



Washington, 4 March 1865. Abraham Lincoln reads his second inaugural address from the east front of the Capitol, four months after the election he had expected to lose, and six weeks before his death.

Photograph by Alexander Gardner, 4 March 1865. [Library of Congress, Prints and Photographs Division, LC-DIG-ds-18561](#). Public domain. Cropped.



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An Election Is a Promise to Accept Defeat. Trump Refuses to Make It.

In August 1864 Abraham Lincoln had his cabinet sign, unread, his promise to hand over power if he lost. In February 2026 Donald Trump, asked whether he would trust the midterm result if his party lost, answered: “I will if the elections are honest.” In September 2026 he had a convention crowd raise their right hands and pledge to “cheat like hell.”

Between those pledges stands every American who will vote on 3 November 2026, and every official who will count, certify, and seat the winners.

Philippe Foubert, PhD · 21 October 2026

Why I write to America

I write from Australia to the country that remains my home. I am not in exile. I came here by choice thirty years ago, for the opportunity to teach and consult and for the adventure of the new, and I have no wish to return to Trump's America. But it is still my home, and it does not belong to him.

I am the son of a World War II combat soldier who landed in Normandy on D-Day. A classical Jesuit education gave me a historical consciousness that crossed disciplines and cultures, the practice of the Spiritual Exercises, and a respect for character and virtues. I took the aspirational ideals of the American republic seriously, and joined the civil rights movement out of conviction. I served in Vietnam, and came home to oppose that war in the name of values I had been taught to defend.

From there, a journey without a map through history, philosophy, and theology led to a doctorate and a series of professorships. I was an academic who became a clinician, and a traveller who settled on colonised Country. I live on land taken from Aboriginal and Torres Strait Islander peoples, I benefit from that taking, and I now write in defence of their human and constitutional rights.

If I write as an ethicist, it is in this sense only: not as one who claims a better-formed conscience or higher level of moral achievement, but as one whose work has long required disciplined discernment of how principles should shape practices a community can embody over time.

America formed me, and the standards I apply in these letters are among those America taught me.

The promise Lincoln sealed

In August 1864 the Union was winning the war on paper and losing it in the newspapers. Grant had taken more than fifty thousand casualties in the Overland Campaign and sat in trenches before Petersburg. Sherman stood outside Atlanta and had not taken it.

The price of gold, the war's daily referendum, had touched its wartime high that summer. On 22 August 1864 Henry Raymond, chairman of the Republican National Committee and editor of the *New York Times*, wrote to Lincoln that the tide was setting strongly against him, that Illinois, Pennsylvania, and New York would go against him if the vote were held that day, and that the want of military success was the cause.¹

The Democrats were about to meet in Chicago to nominate George McClellan, the general Lincoln had twice removed from command, on a platform that called the war a failure.

The next morning Lincoln wrote a single paragraph, folded the paper so that the words could not be read, and carried it to the cabinet meeting.

He asked each man at the table to sign the back. None of them knew what he was signing. All seven signed.

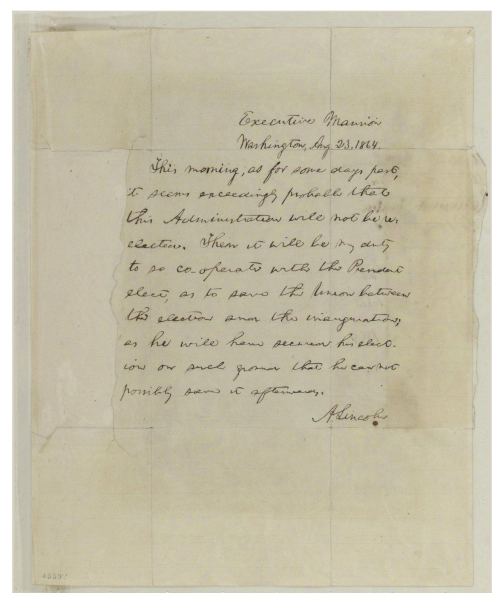
The Lincoln Memorandum, in full

Executive Mansion, Washington, August 23, 1864.

“This morning, as for some days past, it seems exceedingly probable that this Administration will not be re-elected. Then it will be my duty to so co-operate with the President elect, as to save the Union between the election and the inauguration; as he will have secured his election on such ground that he can not possibly save it afterwards.”

