‘A House Divided’

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The Issues That Divide Us

It is not a new concept.

Matthew, Luke and Mark in the Gospels all record Jesus saying that every kingdom or house divided against itself will not stand. In 1858 Abraham Lincoln gave what was a radical acceptance speech of the Illinois Republican party nomination to run against Stephen Douglas for the U.S. Senate. In his “house divided against itself cannot stand” speech, he was saying that the Dred Scott decision and other actions had made compromise on slavery impossible:

“A house divided against itself cannot stand.”

I believe this government cannot endure, permanently half slave and half free.

I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided.

It will become all one thing or all the other.

Either the opponents of slavery, will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new — North as well as South.

In 2021 does America again find itself in regional, economic, racial or ideological divides? Dan Balz, The Post’s chief correspondent covering national politics, the presidency and Congress, and Jennifer Rubin, The Post’s opinion columnist covering politics and policy, foreign and domestic, reflect on 2020 and the issues that divide Americans.
Political Reckoning

After a year of pandemic and protest, and a big election, America is as divided as ever. Trump will leave office and Biden will become president, but the two Americas remain far apart — and deeply distrustful of the values and beliefs of the other.

The year 2020 brought extraordinary and unexpected challenges that tested the strength of basic institutions, demanded courage and sacrifice in the face of a raging pandemic, underscored racial and economic inequities, and produced the biggest turnout of voters in the history of U.S. elections.

In the end, America was as divided as ever.
The election itself resulted in significant change — or no change. President Trump is on his way out of office after a single, tumultuous term, to be replaced on Jan. 20 by President-elect Joe Biden. Turnover in the most important of all elected offices — an office that was the major focus of the election — will bring a new tone, new faces and new initiatives to Washington and the country.

But it was Trump, not Biden, who seemed to have the longer coattails. As a result, Biden will start his term with the smallest House majority the Democrats have had in nearly a century and a half. And unless Democrats win both of the Georgia runoff elections on Jan. 5, he also will be the first newly elected Democratic president without a Senate majority since the election of 1884.

Trump has been the most polarizing of all presidents, with a style designed to divide, inflame and impugn. He has accepted no responsibility for things that have gone wrong, preferring to blame others or pretend nothing went wrong. Even now, he seeks to overturn the November results. Biden’s victory would seem to signal a hunger for something different, something calmer, some change in direction.

But elections are about more than the race for the White House. The 2020 campaign was a victory for Biden and a defeat for Trump, but for the two political parties and the ideas they espouse, it was neither. Instead, it marked a continuation of a long struggle for power that has been fought out for more than a decade without clear resolution.

The broad repudiation of the president that many Democrats hoped for and anticipated did not materialize. The results underscored the persistence of divisions that preceded Trump and that now seem destined to endure when he is out of office, unless Biden, ever an optimist about the state of the country and his own political talents, can somehow coax America to a different place.

The president’s post-election campaign has been carried out in a way that undermines confidence in the integrity of the vote and potentially Biden’s presidency. While Trump has not been able to overturn the election, the toxicity of his baseless, repeated charges has leached into the body politic.

Tens of millions of Trump’s followers now believe that Biden was elected illegitimately, causing potentially significant damage to the electoral process and to Biden’s ability to govern effectively. A recent Economist/YouGov poll found that more than 8 in 10 Trump voters said Biden was not the legitimate winner of the election. Other polls have found roughly similar results.

Many Democrats believed the election would result in a more significant victory for their party and with it a clearer mandate. Instead, the opposite has occurred — a split decision that left the balance of power little changed, though, not insignificantly, with a new president. Even as the two major political parties face their own internal strains, they will begin the new year and a new administration still looking across a wide and seemingly unbridgeable gulf.

Biden’s victory in the popular vote was impressive: He won more than 81 million votes overall, or 51.3 percent. He defeated a sitting president by a margin of 7 million votes. Still, the fact that Trump won 74 million votes, or 46.8 percent, was also notable, and in some ways the bigger surprise, as polls consistently underestimated his support.

Biden’s electoral college total of 306 votes to Trump’s 232 was clear and comfortable — identical to the number Trump posted in 2016, which he always described as “a landslide.” But Biden’s majority, like Trump’s four years ago, was built on a string of narrow victories across key battlegrounds that, with small shifts, could have produced a different outcome.

