

THE CRISIS FACING AMERICAN DEMOCRACY

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INTRODUCTION:

“A Republic, Madam, if you can keep it” — that was Benjamin Franklin’s response to a woman who asked him what the Constitutional Convention had produced, as he left Independence Hall after months of deliberation in 1787.

And that has been the challenge ever since — to keep our system of government. Through 235 years of American history, through foreign invasion, a Civil War and Reconstruction, economic depressions, two World Wars and several smaller ones, and the Civil Rights battles of the 1950s and 1960s. No other major country which existed in 1787 has survived these events with its system of government still intact.

Since our founding, Americans have seen the expansion of the right to vote from only property-owning white males, to other white males, to African American males, to women (only 100 years ago!), and finally to citizens 18 and older. Over time we became a hybrid form of governmental structure — a Republican Democracy — as the vote was extended from a privileged few to the vast majority of Americans, including the direct election of Senators and Presidential electors.

This extension of the vote to greater and greater portions of our citizenry has not been easy, often meeting violent resistance over these two centuries. It took the Voting Rights Act in the 1960s to guarantee Black Americans, Native Americans, and Asian Americans the voting rights they were given on paper a century before by the 15th amendment to the Constitution.

As other speakers will discuss this week, those rights are STILL in dispute, with a new Supreme Court majority that seems opposed to a strong federal role in protecting voting rights. There are current court challenges — by the Campaign Legal Center and

others--to redistricting maps that appear to discriminate against minority voters. And there are new laws in states across the country that make it harder to vote.

When I last spoke in this Amphitheater in the summer of 2016, Dr. Franklin's line — "A Republic if you can keep it" — was the title for my talk. I had NO idea then of the wild ride just ahead of us...the craziness of the Trump/Clinton campaign, two impeachment trials, the refusal of an incumbent President to admit an election defeat, and the first-ever violent attempt to interfere with the formal Congressional certification of a presidential election.

Looking back, 2016 seems like a much simpler and calmer time. Yet, many of the problems we face today were already evident then. The polarization and dysfunction in our political system, the anger of those feeling left out and unheard, were all there, reflected in the polls and in the public discourse. The sense that the system was "rigged" against average Americans — language used by Donald Trump and Bernie Sanders and Elizabeth Warren in 2016 — signaled widespread disaffection with the status quo.

But I believe the state of our democracy TODAY is far more fragile—more threatened — than at any other time in memory. There are more direct threats to the rule of law and doubts about the legitimacy of elections. More people are losing faith in our government and in our institutions. As Michael Luttig, a conservative Republican former judge, said to the January 6th Committee, "our democracy today is on a knife's edge."

Around the world we see other democracies under stress, with authoritarian personalities winning elections. They then seek to cement one-party control, weaken the courts and the rule of law, shut down the free press, and rig the election systems. In other countries, military rulers have seized power from democratically elected governments.

Some of this is the result of the stress and dislocation caused by the economic turmoil of 2008, and today's inflation, high oil prices, and the Covid pandemic. We know that times of great economic and social disruption create pressure on what are seen as inefficient democracies, and for some, the answer is for a strong man to take charge.

In the 20th Century, economic and political crises gave us Mussolini, Hitler, militaristic Japan, and eventually World War II. Today, in the same authoritarian fashion, a Russian dictator is waging a merciless invasion of Ukraine. That war and the resulting sanctions on Russia are further damaging the world's economy.

Conditions like these will put greater pressure on all democracies, as people look for answers and actions to protect them from this turbulence. In elections across Europe, traditional parties of the right and left have been disappearing, often replaced by new populist or right-wing groups, which themselves then struggle to govern. The governments of Britain, France, and Italy are all currently either changing leaders or facing unstable coalitions under threat from the extremes.

In America we think of ourselves as the world's greatest democracy, yet we are not immune to these conditions. In fact, we are in the midst of similar political turmoil. No, our two major parties are not disappearing. But the parties are at war within themselves, and changing rapidly.

