

Mr. President, the United States of America is an anomaly in world history. We are a two-hundred-and-forty-five year old experiment in self-government which is based upon an idea which was radical in 1776, was tested at Gettysburg, Antietam, Shiloh, and The Wilderness, was defended at Anzio, Iwo Jima, and Normandy, and was codified in 1965— an idea that the people—all the people—are the ultimate source of power and can govern themselves through their elected representatives.

The historical norm is just the opposite—kings, pharaohs, dictators, czars, warlords, emperors, and, more recently, presidents-for-life. Throughout most of human history—and right up to the present in many countries around the world—the people have little or no say in the decisions that determine their fate.

And these rulers are rarely, if ever, beneficent; in fact, again, the historical norm is just the opposite—pervasive corruption, the pursuit of power for its own sake, the crushing of dissent, sham elections, and the abuse or even elimination of anyone not sufficiently loyal, or useful, to the leader. There's nothing surprising about this for it reflects human nature; history fairly shouts at us that power corrupts and, more ominously, that absolute power corrupts absolutely.

Given the consistent history of this experience, it's clear that our experiment is fragile, that what we have and take for granted is in no way guaranteed. As has been the case with democratic experiments throughout history, it can fail—rarely from external attack, almost always from erosion from within.

On the surface, our democratic system protects us by resting upon our ingenious Constitution, the primary purpose of which is to establish an effective government while at the same time dividing and dispersing power to “oblige that government to control itself,” in Madison's evocative phrase. And of all the safeguards built into the Constitution—two Houses of Congress, vetoes, division of the war power, advise and consent, enumerated powers, federalism, the Bill of Rights—the most fundamental and essential is regular elections, the clearest expression of the people's will.

For most of my life, I've not thought much about how elections actually work. You go to the town office or a school gym, check in at the desk where your name is crossed off a list, are handed a ballot, and go into a booth to make your choices. You then put the marked ballot into a box or hand it to a clerk (usually a volunteer doing their civic duty) who runs it through a counter.

Or, you get a mail-ballot from the town clerk, mark it at home and send it in, or, in my town, drop it in a drop box in front of the town office. And that's it, until later that night, when the

results— either from the automatic counters or from hand counting the ballots themselves—are announced, precinct by precinct, town by town, county by county, and state by state.

And then you go to bed, happy or unhappy, energized or discouraged, either reveling in the victory of your preferred candidates or determined to work harder next time to get a better result (and thanks to the Framers, there always is a next time, usually in a couple of years). The next day, you go about your business, trusting that the system was operating according to the rules and that the announced vote counts accurately reflect the preferences of you and your fellow citizens.

The miraculous result of this entire process is something we completely take for granted but is exceedingly rare in human history—the peaceful transfer of power, whether on the town council, in the Congress, or in the presidency itself.

But two interrelated things are happening right now with regard to this system that are unprecedented in my lifetime and that are profoundly dangerous to our fragile republic; one is the breakdown of trust in the system itself, and the other is an overtly partisan attempt to use this loss of trust as a pretext to change the results of future elections by limiting the participation of voters deemed unworthy (although this is rarely said out loud) or unlikely to vote for your particular political party.

This discussion is usually framed in terms of “election integrity”—the prevention of widespread voter fraud which, it is argued, is tainting the outcome of our elections.

Unfortunately, these so-called “election integrity” measures almost invariably end up limiting the participation of a substantial number of voters—many of whom have historically been denied the right to vote by one device or another for over a hundred years—either as inadvertent collateral damage or (more likely) as stone cold partisan voter suppression.

When I used to interact with the Maine Legislature, either as a private citizen or as Governor, the inevitable first question from the committee chair about any proposed bill was, “What’s the problem we’re trying to solve?” In this case, is the problem really voter fraud, or is it election results the party in power in a particular state don’t like?

The implicit burden this question puts on those who would change a law is to demonstrate by reliable evidence that there is a problem in the first place. And simply saying—or endlessly repeating—that there is a problem doesn’t make it so.

To put it another way, repeating a lie doesn’t make it true.

Every objective study done to try to detect widespread voter fraud has failed to produce credible evidence of anything but scattered and vanishingly rare cases. Even the overtly partisan so-called “audit” of the votes in Maricopa County in Arizona failed to find what they were so desperately looking for. *Failed to find what they were so desperately looking for.*

The key question is not whether such fraud exists at all, but whether it is so widespread as to change the results of an election involving a substantial number of voters. In the wake of the 2016 Presidential election, President Trump convened a commission to address this very question, but the commission was disbanded eight months after its formation with no published finding of significant election fraud whatsoever. Further, as I mentioned, I know of no objective study of this issue that has concluded that such widespread fraud exists anywhere in our country.

Even more compelling is that in spite of herculean efforts by the former president and his supporters over the course of the months following the 2020 election, no credible evidence has yet been produced to support his allegations, and all such allegations have been rejected by every court (more than 60) that have considered them.

The only fraud here, Mr. President, is the allegations themselves.

In other words, not only is there no evidence of substantial fraud, what evidence there is reaches the opposite conclusion. But chillingly, fully one-third of Americans (and two thirds of Republicans) now believe that the 2020 presidential election was not legitimate, that there was widespread fraud, and that the election was somehow “stolen”—not based upon evidence (because there isn’t any), but based upon the repeated assertions of the former President and his supporters.

The problem with this goes well beyond the wave of voter suppression legislation sweeping the country; the deeper problem is the massive and unprecedented erosion of trust in the electoral system itself, the beating heart of our democracy.