The Cook Political Report’s David Wasserman has noted that, while Hillary Clinton won the popular vote by 2.9 million votes and came within 77,744 votes of winning the presidency in 2016, Trump lost the popular vote this year by 7.1 million votes and yet came within 65,009 votes of securing a majority in the electoral college and, with it, a second term.

That number — 65,009 — is the combined total by which Biden defeated Trump in Arizona, Georgia, Wisconsin and Nebraska’s 2nd Congressional District. Had all four gone the other way, Trump would have won the election with 270 electoral votes to Biden’s 268.

Trump has refused to concede, even in the aftermath of the electoral college...
tally that took place Dec. 14, which is to be ratified by Congress on Jan. 6. He has done far worse than declining to acknowledge Biden as the winner. No president has ever done what Trump has tried to do to change the results. While it is shocking, it is not surprising, given the way he has operated in office.

The president has spread the fiction that the election was stolen and has trafficked in conspiracy theories that Biden’s victory was based on widespread fraud across multiple states. He has been rebuffed repeatedly by judges appointed by both Democrats and Republicans, including twice by a Supreme Court whose 6-3 conservative majority he helped to shape.

The absence of common ground

Democratic pollster Geoff Garin, who has decades of experience measuring public attitudes, said the election has left “a divided country even more divided,” adding that he cannot recall a time when there were “fewer points of intersection or overlap” between the two sides of the political divide.

“It’s not just that a Trump voter looks very different from a Biden voter, from where they live to what their demographics are,” he said. “But their belief systems are so fundamentally different that they’re essentially living in two separate realities. … When politicians say there is more that unites us than divides us, it’s nice to hear, but it is not descriptive of our current reality.”

Surveys both before and after the election underscore the dimensions of the gap that now separates those two worlds. A post-election survey by Public Opinion Strategies, a Republican firm, asked whether Republicans and Democrats have less respect for people in the other party than they did four years ago. Eighty-one percent of Republicans and 77 percent of Democrats agreed.

An October survey by the Public Religion Research Institute revealed that partisans have made harsh judgments about the nature of the opposition. More than 8 in 10 Republicans said the Democratic Party has been taken over by socialists, while nearly 8 in 10 Democrats said the Republican Party has been taken over by racists.

The Pew Research Center found in October that 80 percent of Biden supporters and 77 percent of Trump supporters said they “fundamentally disagree with the other side on core American values and goals.” About 9 in 10 supporters of both Trump and Biden said there would be “lasting harm” to the country should the other party’s candidate win.

“What this all reflects is … this sense that the opposing party is pushing policies that are fundamentally going to do harm to the country,” said Alan Abramowitz, a political scientist at Emory University who has written extensively about polarization.

“It cuts across everything from economic policies to dealing with the pandemic, to immigration, race relations, social issues — you name it,” he added. “This visceral dislike and mistrust and animosity reflects actual disagreement about the way the country should be governed — who should be governing and what policies they should be following.”

Trump’s presidency has expanded the values gap between Republicans and Democrats, Blacks and Whites, those with college degrees and those without, those who attend church regularly and those who do not. Nothing that happened in November appears to have changed that in any significant way.

For Trump supporters, cultural preservation of an America long dominated by a White, Christian majority remains a cornerstone of their beliefs. That helps to explains their attachment to a president who has warned that the Democrats and their allies are determined to rewrite the nation’s history and destroy its heritage.

Though the election has been settled, the country remains unsettled. Differences based on ideology and policy are common to democratic societies. Divisions over the legitimacy of an election could be far more dangerous. “I don’t mean there’s going to be riots or armed militias, but a lack of a unified belief in small-d democratic values is inherently destabilizing,” said Democratic pollster Anna Greenberg.

Although Election Day and the day of the electoral college vote passed peacefully, threats of violence and some clashes continue. Hundreds of Proud Boys — a male chauvinist group partial to Trump and he to them — marched through the streets of D.C. earlier this month, provoking fights.
Four people were stabbed, including one critically. Earlier, armed protesters gathered outside the home of Michigan Secretary of State Jocelyn Benson (D) to register their disapproval of the vote there.

Lilliana Mason, a political scientist at the University of Maryland whose specialty is the study of the partisan divisions in the country, said that while she sees no sign that polarization is abating, “I actually think that polarization is not as big of a problem anymore as democracy itself.”