The Republican Party of Ronald Reagan, the Bushes, John McCain and Mitt Romney, is hardly recognizable in the tone and substance of Donald Trump and Make America Great Again. In the Democratic Party, the battles between centrist and progressive forces are playing out in primaries around the country, and also in Congress.

The parties' voters are in flux. Formerly solidly Democratic states like West Virginia have become solidly Republican states. Meanwhile, California has gone from Republican to Democratic. College educated Americans and suburban women have been moving in droves to the Democratic party – and many white males without college degrees, and socially conservative Hispanics, have been passing them going the other way.

Our country is increasingly unhappy with its' government. According to the Gallup Organization, only 27% of Americans express confidence in our institutions – the lowest percentage ever registered for that question. 80% believe the nation is on “the wrong track.”

More than 60 % of Americans say a new-third party is needed. And a majority of Americans say they do not trust any of the three branches of our federal government – or their own state governments – to handle the problems we face today.

I want to focus this morning on three major challenges to our democracy.

First, the lack of faith in the integrity and fairness of our election system – a sentiment shared by majorities of both parties, although for different reasons.

Second, the recent direction of Supreme Court decisions on issues relating to our democracy.

Finally, the growing challenge of violence and the fear of violence in our elections and in government at all levels.

LACK OF FAITH IN THE INTREGRITY AND FAIRNESS OF OUR ELECTION SYSTEM:

Let's start with looking at the partisan wars engulfing our election system.

A successful democracy depends upon the assurance that **all** eligible voters will be able to vote if they choose, that **only** eligible voters will be able to vote, that all votes will be counted fully and carefully, and that the announced results are accurate.

For most of your life and mine, it was rare to suggest that our election systems — that is, the ways we cast and count ballots — were not trustworthy. Famously, in the past there were political party operatives who could stuff ballot boxes behind closed doors, but transparency in election administration and new voting machines eliminated that as a serious possibility some time ago. Questions about the accuracy of electronic voting machines have been largely addressed by the fact that paper ballots are fed into them, or paper trails are created, and those can be reviewed and verified afterwards.

Absentee ballots were not especially controversial before 2020. Encouraging voters to use absentee ballots was an integral part of the Republican Party playbook. Over the last two decades prior to 2020, the Republican Party and its candidates had spent millions of dollars developing early voter and absentee voter data bases, and urging their supporters to vote ahead of election day by safe and secure mail ballots. That world no longer exists.

It is hard to talk about where we are today without noting the destructive forces set in motion when, for the first time, a sitting President announced he could lose the election only if it was stolen, and then insisted it had been. An election where the official, certified, records said he had lost by 7 million votes in the popular vote, and 306 to 232 in the Electoral College.

Today, some 70% of Republican voters agree with the claims of the former president that the 2020 election was stolen from him, largely because of his allegations of millions of fraudulent absentee ballots, or rigged machines.

Let me say, as a former election lawyer who worked with Republican political campaigns over many years, I believe the director of the federal cybersecurity agency, who said the 2020 election was “the most secure in American history.”

I believe Bill Barr, Trump's Attorney General, who declared that "we have not seen fraud on a scale that could have effected a different outcome in the election." He has also testified that he privately told the former President the claims of fraud were a two-syllable word beginning with "bull."

I believe the dozens of senior government officials, party lawyers, campaign staff, and others who told the President the same thing, in more polite language.

I believe the results of the official audits of state returns – three in Georgia alone, including a hand recount, that verified the Biden electoral college win. In the words of a recent exhaustive analysis by prominent Republican lawyers, including the former General Counsel of the Republican National Committee, the "election was lost, not stolen."

And yet, millions of patriotic Americans say they think the current President is illegitimate because the election was stolen in some unspecified and unprovable way. Part of the reason many buy the "steal" narrative is that in our increasingly siloed and polarized country, they associate only with people who supported Trump. If they, and everyone they knew, voted for Trump, then how could he possibly have lost?

