nature of Saddam’s regime, but should the U.S. attack him? Bush Administration officials tried their best to make a case, stating that he was dangerous because Iraq had weapons of mass destruction and was on the verge of using them, trying to tie Iraq to the 9/11 attacks and to terrorism in general by citing Saddam’s payments to the families of suicide bombers. American strategic thinking shifted dramatically. Changing a long tradition by which the U.S.

would never strike to first blow, the Administration now justified preventive wars: it was better to take out American enemies if the government believed they constituted an imminent threat rather than wait for an attack and then strike back. Many Americans rejected this argument, but many accepted it. This argument also alienated many American allies.

It is untrue, as many observers alleged, that the Administration did not understand what might happen after an American military victory in Iraq and did not plan for a post-victory administration; American planners were simply wrong. Before the invasion, experts predicted three scenarios for a postwar Iraq: division of the country among the Kurds, Sunnis, and Shiites; a fundamentalist Shiite bloc with Iran; and continued instability. The neocons dismissed these possibilities and argued that Iraq would be democratized and that democracy would spread throughout the Middle East, resolving all of its problems, and advocating the invasion of Syria and Iran if necessary. To those who argued that toppling Saddam would lead to terrorism in Iraq, Administration officials argued that it would be better to attract the terrorists to Iraq rather than leaving them free to attack American interests. This insidious argument later became a leitmotif of the 2004 campaign.

After the successful invasion of Iraq, no weapons of mass destruction were discovered. This fact produced a heated debate as to whether Bush was justified in invading Iraq. As American deaths piled up and the resistance grew, opposition to the war escalated. It seemed that that the war and the justification for it would become the overriding issue of the 2004 electoral campaign. In the Democratic Party, antiwar candidate Howard Dean gained strength early on but lost out to Massachusetts Senator John Kerry because he seemed more “electible” to Democratic voters who wanted above all to regain the presidency.

## **The 2004 Elections**

Probably the 2004 presidential election will go down in history as one of the dirtiest.

Besides the question of Iraq and of terrorism, the country's economic difficulties weakened the President, making him vulnerable, and he struck back at John Kerry's criticisms.

Bush argued that he had done a good job fighting terrorism and justified the Iraq invasion, despite the failure to find weapons of mass destruction. Kerry criticized how the country went to war. Unfortunately for him, he was caught in a dilemma. In order to have a fighting chance to win the Democratic nomination against the vociferously antiwar Howard Dean—who had taken an early and significant lead while his own campaign was in the doldrums—Kerry adopted a strong antiwar stance. When he tried to backpedal during the presidential campaign, Bush accused him of being contradictory, of “flip-flopping,” and made it stick. His attempts to clarify his position failed and made him seem indecisive. The culmination came when Bush declared that, knowing what he knew even after the war, he still would have invaded Iraq; he asked Kerry if he would have done so as well. Kerry's affirmative answer weakened his case (after the election, Kerry claimed that he had misunderstood the question, which a reporter asked him, because of hearing loss sustained during the Vietnam War).

With regard to the economy and domestic policy in general, Bush was especially vulnerable because of the anemic job growth after the last recession and because of the debate regarding the “outsourcing” of good American jobs to foreign countries. The President's poor performance during the three debates also weakened him. At the same time, opinion polls indicated that the race would be very tight, with the closest state, Ohio, likely to determine the election's outcome. Kerry, known as one who finished strongly, seemed to have a good chance of wresting the presidency from Bush.

When the results came in, however, Bush won the race by an estimated 3.5 million votes and by an electoral vote tally of 286 to 252.



## **Interpreting the Results**

For Liberals the interpretation of the electoral results immediately following the election was alarming. The Kerry camp had worked hard to turn out the vote, believing that a larger turnout—especially of young people, and the traditionally Democratic constituencies of blacks, Latino, and women voters—would position their candidate to win. A record number of people did vote, but observers contended that the increased number of voters had helped Bush, not Kerry. The argument behind this was that the campaign to bring out the vote had resulted in a greater number of rural voters who had gone for Bush.

Supposedly, this result was based on the issue of moral values that emerged as a strong issue during the campaign. The 4-3 decision of the Massachusetts Supreme Judicial Court stating that the prohibition against gays marrying violated their civil rights opened up marriage to gays. Despite Massachusetts's liberal image, this decision resulted in a wave of protests in the state and application of a 1913 law that prohibited marriages between persons from out of state whose home state would not recognize the marriage (now being appealed). In addition, a move began for a state constitutional amendment limiting marriage to men and women, but it could be put on the ballot only by 2006 at the earliest. The backlash was not confined to Massachusetts. President Bush began the process for a constitutional amendment that imposed a similar limitation throughout the United States. Despite his amendment's defeat, the issue of gay marriage mobilized opponents and the evangelical Christians who were most aggressive about injecting their ideas into politics and who counted Bush among their numbers. Gay marriage went down to defeat in liberal Oregon and went on the ballot in eleven states during the presidential election, being defeated in all of them. The turnout generated by the contests in these states supposedly hurt Kerry. The Democratic candidate's position on the issue was that the states historically had regulated marriage and should continue to do so.

The other “moral” issue that supposedly damaged Kerry was abortion. The Republicans had passed a law banning so-called “partial birth” abortion (a form of abortion in which the fetus is killed while being born). The courts struck down this ban, as expected, because it did not provide for exceptions protecting the life of the mother, but Bush attacked Kerry for having opposed it. In addition, Kerry was accused of supporting abortion in general, although he said that he opposed it personally but would not try to overturn it as President. Bush appealed to Catholics on this issue and the American Catholic bishops issued a letter opposing the election of the Catholic Kerry.