She sees Trump’s anti-democratic actions and the support he has received for those efforts from a majority of his party as cause for concern. “He’s really encouraging his supporters to believe in something that’s not true, that’s absolutely false,” she said. “And that makes them really, really angry, which is extremely dangerous.”

After change elections, a familiar status quo

Mark Mellman, a Democratic pollster, describes what has happened to separate the two Americas as a continuum that has turned what once was a ditch into a canyon and then the canyon into a chasm.

Nothing about the cascading events of 2020 — not the pandemic and 330,000 deaths; not the massive economic dislocations; not the killings of George Floyd or Breonna Taylor; not Trump’s stir-the-pot tweeting and attacks on rivals; not an estimated $14 billion spent to sway voters — had much impact on how people voted.

“Very few people moved, and that is, in some sense, shocking to me,” Mellman said. “We used to have presidential elections and elections generally that were much more responsive to events. Now we’re in this situation where it’s a two- to five-point race no matter what.”

Bill McInturff, a Republican pollster, said his firm’s analysis of the election concluded that this was the smallest number of ticket-splitters since his firm began its measurement two decades ago. “We’ve stopped having any intersection [between the two sides],” he said.

In a closely divided country, events can become catalysts for different parts of the electorate, affecting turnout patterns and election results. These shifting patterns produced change elections of one magnitude or another in 2006, 2008, 2010, 2014, 2016, 2018 and now 2020.

In 2006, voters weary of war and souring on the leadership of then-president George W. Bush toppled the GOP majority in the House. Two years later, those same forces elected Barack Obama president and enlarged his party’s House and Senate majorities.

In 2010, reaction to Obama’s presidency produced a conservative tea party revolt that put Republicans back in control of the House. In 2014, Republicans took control of the Senate.

In 2016, it was the power of White working-class voters registering their disapproval of the political elites who helped make Trump the winner. In 2018, White women with college degrees who were disgusted with Trump provided much of the energy that flipped the House to the Democrats.

In 2020, with the stakes as high as ever and the country reeling from the coronavirus pandemic, racial protests and economic losses, voters came out in force. Nearly 160 million people voted this year, compared with about 138 million four years ago, but they sent mixed signals with their ballots.

The results ran counter to expectations — and to public and private polls, particularly in House races. Down-ballot contests went far more decisively for the Republicans than most analysts anticipated.

In the House, Republicans captured almost all of 27 races listed by the Cook Political Report as toss-ups. They also won seven more seats that were listed as either “likely” or “lean” Democratic. Republicans were expected to lose ground based on pre-election polls. Instead, they gained at least nine seats, with two still to be resolved.

In the Senate, seven Republican seats were listed as toss-ups. Republicans won five, with the two Georgia races going to runoff elections. Democrats picked up only two Senate seats held by the Republicans, after heading into Election Day with the hope that they would emerge in the majority.

Shifting coalitions but deep divisions

In the weeks after the election, analysts have studied the results, looking for shifts among particular groups of voters, from suburbanites to young African Americans to Hispanics — particularly those in South
Florida and South Texas, where Trump made notable gains — to those under age 45 and those over age 65, to White women with college degrees and White women without degrees, to urban vs. rural.

The analyses offer potential clues to forces that could shape politics in the future, but they cannot obscure the larger reality of a country that remains hardened in its divisions. “Most people have selected a side and predictably stuck with that side,” said Matt Grossmann, a political scientist at Michigan State University. “It matters for election outcomes where these people who split their tickets go. But it’s all appearing against a background where people are clearly on one side or the other.”

Both parties have undergone dramatic changes over the past decade. Republicans are caught in the grip of Trump and Trumpism, which represents a sharp departure from the conservatism of former president Ronald Reagan. Despite successes in November, the GOP is heading toward an internal debate about its future, with Trump’s influence remaining as a wild card.

In the election returns, some GOP analysts see the makings of a new coalition, built on White working-class voters and evangelical Christians and with potential support from voters of color, particularly Hispanics. “This election might be the start of that direction,” said Kristen Soltis Anderson, a Republican pollster.

Democrats see some of those same patterns and worry. Victories in Arizona and Georgia give them hope of redrawing parts of the electoral map in their favor, but they recognize that their weaknesses with some groups of voters leave them vulnerable in northern states such as Pennsylvania, Wisconsin, Michigan and Ohio.

