

*Robert D. Novak*

# When To Say When

In keeping with his performance over the past five weeks, Al Gore took some 10 hours of conferences and meditation before recognizing that the U.S. Supreme Court had finally closed the door on his presidential hopes.

Contrary to the Gore campaign's statement late Tuesday night, the 5 to 4 majority's opinion is neither "complex" nor "lengthy." It could be read in a half-hour, and it unequivocally left no legal options for the vice president to pursue the challenge that was unmistakably his own. He became personally responsible for the long, long Florida recount when, on Nov. 8, he declined to put an end to the process by accepting the results of the statewide machine recount that had shown George W. Bush to be the president.

This is the sad legacy of Al Gore after 24 years of public life. In the absence of any vision other than lifelong ambition to enter the Oval Office, he will be remembered as the principal cause of the great 2000 deadlock. The costs included ridicule throughout the world, deeper racial tensions, the U.S. Supreme Court's being forced into the political maelstrom and costly stock market losses.

All this could have been avoided had Gore on Nov. 8 accepted the Bush victory indicated by the machine recount, which was mandated by Florida law because the first tabulation was so close. Instead, the full Democratic election mechanism that had been developed to contest lesser offices was, for the first time, aimed at the presidency.

Five weeks ago, I talked to many Democratic politicians who said—not for quotation—that Gore had just about a week to contest the election and then should subside. But they were soon caught up in partisan fervor: Lanny Davis was one of the few such Democratic activists who had gone public, telling me of "long-term historical consequences" for his party if this chal-

lenge lasted too long. Yet, on Tuesday night lawyer Davis was trying to find loopholes in the Supreme Court decision.

Gore strategists early in November fixed on trying to get partisan Democratic election officials to interpret spoiled ballots in heavily Democratic counties under the mantra of "Count every vote!"

But the overall plan included efforts to suppress Republican votes, especially absentee ballots including the overseas military. The Miami-Dade County partial recount certified by the Florida Supreme Court included 20 percent of all voters, but only 2 percent of Hispanics (mainly heavily Republican Cuban Americans), who make up nearly 40 percent of the county's voters.

Old Democratic hands, some close to Gore, were unhappy about the recount strategy. One such Gore adviser privately expressed the hope weeks ago that there would be an unequivocal legal setback that would permit a graceful surrender. But this was a minority view in the vice president's inner circle, where the Florida Supreme Court was cheered for prolonging the ordeal.

Would a 4 to 3 majority on the state court have propelled Gore into the White House had the U.S. court not intervened? Probably not. Multiple court appeals would have guaranteed the intervention of the Republican-dominated legislature, ending with a tumultuous conclusion in Congress, where Gov. Bush held the high cards.

But the bare majority of the high court saved the country from this potential constitutional crisis resulting from Gore's doggedness. The unsigned majority opinion by five justices regretted the need to intervene but added: "When contending parties invoke the process of the courts, however, it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront."

That was welcomed Tuesday night by thoughtful Democrats. Democratic National Committee Chairman Edward Rendell and Sen. Robert Torricelli actually said publicly it was time to quit. Despite admonitions from Mario Cuomo and Jesse Jackson to keep fighting, everybody knew it was finally over for Al Gore. At the cost of his place in history, it had lasted too long.

© 2000, Creators Syndicate Inc.