Furthermore, a portion of these voters regard themselves as representing the "real America," and believe that an election victory by anyone different from their views is, by definition, un-American, and therefore unacceptable.

To say the least, this is a HUGE problem for the future of our democracy.

Mistrust in the legitimacy of voting is already affecting the functioning of our election system.

Let's start with the voting machines. Lawyers for the former President claimed that they had secret evidence that that voting machines were being programmed by the Marxist government in Venezuela – or by satellites launched from Italy. Seriously.

And yet, and yet – these conspiracy theories have real consequences for our election system. Already this year we've seen the spectacle of local election officials refusing to certify votes cast on machines – because they believe claims that machines may be rigged.

This Spring, a county commission in New Mexico refused to certify a local election on that basis. The state Supreme Court had to intervene and order certification, which the commission did in a 2-1 vote. The holdout cast his “no” vote hours after receiving a jail sentence for his role in the January 6th Capitol riot.

These sorts of disputes are occurring BEFORE the possible arrival in office of the “Stop the Steal” true believers who are now running for Governor, Secretary of State, and local election bodies across the country. Candidates who win any of those races will be in a position to make it more difficult for supporters of the other party to vote, or to refuse to certify election results they dislike.

Election experts are already discussing what to do if a Secretary of State or other election official refuses to certify state election results based on an ill-defined suspicion – or personal disapproval of those results.

And then there are new laws being passed by many states changing the rules for access to the ballot box. In the last election, we saw the greatest number of voters in US history, and one of the highest percentages of voter turnout ever. Many people saw this turnout as a success for democracy – but others saw it as a political threat, and have set out to roll these developments back and create barriers to voting.

Let me just puncture one widely held belief – that large voter turnouts always benefit Democrats. Recent history shows that to be false. Hillary Clinton’s campaign was thrilled with the early reports of high voter turnout in Florida in 2016, and delighted when Clinton met or exceeded her vote targets in county after county, beating Obama’s numbers in the state – UNTIL the Trump totals in Republican counties started rolling in, and his margins were even bigger. It was his new voters—nontraditional voters—who came out, many for the first time, and carried Trump to victory in Florida and other states.

As the party bases rapidly shift, the notion that making it harder and more complicated to vote helps Republicans seems less likely to be true. Even so, a string of Republican legislatures have taken actions since the 2020 election that **do** make it harder to vote.

80% of Americans in one recent poll said that they felt that “protecting democracy” was either “extremely important” or “very important.” Unfortunately, what they mean by this varies depending on which party they support.

Democrats see the new state voting rules as attempts to suppress votes for their candidates, especially in urban areas with large minority populations where barriers like

long wait times at polling places already exist. Jelani Cobb, who will be speaking in this Amphitheater Wednesday morning, will tell us about the history of suppression of minority voters in this country, and the barriers they still face.

On the other hand, Republican leaders say that their voters are greatly concerned about the threat of fraud in elections, and, whether or not fraud actually occurred in their states, they need to “tighten up” voting procedures in order to create more confidence in the election system.

Of course, this somewhat circular — it is the former President and Republican party leaders who have created the mistrust of our election system they now say they have to respond to. But that doesn’t change the pressure on them from their “base” to alter the rules for voting, especially for the suddenly reviled absentee and mail-in ballots. A polarized country and a polarized election have produced polarized responses to how we view the mechanics of our elections. Linda Chavez, who will be speaking to us here tomorrow morning, will have more to say about that problem, and what we can do about it.


It is too early to know whether these new state rules will actually depress turnout, and if so, who will benefit from that. The recent Georgia primary elections saw larger turnout than previous primaries, leading defenders of the new laws to say “see, it didn’t hurt anything.” But we don’t know what things will look like in the general election this fall, where the turnout is usually much larger than in primaries.

But the new Georgia laws — and those in a number of other states — indisputably create barriers to the freedom to vote that were not there in 2020, and that seems a perverse outcome in a democracy which says it values the right of every eligible American to vote.