A. Lincoln.

On the back, in seven hands: William H. Seward, Secretary of State; William P. Fessenden, Secretary of the Treasury; Edwin



The front of the Lincoln Memorandum, in Lincoln's hand, dated at the Executive Mansion on 23 August 1864. The seven cabinet signatures are on the back. The page survives, mounted, among the Abraham Lincoln Papers. Image: Abraham Lincoln Papers, Manuscript Division, [Library of Congress](#). Public domain.

M. Stanton, Secretary of War; Gideon Welles, Secretary of the Navy; Edward Bates, Attorney General; Montgomery Blair, Postmaster General; and John P. Usher, Secretary of the Interior.²

What he meant to do when he lost

He told them on 11 November 1864, three days after the country had re-elected him by more than four hundred thousand votes.

He took the memorandum from his desk, reminded them that they had signed it blind, and read it aloud. Then he explained the plan it contained.

He would have gone to McClellan and said: the election has shown that you have more influence with the American people than I have; you with that influence and I with the executive power, let us together try to save the country; raise as many troops as you can for this final trial, and I will devote all my energies to finishing the war.

Seward, who knew McClellan, said the general would have answered yes, yes, and done nothing at all. Lincoln replied that at least he would have done his duty and stood clear before his own conscience.³

He never considered the alternative. A president in the fourth year of a civil war, with armies in the field and a pretext in every direction, did not once propose to postpone the vote.⁴

When a crowd came to the White House to serenade him on 10 November 1864, he told them why:

“We can not have free government without elections; and if the rebellion could force us to forego, or postpone a national election, it might fairly claim to have already conquered and ruined us.”⁵

Why the Lincoln Memorandum stands at the head of this letter

Three things about the Lincoln Memorandum matter more than its words.

It was written before the vote, while its author still believed he would lose.

It was sealed, so that the seven men who witnessed it could not know what they had bound him to, and could not have released him from it.

And it was enforceable by nobody. No court could have made Lincoln keep the promise, no soldier could have been ordered to, and no newspaper knew it existed.

He kept it to himself and would have kept it alone.

That is what a promise to accept defeat looks like when it is real: given in advance, witnessed, sealed, and binding only on the character of the man who made it. A promise made after the count is merely a receipt.

Democracy is the habit of losing

Adam Przeworski, who has spent a career asking why some democracies last and others fail, reduced the matter to one sentence: democracy is a system in which parties lose elections.⁶ Counting votes is a technique. What turns the count into an institution is the loser's willingness to abide by it, and nobody can compel that willingness. The political scientists who have measured it across dozens of countries call it losers' consent, and they are blunt: where the losers withhold it, the regime is in danger whatever its constitution says.⁷

Accepting defeat leaves the right to a recount and the right to a court untouched; both belong to any election. What it gives up is the claim that only one result can be legitimate. The law, and no candidate, decides the question in the end.

Juan Linz, studying the collapse of Europe's interwar democracies, drew the line between a loyal opposition, which accepts the result of the contest, and a disloyal one, which treats the contest as binding only when it wins.⁸ Since the Cold War ended, most democracies that have died have perished at the hands of elected leaders, who went on holding elections and stopped honouring the results.⁹

Aristotle defined the citizen of a free state as one who knows how to rule and how to be ruled in turn.¹⁰ The first half is easy. Every tyrant has mastered it. The second half is the whole of citizenship, and it is the half that hurts.

The Constitution does not enforce itself

Americans seem inclined to believe that the Constitution will stop a president who refuses the verdict of an election. The law on the point exists, and every line of it depends on the people who administer it.

Article I, Section 5 makes each house of Congress “the Judge of the Elections, Returns and Qualifications of its own Members.”¹¹ A statute, 2 U.S.C. § 26, tells the Clerk of the House to place on the roll of a new Congress every representative-elect whose credentials show a regular election.¹² The Supreme Court held in *Powell v. McCormack* in 1969 that the House may not exclude a member who meets the Constitution’s three qualifications of age, citizenship, and residence.¹³ The Electoral Count Reform Act of 2022 tightened the rules for counting a president; it says nothing about seating a Congress.

So the safeguards are real, and each one runs through a person. The Clerk who prepares the roll serves at the pleasure of the Speaker. Courts rule after the fact, and bind only those who obey them. Soldiers answer to the Commander in Chief. Every mechanism that might force a loser to accept defeat runs through officers who must themselves decide whether to accept it.

