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ABSTRACT

All evening on election night 2000, candidates George W. Bush and Al Gore were deadlocked in the tightest-ever race for the office of President of the United States. As the numbers were reported from each state, the battle for votes in the electoral college swung back and forth from Republicans to Democrats. The next morning, the issue was still not decided. But was this unprecedented? In fact, a presidential election was deadlocked in the electoral college twice before. Deadlocks occurred in the 1800 election between Thomas Jefferson and Aaron Burr and in the 1824-25 election between John Quincy Adams and Henry Clay. This unit recounts the story of the elections of 2000 and of 1824-25 and provides three discussion/writing questions as well as a 10-step voting activity simulation. (BT)

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Closest Presidential Race Ever. . . Or Is It?

What Happens Next?

". . . if there be more than one [candidate having] an equal number of votes, then the House of Representatives shall immediately chuse by Ballot one of them for President."

–U.S. Constitution Article II, Section 1

Election night, 2000--All evening, candidates George W. Bush and Al Gore have been deadlocked in the tightest-ever race for the office of president of the United States. As the numbers roll in from each state, the battle for votes in the electoral college--scored on a winner-take-all basis--swings back and forth from the Republican camp of George Bush to the Democratic camp of Al Gore. New York goes to Gore. Virginia, North Carolina, and Kentucky all go to Bush. When midnight arrives on the West Coast, most Americans go to bed, not knowing who is going to be their next President. For more than an hour, the score boards have been locked at 242 electoral votes per candidate. Either candidate needs 270 votes to win by majority in the electoral college.

The next morning, the issue is still not decided. Florida, originally thought to have gone solidly for Democrat Gore now shows Republican Bush with a slim lead of 1700 votes out of a total cast by nearly 6,000,000 Florida voters. With election officials in three states (Florida, New Mexico, and Oregon) having to recount votes because the election was so close, the balance in the electoral college could remain deadlocked until all the votes are recounted. Possible legal action could delay the decision even longer.

Shocking! Stunning! Unprecedented? None of the above. A presidential election has been deadlocked in the electoral college twice before.

The Electoral College

In an American election, voters do not directly choose a presidential candidate. The nation's founders were concerned that a direct vote for the most powerful office in the land could be manipulated by power-hungry individuals or by a mob mentality. Therefore, they placed the final decision of who will be president and vice-president in the hands of a separate voting body called the *electoral college*.

Usually, the electoral college vote accurately reflects the will of the larger voting public. However, members of the electoral college vote in blocks from each state. In most states the presidential candidate who garners the most votes gets *all* the electoral college votes for that state. This can reverse the outcome of an election. For example, in 1888, Benjamin Harrison lost the popular vote to Grover Cleveland but won a majority in the electoral college.

Opponents of the electoral college system point to that election as evidence that the electoral college stands in the way of direct democracy. Others say that the electoral college is an important part of the checks and balances defined by the Constitution and should be retained.

The Election of 1824-25: When the House Chose the President

Deadlocks occurred in 1800 and in 1824, and--as prescribed by the U.S. Constitution--the U.S. House of Representatives did have to choose the next president. In the 1800 election, Thomas Jefferson and Aaron Burr were Democratic-Republican candidates for president and vice president. In the electoral process at the time, the candidate with the most votes would become president and second place would become vice president. Unfortunately, they came out exactly tied. The race was thrown into the House, where it took 36 ballots for Jefferson to be

chosen our third president.

Many legislators were upset by this confusion. So in 1804 the 12th Amendment was passed to require separate balloting for president and vice president.

The Election of 1824

Without the 12th Amendment, the election of 1824 might have been a nightmare. There were so many presidential candidates--ten--that the election was certain to be deadlocked. And they all belonged to the same party, the Democratic-Republicans. How did there come to be so many candidates?

In earlier elections, presidential candidates had been chosen by a small circle of insiders in Congress called a "King Caucus." In reaction to this, state party caucuses started making their own nominations. Many separate caucuses in state legislatures and at state party conventions selected presidential candidates. Only a few of these candidates were serious contenders. The insiders in the King Caucus nominated Secretary of the Treasury William H. Crawford. He was a slaveholder from Georgia and was the favorite of President Monroe. Crawford, however, had suffered a stroke.

The North's candidate was Secretary of State John Quincy Adams, from Massachusetts. The son of former President John Adams, he was strongly backed by commercial interests in New England. He played down his backers because much of the West and South resented New England.

Henry Clay was from the West and supported Western needs like roads and canals. A Kentucky slaveholder, he was speaker of the House of Representatives. Clay saw that the election would likely go to the House, where as speaker he would have the inside track.

The outsider among the top candidates was Andrew Jackson from Tennessee. He was famous as the general who had beaten the British at New Orleans in 1815. He was a senator from Tennessee, but his political views were largely unformed and unknown.

