

A Message from the Chairman

On January 6, 2021, our Nation suffered two unprecedented assaults on our Democracy, and on the shared values and commitments that bind us together as a people.

On Wednesday afternoon a mob of supporters of a defeated Presidential candidate invaded, and temporarily occupied and trashed, the U.S. Capitol in an attempt to prevent the certification of the election's clear winner. The attack on the center and symbol of our Democracy was a shock to the conscience of our country; the fact that it succeeded, even for a few hours, was even more so. The contrast between the overwhelming show of force at the Capitol that Black Lives Matter protests encountered last year, and the limited protection of the Capitol, despite days of advance warning, was inexplicable and distressing.

By the end of the day, the Capitol had been recaptured, the mob dispensed, and the House and Senate reconvened, but the spectacle of even a temporary takeover of Democracy's House emboldened our enemies, unsettled our friends and allies, and threatened every citizen who cares about our Democracy and the rule of law.

The even more serious assault, and an assault that directly led to the mob's invasion of the Capitol, was the attempt by the defeated candidate and his allies in the House and Senate to convince Congress to vote to overturn the results of the election and attempt to install their candidate as President.

That effort was doomed from the outset. Every Democratic member in Congress, and most Republican members across the political spectrum, immediately and emphatically rejected this invitation to participate in a coup. Indeed, even some of the coup advocates publicly and privately acknowledged that their efforts were more political theater than a serious attempt to reverse last November's election results.

However, the fact that their effort was doomed to fail does not diminish the harm they have done, or the danger of the land mine they have planted.

Senator Paul was right as far as he went when he said that the coup attempt was an assault on the Electoral College and on the states' constitutional role in selecting electors. But it was more than that. It was an assault on our Democracy itself, an attempt to replace the winner of a Presidential election with the loser. It was nothing less than a claim that Congress has the power to nullify a free and fair election and install its own candidate as President.

Despite the losing candidate's desperate attempts over more than a month to cajole, convince, and coerce state legislatures, executives, and courts to dispute the election's results, none did. Not a single state legislature, executive, or court put forth an alternative slate of electors, or challenged the electors whose votes were presented to Congress to count.

The coup advocates' claim is nothing less than the claim that any Congress, in any Presidential election, at any time, and for any reason can nullify an election and select the President. Our Founders are appalled. Every citizen, regardless of politics, should be so too.

No such claim has ever before been seriously entertained. If it were made now by the lunatic fringe of lawyers and academics surrounding the defeated candidate, it would be bad enough. To be made by many members of Congress themselves is a violation of their oath of office and a dagger that may be picked up in the future -- perhaps not merely to threaten, but to kill. We are the world's longest running Constitutional Democracy because of our, and our leaders', commitment to its principles. Without that commitment those principles will not prevail. The real threat posed by the coup advocates was not to President-elect Biden's and Vice President-elect Harris's inauguration, but the threat to make plausible the disregard of our Constitution and its protections.

In the end, Democracy triumphed. We came together, Republicans and Democrats, progressives and conservatives, to reject and condemn the coup advocates and the violence they engendered. Going forward we must continue to find ways to work together, to address the legitimate concerns fueling peaceful protests on the left and on the right, to concentrate on what unites us, and to bind the wounds that divide us.

We must listen to each other, and be tolerant of each other, and of each other's views. But there must be no acceptance -- none -- of elected leaders who would undermine our Constitution, and its principles and protections that are at the heart of who we are as a nation and as a people.

We can, and must, do better.

David Boies