So the promise cannot be outsourced. It belongs to the candidate, the party, the Speaker, the clerk who reads the roll, and the voter who decides whether a count that went against her still counts. A republic is a promise that a great many people keep at the same time. It has no other foundation.

How American losers kept the republic

For most of its history the United States has kept the promise, and every time the loser has done the keeping.

In March 1801 John Adams handed the government to the party that had called his administration a tyranny. He left Washington before dawn rather than watch his successor sworn in, but he left, and the young republic passed power to its rivals without a shot. In 1876 the promise nearly failed, and the price of saving it was the end of Reconstruction, a bargain for which Black

Americans paid for nearly ninety years.¹⁴ An orderly transfer of power is a necessary condition of democracy and no guarantee of justice; a republic that accepts its election results while stripping some of its citizens of the vote has kept half the promise and broken the other half.

In 1960 Richard Nixon, whose supporters believed Illinois and Texas had been taken from him, conceded the next day rather than drag the country through a contest. On 13 December 2000, the day after the Supreme Court stopped the Florida recount with him 537 votes behind, Al Gore said: “I accept the finality of this outcome.”¹⁵ On 4 November 2008 John McCain told the crowd in Phoenix: “The American people have spoken, and they have spoken clearly.”¹⁶ On 9 November 2016 Hillary Clinton, who had won the popular vote by nearly three million, told her supporters: “We must accept this result and then look to the future.”¹⁷

None of these losers said the count was right. Each said the result bound them, and each said it to their own supporters, the only people who could have refused it on their behalf. That is the hidden grammar of the concession speech. It is addressed to the losing side, by the one person entitled to refuse, and its whole force lies in that person’s choice to accept.

The president’s answer, 4 February 2026

In 2020 Donald Trump questioned the legitimacy of the election before it was held and refused its verdict afterwards. In 2026 he is preparing the ground again, in an election in which he is not a candidate and whose result decides whether Congress can hold his administration to account.

On 4 February 2026 Tom Llamas of NBC News asked him the question this letter turns on: would he trust the results of the midterms if Republicans lost control of Congress? “I will if the elections are honest,” he said, and went on at once to the election he had won fifteen months earlier: “I believe there was cheating,” though it had been “too big to rig.” Asked what he meant by nationalising elections, he said that if the states could not run them honestly and on time, “then something else has to happen.”¹⁸

No candidate is asked to accept a fraudulent count, and the right to challenge an unlawful one belongs to everybody. What Lincoln gave in 1864, and what Gore, McCain, and Clinton gave on the night, was the other thing: acceptance before the fact, with the judgement of honesty left to the law. The president reserves that judgement to himself. He has declared an election he won to have been dishonest; he has not yet said what would satisfy him in one he lost.

Who writes the rules before the vote

On 13 February 2026 the president wrote on Truth Social: “There will be Voter I.D. for the Midterm Elections, whether approved by Congress or not!”¹⁹ On 26 February 2026 the *Washington Post* reported that activists working with the White House were circulating a seventeen-page draft executive order that would declare a national emergency, on the ground of alleged Chinese interference in 2020, and use it to ban mail ballots and require every voter to register again in person.²⁰ On 11 August 2026 a radio host told the president that he had “the right to declare a national security emergency for elections.” The president answered: “Let me just say that stranger things have happened, OK? I’ll leave it at that.”²¹

On 10 September 2026, closing the Republican midterm convention at the American Airlines Center in Dallas, the president asked the crowd to raise their right hands. Phrase by phrase, they repeated his pledge back to him: “I don’t care if I’m registered or not, I’m going to try and cheat like hell, like they do.”²² He framed it as a jibe at Democrats, and the crowd laughed. The *Daily Beast* reported that the Speaker of the House and the Secretary of Health and Human Services were among those who took the pledge.²³ Earlier that evening, from the same stage, Mike Johnson had told the convention: “We cannot, and will not, allow them to take the majority in the Congress. We’re not going to do it.”²⁴ His campaign published those words on its own website. He spoke them fifty-four days before the election.

Taken alone, each admits a softer reading. The pledge was a joke at the opposition’s expense; the Speaker’s vow was a campaign speech, and every campaign vows to win. Read against 6 January 2021, the February answer to

NBC, and the seven months of federal action that followed Dallas, they read as what they are: a president and a Speaker telling their own side, in advance, that only one result will count. Lincoln's cabinet signed a pledge they could not read, binding their president to go if he lost. Trump's crowd recited one they could hear perfectly well, binding themselves to win.