My own belief is that we want more — not fewer — Americans to feel they have a stake in our country’s government. Voting helps develop a feeling of participation and ownership. It strengthens a sense of common purpose with our fellow citizens, as “We, the People,” carry out the shared responsibility of choosing our leaders.

The practice of gerrymandering — drawing Congressional lines to favor the incumbent party, is another threat to our election system. It is often called “politicians choosing their voters”— instead of the other way around.

Through technology and Big Data, politicians have very detailed information about where voters live, so they can draw maps to create a maximum number of winnable seats for the party in power.



To do this, they create lines that pack in as many of the other party's voters as possible into as few districts as they possibly can. This results in 50-50 states like North Carolina having ten Republican House members and only three Democratic ones.

This is a bipartisan problem. In Illinois, the Democratic super-majority legislature has drawn new districts so that their party has an advantage in 80% of the state's Congressional seats – even though it is only a 60-40 Democratic state.

One bad result of this year's gerrymandered maps is that there will be very few competitive seats – ones that either party can win. The estimate is that more than 90% of US House seats will be safely in the hands of one party or the other this Fall. This contributes to polarization in Congress, because in safe seats the real election is in the party primaries, usually with small turnouts dominated by the most partisan party members. That in turn provides an incentive to be a party loyalist in Congress, rather than reaching across the aisle and compromising in ways that would be unpopular with the party base.

It need not have been this way. For a while, such gerrymandered maps were challenged in the federal courts, often successfully. Then, in 2019, the Supreme Court ruled 5-4 that these challenges could not be heard by federal judges – federal court doors are now closed to gerrymandering cases. Chief Justice Roberts said that gerrymandering is a “political question” and that the answers to it are too difficult for federal courts to resolve.

Justice Kagan wrote in response that: “Of all times to abandon the court's duty to declare the law, this was not the one. The practices challenged in these cases imperil our system of government. Part of the court's role in that system is to defend the foundations. None is more important than free and fair elections.” Justice Kagan makes great sense – but her wisdom was unfortunately contained in a dissent from the Court's Majority Opinion.

Michael Li will talk about all of this in detail on Thursday, so we'll hear more about what can still be done to combat this blot on our democracy.

THE U.S. SUPREME COURT AND DEMOCRACY:

Unfortunately, the Roberts Supreme Court's gerrymandering decision is only one of many recent cases, all decided by narrow majorities, where the current Court has undermined our democratic system. It has over-ruled laws enacted by our elected branches of government that are designed to protect the freedom to vote and prevent corruption in elections. As a result, two thirds of Americans now say they think Supreme Court decisions are based on the Justices' politics, rather than on the Constitution.

To begin with, there's been tremendous controversy over the Court's current membership. On this point, the Democrats have a serious recent grievance – the Republicans refused to consider Barack Obama's nominee in 2016 because they said it was too close to the election, and then rushed through the confirmation of Donald Trump's last nominee just weeks before the 2020 election.

As a result, the Court now has six Justices nominated by Republican Presidents and only three Justices nominated by Democratic ones. Of the last 20 Justices to join the Court, fifteen were nominated by Republican Presidents and only five by Democrats.

But it is the Court's track record on democracy issues over the last decade that is the problem I want to talk about today. Under Chief Justice John Roberts, the Supreme Court has issued opinions on the freedom to vote and in campaign finance cases that are consistently anti-democracy. These decisions have reversed decades of work by prior Courts that sought to perfect and protect our system of government.

In order to reach these results, the Court has, in my view, selectively and inconsistently applied judicial and interpretive principles, and ignored the clear language of the Constitution.

On the freedom to vote, the Court declared key provisions of the Voting Rights Act unconstitutional in the *Shelby County case* in 2013. There, the Court gutted the preclearance provisions – the requirement for US Department of Justice approval before changes could be made in state or local voting rules.

This had applied to certain areas of the country with a history of racial discrimination in voting. The Court's majority said that this requirement offended "state sovereignty", that Congress had not considered it thoughtfully enough, and that the country was different than when the Act was first passed.

