

HISTORIANS' STATEMENT ON CONGRESSIONAL CERTIFICATION OF THE 2020
PRESIDENTIAL ELECTION

As historians and constitutional scholars as well as citizens, we deplore the effort to disrupt Congressional certification of the results of the 2020 presidential election.

Never before in our history has a president who lost re-election tried to stay in office by subverting the democratic process set down by the Constitution. That is what President Trump has been doing since November 3, when a strong electoral majority of Americans chose Joseph R. Biden to be the 46th President of the United States.

Unable to accept his defeat, President Trump and his collaborators have falsely charged massive electoral fraud in several states while failing to provide credible evidence to back up their claims. They have tried to defame state officials, including governors and secretaries of state, along with the thousands of conscientious citizens who actually conduct our elections, simply for upholding the law. They have concocted and spread falsehoods that inflame Americans against their own government, and against each other.

Since 1960, three presidential elections have been decided by smaller Electoral College margins than in 2020, and no fewer than five winning candidates have won fewer electoral votes than Biden has: John F. Kennedy, Richard M. Nixon, Jimmy Carter, and George W. Bush (twice). Over that same period more than half of the elections were decided by smaller popular majorities than Biden just captured – including in 2000 and 2016, when the defeated candidate

won *more* popular votes than the winner. Yet in none of these elections did any losing candidate attempt to claim victory by brazenly sabotaging the electoral process as Donald Trump has done and continues to do.

The president and his supporters have been accorded their full rights to challenge the election's results in court. State and federal judges have uniformly rejected those challenges as far-fetched and reckless. On December 11, the Supreme Court shut the door on an eleventh-hour bid to overturn the election. Three days later, following well-established procedures, the Electoral College formally elected Biden as the nation's next President.

The People have spoken. The State Legislatures have spoken. The Supreme Court has spoken. The Electoral College has spoken. Yet now, some members of Congress are disrupting the orderly acceptance of the election result, which is the single most important principle of democratic government. To be sure, Representatives and Senators have the right under the Electoral Count Act to challenge the certification of electors. This drastic action, however, is reserved for cases of proven electoral misfeasance, not for airing unsupported rumors, for inflating minor errors not affecting the result, or for sheer political grandstanding. That isolated members of the other political party baselessly challenged results in earlier elections is no excuse for large numbers of members of Congress to do so now, especially when this inflames members of the public and misleads them into believing there is more factual basis for the challenge than actually exists.

The recalcitrant members of Congress would smear the loyal Americans of both parties and all persuasions who oversee our elections and make our democracy work. They would show contempt for an electorate that cast its votes responsibly and in record numbers despite the pandemic. We urge you, whether you are a Republican, Democrat, or Independent, to express your opposition to this latest attack on the bedrock principle of our constitutional system: the

sovereignty of We, the People, and the power of the majority to choose our leaders and shape our future.

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Co-Sponsors

Douglas Brinkley, Rice University

Sean Wilentz, Princeton University

Signatories:

Akhil Reed Amar, Yale University

David Blight, Yale University

H.W. Brands, University of Texas at Austin

Ron Chernow, Historian and Biographer

Elizabeth Cobb, Texas A&M

Susan Dunn, Williams College

Peniel Joseph, University of Texas at Austin

David M. Kennedy, Stanford University

Randall Kennedy, Harvard University

Ed Larson, Pepperdine University

Beth Lew-Williams, Princeton University

Kenneth Mack, Harvard University

Megan Marshall, Society of American Historians

Michael W. McConnell, Stanford University

Jon Meacham, Vanderbilt University

Nell Irvin Painter, Historian

Saikrishna Bangalore Prakash, University of Virginia Law

Jack Rakove, Stanford University

Vicki Ruiz, University of California, Irvine

Brenda Wineapple, Historian and Biographer