Who protects the count

Then the government acted. On 14 September 2026 the Supreme Court refused to let the Postal Service impose the administration's new mail-ballot rules on the November election.²⁵ By 16 October 2026 judges had issued final rulings in twenty-six of the Justice Department's suits for state voter rolls, and had thrown out the government's claims in all twenty-six.²⁶ On 15 October 2026 the Department sued California, asking a federal judge to set aside the mail ballots of voters it considered "likely to be noncitizens" until each one's citizenship had been determined. Two days earlier it had given the state forty-eight hours to vet a list of some 20,000 names; Los Angeles County received its share on a thumb drive.²⁷ California's Attorney General said the suit "threatens to disenfranchise thousands of Californians this election."²⁸

On 19 October 2026 the Department charged twenty-eight people from that list. Several, on NPR's reading of the charges, do not appear to have voted at all, and some had registered more than twenty years ago.²⁹ The same day it announced that in seven weeks it had charged 113 people in twenty states with illegal voting or registration.³⁰ One hundred and thirteen charges, in a country where more than 150 million people voted in 2024. A charge is an accusation, and a registration offence is often an error on a form; what the prosecutions establish, if every one of them succeeds, is that fraud on a scale to change any result exists nowhere in the record.

Behind all of it stands the morning of 28 January 2026, when FBI agents drove away from Fulton County's election hub outside Atlanta with about 656 boxes: every ballot, tabulator tape, ballot image, and voter roll of the 2020 election in Georgia's most populous county.³¹ The affidavit behind the warrant omitted the state investigators' finding that those results had been

“confirmed as accurate” after three counts.³² On 6 May 2026 a federal judge declined to order the boxes returned; the commissioner who watched the trucks leave says she still does not know where they went.³³

On 15 October 2026 the *New York Times* reported election officials’ fear that the president’s attacks on voting were “crystallizing” into the groundwork for challenging the November results.³⁴ The next day the Brennan Center set out the law: the president has no authority to seize voting machines, to send troops to the polls, or to declare martial law at all. And yet, it added, he is “pointedly refusing to rule out these measures” while officials in his own administration signal that they would be illegal.³⁵

The refusal is the withdrawal. A man who will not say before the vote that he will accept its result has already withdrawn his consent to it; he need never touch a ballot box afterwards. The president of the United States and the Speaker of the House have declined, in advance, in public, and on the record, the promise Lincoln sealed in August 1864.

Who recognises the winners

The clause that makes each house the judge of its own elections was written for contested returns in single districts. Republican voices now read it aloud as a licence to refuse seats wholesale. On 21 April 2026 Scott Yenor, a senior fellow at the Heritage Foundation, wrote that “Congress could deny representation to states without voter identification laws” or to states that, in his words, wink at foreign nationals voting, and could order new elections wherever it judged the rolls improperly purged.³⁶

On 10 September 2026 J. Michael Luttig, the conservative judge whose public advice Vice-President Pence cited when he refused to overturn the count on 6 January 2021, set out how such a licence would be used. Before noon on 3 January 2027, Speaker Johnson removes the House Clerk and installs a loyalist, who declines to list Democratic representatives-elect on the roll from which the new House organises itself. The members-elect go to court. The appeals begin. The country waits.³⁷ On 13 October 2026 Luttig added that the likelier route is quieter: states that simply refuse to certify Democrats who

have won.³⁸ Derek Muller, an election-law scholar, answered that the incoming House is a new body that judges its own members, that clerks who have tried the trick before have failed, and that the manoeuvre could delay the new House by hours or days at most.³⁹ He may be right about the mechanics; the question this letter asks is why the manoeuvre is being discussed at all.

None of this is hypothetical. On 6 January 2021, hours after the mob had left the Capitol, a majority of House Republicans voted to reverse the results in Arizona, Pennsylvania, or both; Mike Johnson, then a little-known congressman from Louisiana, had devised the legal rationale for disputing Trump's defeat.⁴⁰ In the autumn of 2025, as Speaker, he kept Adelita Grijalva out of her seat for fifty days after Arizona's seventh district elected her overwhelmingly, by the device of keeping the House out of session; a suit by Arizona's Attorney General and the end of a shutdown finally seated her.⁴¹ Fifty days was a record. A Speaker who has refused one duly elected member has rehearsed refusing many.