Democrats are feeling the effects of gender, racial, generational and ideological tensions, with rising constituencies demanding more representation and power and energy coming from the grass roots of the party. Those differences were temporarily put aside this fall in the effort to defeat Trump, but Cathy Cohen, a political scientist at the University of Chicago, said the results of the election have left Biden with unhappy options.

“Right now he could be facing a Republican majority in the Senate that would push back on most initiatives that would be exciting to the Democratic base,” she said. “On the other hand, he has to offer up something that is substantial in institutional terms of transformation that will engage and excite the left part of the Democratic Party and many young people, particularly young people of color.”

The forces that have shaken both parties appear not to be transitory. “I don’t think we’re ever going back to the old politics in America,” Garin said. “And the new politics is very much a work in progress. But the way in which this transformation proceeds will determine a lot about the future of the country.”

America has remained hardened in its divisions through a series of major shocks — the terrorist attacks of Sept. 11, 2001, the financial crisis and recession of 2008 and 2009 and now a year that included impeachment, a pandemic, a racial reckoning, economic hardship and a campaign unlike any other in memory.

The task of navigating this divided landscape now falls to Biden. He has a robust policy agenda to address some of the most serious problems any new president has faced in decades. But his larger aspiration, as he has said repeatedly, is to heal the country and repair its broken politics. In a nation so divided and hostile toward the opposition, even small progress would count as a significant accomplishment.

Dan Balz
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JENNIFER RUBIN

America isn’t ‘hopelessly divided.’ It only looks that way because of our Constitution.

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I get it — and agree with it to some extent: Americans are deeply divided, inhabiting two parallel political universes, ingesting different media and adhering to contradictory visions of America. One increasingly defines the United States as a bastion of White Christianity; the other sees a creedal nation defined by its founding documents. But perhaps the “civil war” perspective is overwrought and distorted.

First, let’s get some perspective. Yes, a shift of a mere 39,000 votes in a few close swing states in 2016 would have made Hillary Clinton president. And yes, an even slimmer shift of about 33,000 votes would have kept President Trump in office this year. But a shift of 269 votes in Florida in 2000 would have given the election to Al Gore. Were we more divided then?

More generally, we can see that it is the electoral college that transforms President-elect Joe Biden’s margin of 7 million votes into a multistate nail-biter. But forget the electoral college for a moment: Democrats have won the popular vote in the past four consecutive elections with margins ranging from 2.9 million (Clinton in 2016) to 10 million (Obama in 2008). And Al Gore, by the way, won by more than half a million votes nationally. One “solution” to the deep division problem, then, would be to junk the electoral college.

A similar lack of majority rule gives Republicans control of the Senate, despite having support from a minority of the population. The disproportionate power of lightly populated states turns significant majority rule by Democrats into persistent minority rule by Republicans. Gerrymandering offers many Republicans a similar artificial advantage in their House seats.

In other words, we have an enduring and significant majority in favor of Democrats nationally, but our constitutional system consistently hands that advantage over to a Republican Party that is increasingly radical, irrational and racist. (As The Post’s Dan Balz writes, “For Trump supporters, cultural preservation of an America long dominated by a White, Christian majority remains a cornerstone of their beliefs.” That is the definition of white supremacy.)

We could get rid of the electoral college by constitutional amendment or through the National Popular Vote Interstate Compact (which would instruct each state’s electors to cast their votes for the national popular vote winner). But there is an alternative answer, which is also a function of our constitutional system.

One positive aspect of the Trump era is that it made many Democrats understand the value of federalism. State lawmakers and election officials prevented a coup by the Trump campaign. State attorneys general, over the course of 138 cases, also blocked Trump on an array of issues. As NBC News reported, this includes: “the ‘travel ban’; the Deferred Action for Childhood Arrivals program, or DACA; family separations at the U.S.-Mexico border; the ‘national emergency’ declaration to build the border wall; international student visas; student loan protections; clean water rules; transgender health care protections; automobile emissions; a citizenship question on the 2020 census; U.S. Postal Service operations; and Obamacare.”

Federalism is not an unalloyed benefit to progressives, as we saw when states banned same-sex marriage, access to abortion and common sense precautions to prevent the spread of covid-19. But, if you combine the “laboratories of democracy” with local activism (which prevailed in one state after another on same-sex marriage) and a Democratic president’s persuasion, you might make real progress on everything from police reform to health care to education.

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The other benefit of pushing decision-making down to the states is that state governments are less polarized and more functional than the federal government. Democratic governors work with Republican legislatures; Republican governors work with Democrats. Budgets get passed and balanced — without the backstop of printing money.