Then, last year, the Court severely weakened Section Two of the Voting Rights Act, the only remaining tool in the law to fight racial discrimination in voting. The case involved the section of the Voting Rights Act allowing court challenges to state election rules that harm access by minority communities to voting. The Court majority held that provision only applies when a state's new burdens on minority voters are intentional and substantial. This is a much higher standard than Congress had set in the law.

The impact of these voting rights decisions on our democracy cannot be overstated. After *Shelby County*, for example, states and localities across the South rushed to pass all manner of laws and policies making it harder for people of color to register and vote, such as closing polling places in black neighborhoods, creating new onerous voter ID requirements, and criminalizing some voter registration drives.

The Court could reach these results only by ignoring the specific language of the Constitution. The Fifteenth Amendment was written after the Civil War to specifically guarantee Black Americans the right to vote. It specifies that: "The Congress shall have power to enforce this article by appropriate legislation."

Back in 1966, in the *South Carolina v. Katzenbach* decision, the Court read this provision of the 15th Amendment to mean that when Congress acts to prevent racial discrimination in voting, the Court should be highly deferential and uphold it if Congress sees a reasonable need for it.

And yet a 5-4 majority of the Roberts Court ignored this precedent in *Shelby County* and discarded provisions of the Voting Rights Act that Congress had amended and then reauthorized FIVE times since 1965. Rather than defer to Congress's judgment, as in theory it is required to, the Court decided to replace Congress's policy decisions with its own.

The narrow Court majority decided that *it* knew better than Congress about the realities of racial discrimination in America. It thought it was better situated to make judgements about the thinking of the American people than the popularly elected body that had just overwhelmingly voted to reauthorize this law.

And all despite the specific purpose and language of the 15th Amendment, from a Court majority that trumpets “strict construction” of the Constitution –but only when it suits their goals.

In campaign finance, the Court has done similar damage. The Court struck down the long-standing ban on corporate money in elections in *Citizens United* in 2010. This has led to a flood of special interest money in elections, much of it now going undisclosed. In that case and others, the Roberts Court has taken the view that the *only* allowable reason to regulate money in politics is to stop “quid pro quo” corruption – essentially direct bribery.

But special interest money causes big problems for democracy short of actual criminal bribery. As earlier Court decisions have recognized, special interests buy access and influence with large campaign contributions and expenditures. We also know that this immense spending drowns out the voices of everyday Americans in the political process.

However, the Court has essentially said that the government cannot do anything about that, no matter how much it harms our democracy. My reply to that is to borrow a line from late Justice Robert Jackson, who said, “the Constitution is not a suicide pact.” As you can tell, Justice Jackson was a wise man – perhaps because he grew up and was educated here in Chautauqua County....

This is my criticism of the democracy-related decisions of the Roberts Court, when you look at the big picture. The Court’s *reasoning* in these cases is full of contradictions and inconsistencies. But the *outcome* is always the same: the ability of the federal government to protect the freedom to vote, and guard against the danger of corruption, always loses—despite the language of the Constitution and the traditional jurisprudence of the Court that it should defer to the judgement of Congress in these cases.

VIOLENCE:

The third threat to our democracy that I want to discuss this morning is violence, and the fear of violence. A few years ago, fewer than 10% of Americans believed political violence was sometimes acceptable. Today that number is 34%, according to a recent Washington Post/University of Maryland poll.

The January 6th attack on Congress is the leading example of what that mind-set can cause, but unfortunately only one of too many. It follows the rise in armed militia groups since Barack Obama’s election in 2008, and events like the militia-led marches

with guns and torches through the streets of Charlottesville in 2017, and the 2020 militia plot to kidnap the Governor of Michigan.

A Republican from Michigan, Congressman Peter Meijer, has said that members of Congress told him they were afraid to support certification of the electoral vote because the attack on the Capitol made them fear for their family's safety at home.

In recent years we have had members of Congress shot while talking with constituents in their districts, and even while playing in a Congressional baseball game.