Against that stands a third pledge. Don Bacon, a Nebraska Republican, and Josh Gottheimer, a New Jersey Democrat, are circulating a letter asking every member of the House to recognise the winners each state certifies and to oppose "any attempt to refuse or delay the seating of any Member-elect."⁴² It calls the seating of the winners "the quiet, orderly act by which the consent of the governed becomes the authority to govern."⁴³ Two more Republicans, Mike Lawler and Brian Fitzpatrick, have signed, which would give the letter a majority if every Democrat joins them.³⁶ It is Lincoln's memorandum, offered openly to 435 people. Who signs, and who will not, is the midterm question no poll can answer.

Only losers keep republics

Winners never test a democracy. The man who wins accepts the result at no cost to himself. The only acceptance that means anything is the loser's, and the only acceptance worth having is the one he gives before he knows.

“I will accept the result if I win” is a claim of ownership dressed as a condition. A president who says it has told his fellow citizens that their votes count when they agree with him and are fraud when they disagree, which is to say that their votes count for nothing. That is a lie about them. It is also a theft from them, because it takes from every voter the one thing an election exists to give: a decision that binds the side that lost.

The wrong does not wait on the outcome. If the Republicans hold the House on 3 November 2026, the president will merely have been spared the occasion to refuse. If they lose and the result stands, other hands than his will have kept the promise. If they lose and Congress refuses the seats, no one will be able to say the country had no warning. Dallas gave it, from a crowd with its right hands raised.

The rule has no party. It would bind a Democratic president exactly as it binds this one. A voter of either party who has decided in advance that only one result can be real has already stopped being a citizen and become a spectator. The test of a citizen is whether she can lose and stay.

Legal scholars regard an outright refusal to seat a Democratic House as a vanishingly remote possibility, and they may be right.⁴⁴ Nothing in this letter depends on the odds. The withdrawal of consent is already on the record, and it is already wrong. What happens between 3 November 2026 and 3 January 2027 will decide only how much the wrong costs.

Steven Levitsky and Lucan Way, who coined the term, argue in the October 2026 *Journal of Democracy* that the United States has already crossed into ‘competitive authoritarianism’: elections continue, opposition parties compete, and incumbents can still lose, but those in power use the institutions of the state to make the competition unequal.⁴⁵ They expect the condition to be reversible at the ballot box, if the opposition can win an unfair election and both parties then keep the rules. Under such a system there are still elections, and the promise to accept their result is the whole of what remains to be defended.

What must happen before 3 November 2026

The promise has to be given before the vote, so the remedies belong before the vote, and they are plain.

Every member of the House has now been asked, in writing, whether they will seat the people the states certify. Before you vote, ask your representative whether they will recognise and seat every lawfully certified winner. If they will not give an unequivocal answer, ask why. The answer, or the refusal to give one, should weigh in your vote more than anything else they say.

Every state can finish its own work. Edward Foley, who wrote the standard history of America's disputed elections, has set out what the states must do: settle every recount and every lawsuit, and certify every House race, before 3 January 2027, so that no seat is empty when the clerk reads the roll.⁴⁶ If Luttig is right that the likelier danger is a state that will not certify, this is where it will be met. Governors and secretaries of state can commit to that calendar now, in public, and be held to it.

Every election official can do what California did: count every lawful ballot, and exclude none on the strength of an unverified federal list. The Justice Department gave the state forty-eight hours to sort 20,000 names on the government's say-so. California refused, and the Department had to sue.²⁷ A list on a thumb drive is no court order.

And every citizen can take a post. The people who would subvert an election depend on thousands of others to do the counting, the certifying, the watching, and the looking away, and every one of those posts can be filled by someone who will not look away. Election Protection, the nonpartisan coalition led by the Lawyers' Committee for Civil Rights Under Law, places poll monitors in every state and staffs the 866-OUR-VOTE hotline with lawyers.⁴⁷ Indivisible's Hands Off Our Vote programme trains election defenders in all fifty states, finds poll-worker and monitor posts by postcode, and runs daily phone banks to voters whose mail ballots are at risk of rejection.⁴⁸ Counties were still short of poll workers three weeks from the vote, and every state publishes what the job requires.⁴⁹ The 2026 edition of *Hold the Line*, the citizen's guide written by Hardy Merriman and his

colleagues for this election, asks each reader for three things: plan your own vote and help three others cast theirs; take a post as a poll worker or observer; and form a small local team that knows by name the people who certify your county's result and is ready to stand outside the building if they waver, as citizens did in Wayne County, Michigan, in November 2020.⁵⁰ Vote early where your state allows it, since a disruption can stop a ballot only until it is cast; the posts above are how a ballot cast becomes a ballot counted.