Of all the depredations of the former President, this is by far the worst. In relentlessly pursuing his narrow self-interest, he has grievously wounded democracy itself. And by the way, I mean “narrow self-interest” quite literally; he doesn’t give the slightest damn about any of us—any of you—and will cast any or all of us aside whenever it suits his needs of the moment.

Everyone in this room knows this to be true.

The reason this is so destructive is if you can’t trust elections, what are your options? One is to change the rules to discourage your perceived enemies from voting; check—that’s in the works.

Another is to change the rules to give partisan legislatures the power to override election results they don't like; check—also in the works.

Another is to contrive pseudo-legal arguments to justify the corruption of the counting of electoral votes and pressure the vice president to carry out the scheme. Check—we now know that was very much in the works in the days leading up to January 6. Or finally, try to change the results through violence or threats of violence; check—January 6, and death threats to election officials of both parties across the country.

January 6 was not a random day on the calendar; it was the day appointed to finalize the results of the November election. Many of those who came to Washington that day were not there to protest, but were there with the explicit purpose of disrupting and stopping this crucial final step in our democratic process.

The rallying cry that day wasn't "protest the steal"; it was "stop the steal."

It's important to remember that most failures of democracy started with legitimate elections, but once in office, the leader manipulated the electoral process to consolidate their hold on power, just as was attempted here last winter. And once power is seized, the control and reach of the modern surveillance state is truly terrifying. Ask the Uighurs in China, or members of the opposition in Russia, if you can find any alive.

Russia, Turkey, Venezuela, and Hungary are examples of the slide into authoritarianism just in our lifetimes; those countries still have elections, but they don't mean much.

And what if the current wave of voter suppression legislation succeeds and keeps tens of thousands of people from voting, or what if in 2024 a partisan legislature in a swing state votes to override the election results and send its own set of electors to Congress? Then it won't just be Republicans who distrust elections, and we will be left with a downward spiral toward a hollow shell of democracy, where only raw power prevails and its peaceful transfer becomes a distant memory.

There has been a great deal of talk in recent months of a possible Constitutional crisis in 2022 or 2024; Mr. President, we don't have to wait that long; we are in the midst of such a crisis right now. One of our great political parties has embraced the idea that our last election was fraudulent, that our president is illegitimate, and that they must move legislatures across the country to "fix" the results of future elections.

A substantial proportion of our population has lost faith in our democratic system and seems prepared to accept authoritarianism; all but the most extreme sources of information have been devalued; and violence bubbles just below the surface.

But it doesn't have to be this way. We in this body, perhaps more than anyone else in the country, have the power to change direction, to pull our country back from the brink, and to begin the work of restoring our democracy, as we did in the Revolution, the Civil War, and the civil rights struggles of sixty years ago, first, by simply telling the truth, and then by enacting a set of basic protections of the sacred right to vote.

It won't be easy and will involve risk, particularly when we are asked to speak hard truths that many of our more ardent supporters don't want to hear. But the alternative is worse, worse even than losing our job. The alternative is the loss of our identity as a people, the loss of the miracle of self-government, and the loss of the idea of America.

I don't think it's an exaggeration to say that we are at a hinge of history, that circumstances have thrust us—those of us in this body—into a moment when the fate of the American experiment hangs in the balance.

We are the heirs—and trustees—of a tradition that goes back to Jefferson and Lincoln, to Webster, Madison, Margaret Chase Smith, and, yes, our friend John McCain. All were partisans in one way or the other, but all shared an overriding commitment to the idea that animates the American experiment, the idea that our government is of, by, and for the people, **all** the people. Now is the moment to reach beyond region, beyond party, beyond self, to save and reinvigorate the sputtering flame of that idea.

Yes, democracy is an anomaly in world history and what we have is fragile; it rests upon the Constitution and laws to be sure, but it rests even more so on the trust our people place in our democratic system— and in us.

Deliberately undermining that trust for short-term political advantage—which is exactly what is happening right now—is a tragic and dangerous game. No election, no endorsement, no Senate seat, no presidency is worth it. Nothing is worth destroying what our forebears fought and died for. Nothing.

Several weeks ago, a bipartisan group of us went to Gettysburg and walked the battlefield with two leaders from the Army War College. I have been there many times before, but have never been so moved by the experience as I was on this trip

The stories of valor and supreme sacrifice—the 20th Maine at Little Round Top, the 1st Minnesota at the exposed center of the Union line, the Iron Brigade on the first day, the colossal losses on both sides—were a sobering reminder of what it took to preserve this country. But we learned something else that day—that it was a near thing.

If a Union officer named Strong Vincent had hesitated in moving those three regiments to Little Round Top or if William Colville had hesitated in leading the 1st Minnesota on a suicidal charge into the teeth of the Confederate advance, our country would have been lost.

And so it is today, only the test is not on the battlefield and no one here is being asked to give up their lives. We are simply being asked to tell the truth, to recommit to the ideal of democracy, to keep faith with our history and inheritance. And if we hesitate, all could be lost. As we now know from the events of January 6th and the relentless attempts to subvert the results of the 2020 election in the last days of the prior Administration, it was – and still is – a near thing.

As it is in the old Protestant hymn, so it is today,

“Once to every man and nation
Comes the moment to decide,

I believe this is that moment for each of us.

The concluding words of Lincoln in his message to Congress in the dark winter of 1862 have never been more apt, and are eerily applicable to us today:

“Fellow citizens, we cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down in honor or dishonor to the latest generation.”

“... will light us down in honor or dishonor to the latest generation.”

Indeed, destiny has placed us here at one of history’s fateful moments; **our response to it will be our most important legacy**. I believe that we all know our responsibility—and whether we like it or not, history will record whether we, each one of us, meets it.

Mr. President, may God, working through each of us, save the United States of America.