Recently, an armed man was arrested outside Justice Kavanaugh's house in Washington, and he told police he had come to Washington to kill the justice. Rep. Adam Kinzinger, a Republican who has been outspoken against President Trump, released a series of threatening voicemails his office has received, which including threats to "execute" him. Just last week the Republican candidate for Governor of this state was attacked by a man wielding a sharp weapon while speaking at a campaign event.

Then we have the situation of local election workers and administrators, who are often volunteers, laboring to ensure the voices of Americans are heard at the ballot box.

One such worker from Georgia was profiled in the January 6th committee hearings; she testified that once she was publicly identified as an election worker she had to abandon her house and go into hiding, her mother was attacked, and she now feels in danger any time she goes out in public.

A survey by the Brennan Center for Justice found that 1 in 5 local election officials are "very" or "somewhat unlikely" to continue serving through 2024, and that 1 in 6 say they've been threatened. Election workers deserve to feel safe in their jobs, and we will have a crisis this year and in 2024 if fear drives them away from their service at the polls.

Violence in democracies has historical precedent, and not for the good. Germany's Brown Shirts and Japan's militarists and fascists used threats of violence to frighten opposition parties and drive moderates out of public life. They used assassinations and street violence to cause voters to seek authoritarian stability.

We cannot allow such violence to take hold in American public life. Yet, many observers fear we are on the verge of that, which is a mortal danger to our democracy.

SOLUTIONS:

So those are three of the major challenges our democracy faces today. Not a cheerful picture, I know.

But here is some GOOD news: over the last few years we have seen some important positive developments.

On voting: if you had told me in 2016 that four years later, we'd see the highest voter turnout in a hundred years, during a global pandemic that created all sorts of challenges to voting, I'd have asked what you were smoking! Yet it happened. And voters of all political stripes, and legislatures and courts and local election administrators and volunteers, were the ones who made it happen.

On redistricting: a number of states have made progress in creating independent redistricting commissions. Michigan voters did that in 2018, and the new commission produced a fairer set of maps this year, ensuring that voters are choosing their politicians, not the other way around. In Virginia and New York and North Carolina, state Supreme Courts intervened in the redistricting process this year and hired special masters who drew maps praised as fair and non-partisan.

On campaign finance: we've seen encouraging wins at the state and local levels, despite the deadlock in Congress. Campaign Legal Center, for example, fought alongside Rhode Island in one court case, and the city of Santa Fe, New Mexico, in another, to defend disclosure laws. These are designed to protect their voters' right to know who is spending big money in elections. Alaska voters approved a new law bringing much greater transparency to the funding of campaigns, and that has survived court challenges.

Communities are also experimenting with new ways to amplify the voices of everyday citizens through public financing. The city of Seattle has seen success with its Democracy Voucher program, where residents are provided four \$25 vouchers, which they can give to campaigns.

This encourages candidates to connect with people at the grass roots level in order to get those vouchers into their campaign accounts. That interaction in turn makes voters more invested in the election system and more likely to vote – while making candidates less dependent on wealthy donors.

Washington, D.C. also implemented a successful fair elections program which matches small dollar donations (say you give a candidate \$20 for example) with public funds, on

a 5-1 basis. This has had the effect of getting more voters involved in elections and encouraging more candidates without personal wealth or wealthy backers to run. Now, an individual \$20 contribution actually makes a difference to candidates – a \$100 difference. Therefore, everyday residents' voices – through their contributions – matter more.

Alaska's elections have been in the news a lot this cycle, and that's because in 2020, Alaskans approved a citizen initiative for a new system of voting. They now have an open primary where the top four candidates advance to the general election. Then in that election there is ranked choice voting, so that whoever wins will have the support of a majority of the states' voters. Ranked-choice voting allows voters to rank their preferences of candidates, rather than selecting just one. We should watch how this works out in Alaska this year—it is encouraging to see a states' voters take action to try and make their democracy better.