And afterwards, if the seats are refused

If on 3 January 2027 a clerk declines to read the names, or a state declines to certify them, the question changes from who protects the count to who obeys the refusal, and the answer is the same people. Every regime that has overridden an election has needed clerks, officers, judges, broadcasters, and crowds to go along with it. Gene Sharp, who spent his life studying how dictatorships fall, called them the pillars of support, and found that regimes fall when enough of those pillars withdraw.⁵¹

Erica Chenoweth's study of 323 mass campaigns between 1900 and 2006 found that every movement which drew 3.5 per cent of a population into sustained participation succeeded, and that every one of those movements was nonviolent; she calls the figure a pattern and no law, and most nonviolent campaigns succeeded well below it.⁵² For the United States, 3.5 per cent is about twelve million people. The coalition that put more than three thousand No Kings events on the streets on 17 October 2026 began, four days later, to plan the defence of the result.⁵³ The work after the vote is the work before it, carried on by the same people in the same places: refuse to say that what is false is true, refuse to do what the refusal needs done, and stand where the certifiers can see you.

The use of a letter written before the count

If the promise holds on 3 November 2026 and again on 3 January 2027, this letter will have stated a principle that held. If it fails, the letter will be ground on which to stand. Václav Havel, living under a regime that still held elections, named the one form of resistance it could never absorb: living in truth, which begins with refusing to say that what is false is true. ⁵⁴

The false thing here is plain, and you can refuse it today. An election is a promise to accept defeat. The president of the United States refuses to make it. Whoever makes it in his place, in Congress, in the statehouses, in the county offices, and in the voting booth, will have kept the republic, and when the last certified winner takes a seat in January 2027 they will know that they did.

What to do next

- Volunteer as a nonpartisan poll monitor, or as a hotline lawyer, with Election Protection.
- Join Indivisible's Hands Off Our Vote programme: election-defence training, poll-worker and monitor posts by postcode, and rapid-response phone banks.
- Serve as a poll worker where your county is short; each state's requirements are listed in one place.
- Read the 2026 edition of Hold the Line and form a local team before 3 November 2026.
- Ask your representative whether they will recognise and seat every lawfully certified winner, and weigh the answer, or the refusal to give one, in your vote.
- Vote early where your state allows it, and confirm that your ballot arrived where tracking exists.

Notes

1. Henry J. Raymond to Abraham Lincoln, 22 August 1864, and Lincoln's reply of 24 August 1864, in the Abraham Lincoln Papers, Library of Congress; both are set out, with the memorandum's history, at [Blind Memorandum, August 23, 1864](#), House Divided Project, Dickinson College. Grant's Overland Campaign casualties and Sherman's position before Atlanta are standard; see James M. McPherson, *Battle Cry of Freedom* (Oxford University Press, 1988).
2. John Hay, diary entry for 11 November 1864, in Michael Burlingame and John R. Turner Ettlinger (eds.), *Inside Lincoln's White House: The Complete Civil War Diary of John Hay* (Southern Illinois University Press, 1997); the passage is reproduced at [Lincoln's Secretaries](#), HistoryNet.
3. John Hay's diary for 11 November 1864, recording the cabinet meeting, Lincoln's plan for McClellan, and Seward's reply, as quoted in [Lincoln's Secretaries](#), HistoryNet. The popular-vote margin of 1864 was 2,218,388 to 1,812,807.
4. David Raney, [The Blind Memorandum of Abraham Lincoln](#), Hillsdale College Dialogues.
5. Abraham Lincoln, Response to a Serenade, 10 November 1864, in [The Collected Works of Abraham Lincoln](#), vol. 8, p. 100; quoted at the head of Dickinson College's page on the election of 1864.
6. Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge University Press, 1991), p. 10. He returns to the definition in *Why Bother with Elections?* (Polity, 2018).
7. Christopher J. Anderson, André Blais, Shaun Bowler, Todd Donovan, and Ola Listhaug, *Losers' Consent: Elections and Democratic Legitimacy* (Oxford University Press, 2005).
8. Juan J. Linz, *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration* (Johns Hopkins University Press, 1978), on loyal, semi-loyal, and disloyal oppositions.
9. Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (Crown, 2018), introduction and chapter 1: since the end of the Cold War, most democratic breakdowns have been the work of elected governments rather than of generals and soldiers.
10. Aristotle, *Politics* III.4, 1277b.
11. [Constitution of the United States, Article I, Section 5](#), Constitution Annotated, Library of Congress.
12. 2 U.S.C. § 26: at the first meeting of each Congress the Clerk of the House places on the roll the names of the representatives-elect whose credentials show that they were regularly elected in accordance with the laws of their states and of the United States.