Besides the “values” issue, Kerry’s opposition on the way the Iraq war was handled was supposed to have hurt him, as did the question of terrorism. Bush successfully portrayed himself as a strong leader and Kerry as weak.

All of these issues trumped the domestic problems and supposedly came together to give Bush a “mandate,” according to political observers, but was this interpretation correct?

Several weeks after the elections, different interpretations emerged from an analysis of the exit polls asking not how voters had voted but why they voted as they did. The early interpretations of Bush’s victory have not held up under scrutiny.

Like all presidential elections, a mixture of factors seems to have determined Bush’s victory, but they also point to John Kerry’s weaknesses. While the well-organized evangelicals greatly helped Bush, they did not determine his success. In rural areas, Bush did not do as well as he did in 2000 than he did in urban and suburban districts. In the states with gay marriage questions on the ballot, turnout was not higher than in the rest of the country, indicating that the “values” issue was weaker than believed. While Bush’s base was among persons who had strong religious values, favored his tax cuts, and supported his position on Iraq, the people who provided the margin of victory in his reelection were voters did not agree with his values, disagreed with him on abortion, believed that he had done a poor job on the economy, objected to his weakening of health care, and felt that the Iraq conflict was going poorly.

The greatest cohort in this category was women worried mostly about terrorism and who believed that Bush could do a better job in fighting it. In the 2000 election, an important question was who would win the vote of the “soccer moms,” mothers whose days were filled with work and chores but who took their children to play soccer and other sports after school and on weekends. In 2000, Al Gore won the female vote by 11 points, while losing the male vote by the same amount. In 2004, the question was who would win the vote of the “security moms,” mothers who took their children to play school sports while constantly looking for terrorists who might threaten their children. John Kerry won the female vote, but only by three points, while his percentage among men did not improve significantly over that won by Al Gore.

Similar things could be said about other constituencies that went for Kerry but a significant part of which voted for Bush: about 23 percent of gays supported him and almost 6 percent more Latinos voted for him than had voted for Gore in 2000. Kerry just did not carry traditional Democratic constituencies by as many percentage points as he had to in order to counterbalance Bush’s support—and the main reason seems to have been the terrorist threat.

### **Bush’s Conservative Agenda and the Risks**

As Democrats resigned themselves to becoming a permanent minority in the American political system, the view that George W. Bush had not really received a mandate from the people came as comforting news. Furthermore, freed from the pressure of facing another election, during their second terms presidents frequently become more moderate in an attempt to broaden their support and fix their place in history. In this case, however, such an evolution appears unlikely.

What tended to be deemphasized by Liberals were the Republican victories in both the House of Representatives and in the Senate. In the House, the Republicans gained 3 seats, strengthening their majority. In the Senate, which Democrats were given a chance of winning, Republicans reinforced themselves by adding 4 seats, all lost by Democrats. It is likely that Bush

will successfully use this increased strength to further his agenda by making tax cuts permanent and by introducing other measures advancing a more restive social agenda. It is unlikely that he will act more moderately in domestic policies with a 3.5 million vote majority in the popular vote than he did with a minority of that vote and a contested win of 537 votes in Florida in 2000. With regard to terrorism, which provided his margin of victory, he is unlikely to weaken any of the provisions of the Patriot Act that had negative effects on civil rights following the 2001 terrorist attacks. While the courts are likely to weaken some aspects of this legislation, if there is another terrorist attack, all bets are off.

With regard to the influence of the evangelical Christians, while their support may prove not to have been determinant, they certainly were strong supporters and Bush himself is of a similar mind. In addition, what is important in politics as in life is perception and, despite the attempt of Liberals to weaken the perception that evangelicals had a decisive role in the election, it will be difficult to eradicate this idea in the public mind. Evangelical Christians have certainly been clear in their support and in their expectations. On November 3, Bob Jones III, President of Bob Jones University (the same one that prohibited interracial dating until it was forced to rescind the ban in 2000) wrote a letter of congratulations to the President. The letter includes the following statements:

In your re-election, God has graciously granted America—though she doesn't deserve it—a reprieve from the agenda of paganism.... Undoubtedly, you will have the opportunity to appoint many conservative judges and exercise forceful leadership with the Congress in passing legislation that is defined by the biblical norm regarding the family, sexuality, sanctity of life, religious freedom, freedom of speech, and limited government.... If you have weaklings around you who do not share your biblical values, shed yourself of them. Conservative Americans would love to see one president who doesn't care whether he is liked, but cares infinitely that he does right.

Probably Bush will have the opportunity to appoint four Supreme Court justices during his term, affecting social policy and civil rights far into the future. Furthermore, he is moving swiftly into what seems to be a more conservative direction. Evangelical Christians will have more influence in American politics than every before, injecting a note of religious bias not usual in

American politics. Bush has replaced John Ashcroft as Attorney General with Henry Gonzalez, even more conservative and a possible Supreme Court nominee. Secretary of State Colin Powell, the most influential moderating factor in the Administration, has resigned, probably to be replaced by the more hardline Condoleezza Rice. Defense Secretary Donald Rumsfeld, the bane of Liberals and under wide attack for the Abu Ghraib torture incident, seemingly will remain at his post. In foreign policy, the “neocons” seem already to have consolidated their position.

Despite the shifting interpretations of Bush’s mandate, American Liberals have cause to worry—and it has nothing to do with the electoral system that worked only too well.

Spencer M. Di Scala