The campaign quickly heated up, becoming America's first great mudslinging contest. Clay called Jackson a gambler, duelist, adulterer and military tyrant. Jackson called Clay a drunkard and gambler. Adams was ridiculed for his slovenly dress. Crawford was attacked for dishonesty and mismanaging the budget.

When the votes of the 24 states were finally tallied, to no one's surprise, there was no majority winner. In popular vote, Jackson came in first with 42 percent, Adams took 32 percent, and Clay and Crawford had 13 percent each. In the crucial vote by the electoral college, Jackson led with 99 electors from 11 states, 32 votes short of a needed majority. Adams had 84 electors from seven states. Crawford had 41, and Clay was last with 37.

Following the procedures of the 12th Amendment, the House of Representatives now had to choose the president from the top three: Jackson, Adams, and Crawford. At the time, Inauguration Day was in March, and the first months of 1825 became a frenzy of lobbying and back-room bargaining. Rumors spread that representatives were trading their votes for ambassador posts and cabinet jobs.

Henry Clay's fourth place finish shut him out of the presidency. He tried to use his post as speaker of the House to play kingmaker. He called in favors and worked behind the scenes to influence the vote. Jackson was a fellow Westerner, but Clay suspected him as a rival in future presidential races. Clay disliked Adams, but the two met privately a month before the House election. Both men denied making any bargains. But rumors said that Adams had promised to make Clay Secretary of State.

As the vote neared, Clay worked hard for Adams. He won over a number of Western representatives whose states had voted solidly for Jackson. He even promised the votes of his own Kentucky, which had not cast a single popular vote for the Yankee Adams.

The House met to vote on February 9, 1825. After more than a month of arm-twisting and bargaining, John Quincy Adams took exactly the 13 states he needed to win, Jackson won seven, and Crawford four. The public galleries in the house broke into such an uproar of booing and hissing that Speaker Clay ordered them cleared. Three days later, the new president nominated Henry Clay as his Secretary of State. Charges of making a "corrupt bargain" would dog Henry Clay for the rest of his life.

The Jackson supporters were furious. After all, he had won by far the largest share of popular votes with 42 percent. Jackson immediately declared that he would run in 1828. And he became the first major American politician to call for eliminating the electoral college and electing the president directly by popular vote.

For Discussion and Writing

1. Why was the presidential election of 1824 finally decided by the House of Representatives?
2. Which candidate do you think should have been elected president by the House in 1825? Why?
3. What is the purpose of the electoral college? Do you think the president and vice president should be chosen entirely by popular instead of electoral votes? Why or why not?

For Further Reading

Remini, Robert V. *Andrew Jackson and the Cause of American Freedom, 1822-1832*, Vol. II. New York: Harper & Row, 1981.

Schlesinger, Arthur M., ed. *History of American Presidential Elections 1789-1968*, Vol. I. New York: Chelsea House, 1985.

ACTIVITY

Choosing a President in the House

This simulation is based on a hypothetical 2000 presidential election in which none of three candidates wins a majority of electoral votes. The U.S. House of Representatives would choose the president.

National Election Results

Candidate & Party	Popular Vote	Electoral Vote
Bush (Republican)	48,999,459 (48%)	246
Gore (Democrat)	49,222,339 (48%)	255
Nader	2,694,855 (2%)	0

Simulation Instructions

1. When the House chooses a president, each state has only one vote, regardless of its population. The House would cast a total of 50 votes for president. For the purposes of this simulation, three states will cast the deciding votes in the House election.

State	Delegation Members	Popular Vote in State
A	**15: 10 Democrats 5 Republicans**	**Gore 53% Bush 44% Nader 3%**

B	**10:**	**5 Democrats**	**Bush 48%**
		5 Republicans	**Gore 46%**
			Nader 6%
C	**5:**	**3 Republicans**	**Bush 55%**
		2 Democrats	**Gore 44%**
			Nader 1%

2. Form three groups to make up the three state delegations shown above. These groups do not necessarily have to be equal in number.

3. One student should be selected to play the role of the speaker of the House. He or she is a Republican from State B and should participate in all that state's deliberations.

4. Form three additional groups of the remaining students who will play the role of partisan House members arguing for the election of Bush, Gore, or Nader.

5. All participants should read the 12th Amendment to understand when and how the House elects the president.

6. The partisans for each candidate should prepare oral arguments explaining why the House should elect their man.

7. Members of the three state delegations should discuss the significance of the national election results and also the results in their particular states. However, members should keep in mind that, according to the Constitution, each state may cast its vote for any one of the three candidates, without regard to the election results, party loyalty, or partisan arguments.

8. The speaker will call the House to order and allot the partisans of Bush, Gore, and Nader up to five minutes each to make their arguments. After each group of partisans has finished, members of the state delegations may be recognized by the speaker to ask questions or make statements.

9. The three state delegations should then meet separately to discuss how to cast their state vote. This should be decided by a majority of the members in each state delegation.

10. Two states must vote for one of the candidates to elect a president. Deliberations should continue until this has been achieved.

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