13. *Powell v. McCormack*, 395 U.S. 486 (1969): in judging the qualifications of its members, the House is limited to the standing qualifications the Constitution prescribes, and may not exclude a member-elect who meets them.
14. Edward B. Foley, *Ballot Battles: The History of Disputed Elections in the United States* (Oxford University Press, 2016), on 1800, 1876, and 2000.
15. Al Gore, concession address, Washington, 13 December 2000: “I accept the finality of this outcome, which will be ratified next Monday in the Electoral College.”
16. John McCain, concession address, Phoenix, 4 November 2008. The sentence follows his opening words, “My friends, we have come to the end of a long journey.”
17. Hillary Clinton, concession address, New York, 9 November 2016: “We must accept this result and then look to the future. Donald Trump is going to be our president. We owe him an open mind and the chance to lead.” Her popular-vote margin was 2,868,686 votes (Federal Election Commission, *Federal Elections 2016*).
18. [Read the full transcript: President Donald Trump interviewed by ‘NBC Nightly News’ anchor Tom Llamas](#), NBC News, February 2026; the interview was recorded on 4 February 2026 and broadcast around the Super Bowl. Asked whether he would trust the results of the midterms if Republicans lost control of Congress, the president answered, “I will if the elections are honest,” and went on to say of 2024, “I believe there was cheating,” and that it had been “too big to rig.”
19. The post is quoted in full in [Trump threatens to sidestep Congress with executive order on voting laws](#), AFP via Malay Mail, 14 February 2026.
20. Isaac Arnsdorf, [Trump, Seeking Executive Power over Elections, Is Urged to Declare Emergency](#), *Washington Post*, 26 February 2026.
21. Aaron Blake, [Trump declines to rule out declaring a national security emergency to control the 2026 election](#), CNN, 11 August 2026, reporting the president’s exchange with the radio host Wayne Allyn Root; the exchange is also reported in *The Hill*, “Trump to Wayne Root on declaring national security emergency for elections: ‘Stranger things have happened’”, 11 August 2026.
22. [GOP midterm convention: Trump directs crowd in a pledge to himself](#), ABC News, 10 and 11 September 2026, with the text of the pledge as the president dictated it; the same words are reported in *The Hill*, “Trump closes Dallas convention with pledge to vote, or you ‘go to h---’”, 11 September 2026, and in *Mother Jones*, “‘Cheat Like Hell’: Can Trump Actually Rig the 2026 Midterms?”, 2 October 2026.
23. Ewan Palmer, [Trump Tells Supporters to ‘Cheat Like Hell’ in Midterm Voting Pledge](#), *Daily Beast* via Yahoo News, 11 September 2026, reporting that Speaker Johnson and Health Secretary Robert F. Kennedy Jr. were among those who took the pledge.

24. Speaker Mike Johnson, [Remarks to the 2026 Midterm Convention](#), Dallas, 10 September 2026, as published by his campaign.
25. Hansi Lo Wang, [The Supreme Court rejects Trump’s mail voting restrictions for this year’s midterms](#), NPR, 14 September 2026.
26. [Justice Department Investigating ‘Thousands’ of Noncitizen Voters](#), *Newsweek*, 19 October 2026: as of 16 October 2026, judges had issued final rulings in twenty-six of the cases and dismissed the government’s claims in all twenty-six.
27. Dan Mangan, [U.S. sues California in fight over checking citizenship of mail voters](#), CNBC, 15 October 2026, which also describes Acting Deputy Attorney General Trent McCotter’s letter of 13 October 2026 to California with its forty-eight-hour deadline, and the thumb drive of names given to Los Angeles County officials.
28. [California Says DOJ Non-Citizen Voting Suit Borders on ‘Absurd’](#), Bloomberg, 20 October 2026.
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