Statement in Support of the Freedom to Vote Act

We, the undersigned, are scholars of democracy writing in support of the Freedom to Vote Act, the most important piece of legislation to defend and strengthen American democracy since the Voting Rights Act of 1965. This bill would protect our elections from interference, partisan gerrymandering, dark money, and voter suppression. We urge all members of Congress to pass the bill, if necessary by suspending the Senate filibuster rule and using a simple majority vote.

This is no ordinary moment in the course of our democracy. It is a moment of great peril and risk.

Though disputes over the legitimacy of America's elections have been growing for two decades, they have taken a catastrophic turn since the 2020 election. The "Big Lie" of a stolen election is now widely accepted among Republican voters, and support for it has become a litmus test for Republicans running for public office. Republican state legislatures in Georgia, Florida, Texas, and across the country have enacted partisan laws intended to make it harder for Democrats to win elections. Most alarmingly, these laws have forged legal pathways for partisan politicians to overturn state election results if they are dissatisfied with the outcome.

The partisan politicization of what has long been trustworthy, non-partisan administration of elections represents a clear and present threat to the future of electoral democracy in the United States. The history of other crisis-ridden democracies tells us this threat cannot be wished away. It must be promptly and forthrightly confronted. Failure to pass the Freedom to Vote Act would heighten post-election disputes, weaken government legitimacy, and damage America's international reputation as a beacon of democracy in the world.

Each branch of government has a role to play in protecting free and fair elections, but Congress's responsibility looms largest. After the Civil War, when the path of American democracy was highly uncertain, Congress built the foundations of our modern democracy by passing two constitutional amendments and five pieces of legislation to protect the right of African Americans to vote. All were passed on party-line votes. But in 1890, the Senate failed to break a filibuster on a sixth piece of legislation: the Federal Elections Bill (also known as the Lodge Bill), which would have pushed back against voting rights violations in the South.

The upshot of that critical vote was that southern states, in the absence of any federal supervision, were allowed to pursue the wholesale disenfranchisement of African Americans for the next 75 years. By a tiny margin in one branch of Congress, American democracy took a giant leap backwards.

Protecting future elections from subversion, providing equal opportunities for all citizens to participate, drawing fair district boundaries, strengthening transparency over money in politics, and facilitating impartial electoral administration should not be partisan matters. Unfortunately, however, across state legislatures, Republicans have challenged the legitimacy of the 2020 U.S. presidential election and altered election rules on party-line votes, with a clear intent to entrench minority rule.

If Congress fails to pass the Freedom to Vote Act, American democracy will be at critical risk. Not only could this failure undermine the minimum condition for electoral democracy—free and fair elections—but it would in turn likely result in an extended period of minority rule, which a majority of the country would reject as undemocratic and illegitimate. This would have grave consequences not only for our democracy, but for political order, economic prosperity, and the national security of the United States as well.

Defenders of democracy in America still have a slim window of opportunity to act. But time is ticking away, and midnight is approaching. To lose our democracy but preserve the filibuster in its current form—in which a minority can block popular legislation without even having to hold the floor—would be a short-sighted blunder that future historians will forever puzzle over. The remarkable history of the American system of government is replete with critical, generational moments in which liberal democracy itself was under threat, and Congress asserted its central leadership role in proving that a system of free and fair elections can work.

We urge the Senate to suspend the filibuster rule for this measure and pass the Freedom to Vote Act. This would uphold the Senate's noblest tradition of preserving and strengthening American democracy.

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