What should we be doing NOW to fix the challenges we face? What can we do about them—we as a country, and we as individuals? This week, other speakers will talk about ways to preserve and strengthen the freedom to vote, and to ensure fair redistricting. Friday we'll hear from Lee Drutman, who has spent a lot of time thinking and writing about reforms to strengthen our democracy. He'll talk about some of the systemic changes that could make a difference to elections in this country – nonpartisan primaries, top-five primaries, ranked choice voting, third and fourth parties, and fusion voting to name a few.

Here is my own short list of what we need to do now, and in the future:

First, states ought to respond to concerns about the security of the election system by adopting automatic random audits for voting machines after each election. Some states already do this. It would help directly address the current conspiracy theories about rigged voting machines.

Second, states that don't now process ballots received in advance of election day should change their systems. Mail-in and absentee ballots should be counted at the same time as in-person election day votes. This will help avoid the confusion and suspicion created by some states in 2020 when election day in-person ballots were counted first, and then the results shifted markedly overnight or the next day as those states began to open and count mail ballots.

This disparity in when different types of votes are counted only fed false suspicions that the vote counting was somehow fraudulent.



Third, Congress must update the Electoral Count Act of 1887. The Electoral Count Act is the arcane and confusing law passed in the 19th century to govern how Congress receives and counts the electoral votes. As we discovered last year, the law is poorly written, has gray areas, and creates uncertainties. Congress owes it to itself – and to the country – to clarify that law before the next election. This is an issue that Campaign Legal Center has been working on since January of 2021, when we assembled a group of legal experts to review the Electoral Count Act in depth. Since then, we have been working with Members of Congress and their staff on this issue.

The good news is that substantial progress has already been made by a bipartisan working group of Senators, which just last week introduced a bill to amend the old law. We need to keep the pressure on Congress to do this now.

Fourth, states should be working to reduce partisan control of election administration. Some state legislatures have given themselves the power to fire election officials and assume control of election administration – this is a step in the wrong direction, and away from independent non-partisan election administration.


In the longer term, what can we aim for?

I believe Congress should enact national minimum standards for access to voting and general practices for conducting federal elections. The Senate had 50 votes for the Freedom to Vote Act this year – a version of a bill the House had already passed. However, it had no way to move forward because of the existence of the filibuster in the Senate, requiring 60 votes to proceed. Future Congresses will have the opportunity to try again, and they should.

We also need to achieve a more welcoming environment for our democracy at the Supreme Court. In some instances, Congress has the power to revisit Supreme Court decisions and rewrite the laws the court has thrown out, and it should do so. At some point there will be new Justices on the Court and they will have an opportunity to reverse decisions that have weakened our democracy.

All of this will take work – hard, focused work. I know at times it feels like the Republic Benjamin Franklin handed us has begun to fade. But throughout American history, in dark times, people have found hope – hope in the ideals handed down in the American experiment.

I still find hope. I find hope in record-breaking voter turnout. I find it every time a state votes to create an independent redistricting commission. I find it in top five primaries and ranked choice voting.



I find it as my colleagues at Campaign Legal Center continue the drive for more transparency in election spending, and equal opportunities for minority voters to participate in fair elections. I find it as local governments try new ways to involve citizens in financing elections.

And I find hope in the poll workers. The ones who, facing hostility and death threats, still show up on Election Day to run the engine of democracy.

But hope alone won't save us. We have an individual responsibility to work to keep the Republic. An obligation to those who fought for the right to vote in the past and those who hope to cast their vote in the future.

So, when you leave Chautauqua this year, go volunteer as poll workers, or local election officials. Support and join organizations which are supporting an inclusive democracy. Share the ideas you'll hear this week with your elected officials, and tell them that democracy and free and fair elections matter to you as a voter.

Finally, vote, and regardless of who you vote for, or which party you support, demand the very best from your candidates, and demand that our elected leaders respect the outcomes of our elections (even ones they don't win).

Thank you very much –it is my privilege to be with you here today.