So where does that leave us? Our divisions are considerable — aggravated not solely by “polarization,” but also by the descent of one party into nuttery and by a Constitution that gives that party disproportionate power. Where possible, lawmakers should reduce that distortion (e.g., the National Popular Vote Interstate Compact) and deploy federalism.

Finally, our politics is more fluid than we imagine. Virginia and Colorado used to be dependable red states. No more. Stacey Abrams showed Georgia politics can shift as well. We need not accept that states are fated to remain in one partisan column. Activism, outreach and demography can change the electorate, and hence the result of elections.

The bottom line: Democrats have a small but stubborn national popular vote majority. The electorate as a whole agrees with their positions on gun safety, climate change and health care. The trick is expanding democracy, maximizing the benefits of federalism and working hard to create an electorate that resembles the increasingly diverse — and progressive — population.

Jennifer Rubin
Jennifer Rubin is The Post’s opinion columnist covering politics and policy, foreign and domestic. Also an MSNBC contributor, Rubin practiced labor law in her previous career.
 Evaluate the Political Reckoning

Read “After a year of pandemic and protest, and a big election, America is as divided as ever.” Dan Balz has years of experience covering and editing political life and issues. In this opinion piece, he examines the recent challenges and persistent divisions in America.

1. How does Balz characterize President Trump’s style? Include two specific examples in your response.

2. Explain what Balz means by “the toxicity of [Trump’s] baseless, repeated charges has leached into the body politic.”

3. In four paragraphs [beginning with “Biden’s victory in the popular vote was impressive …] Balz provides figures to give an assessment of the 2020 elections. Do the numbers give a balanced perspective on the popular vote and electoral vote?

4. Read the section titled “The absence of common ground.” In this section, the writer turns to reliable sources. Summarize the information that each source provides readers.
   a. Democratic pollster Geoff Garin
   b. Public Opinion Strategies, a Republican firm
   c. Public Religion Research Institute
   d. Pew Research Center
   e. Political scientist Alan Abramowitz
   f. Democratic pollster Anna Greenberg
   g. Political scientist Lilliana Mason

5. Review what each of the above sources stated. Which of them reflects views held by you? Or which gives you the greatest concern as you think of the society you want now and in your future?

6. In addition to using “divisions,” Balz and his sources refer to “sides.” What do you understand the differences in the sides to be? Give at least two examples for both sides.

Read “America isn’t ‘hopelessly divided.’ It only looks that way because of our Constitution” by Post political columnist Jennifer Rubin. In part, her column is a response to that written by Dan Balz. Get ready to compare and contrast the two works.

7. In her lede, Rubin sets up the idea of a divided America. What evidence of “two parallel universes” does she give?

8. Jennifer Rubin also uses numbers to argue her point of view — or as she says, “get some perspective.”
   a. What comparison between 2016 and 2020 elections is made?
   b. What contrast to 2000 is made by the numbers?
   c. What is the point she is making?

10. What is the point she is making about disproportionate power of lightly populated states and gerrymandering?

11. What benefits of federalism are presented? Are they convincing examples to support her point of view?

12. Research the National Popular Vote Interstate Compact.
   a. What are its many initiatives?
   b. What are the pro and con of the initiatives?
   c. Would you support the NPVIC for changes in the future?

13. Do you agree, disagree or partially agree with the “bottom line” that Jennifer Rubin concludes? In your response, include how you see yourself during the 2024 or 2028 elections — voting, abstaining, actively engaging others to vote?

14. What kind of government do you want on the local level? From the school board to county and local officials to the state leaders.
Of the 68 times martial law has been declared, few were by U.S. presidents

BY GILLIAN BROCKELL

• Originally Published December 23, 2020

Some of President Trump’s most rabid loyalists are calling for him to declare martial law so he won’t have to cede power to President-elect Joe Biden next month — though his White House aides have rejected that idea as a way to overturn the election.

Last week, Trump’s disgraced former national security adviser, the newly pardoned Michael Flynn, suggested on the right-wing channel Newsmax that the military could be used to rerun the election in four swing states that Trump lost. “People out there talk about martial law like it’s something that we’ve never done,” Flynn said. “Martial law has been instituted 64 times.”

At least 68 times, actually, though never under the circumstances Flynn has argued for on Newsmax and in the Oval Office.

The Brennan Center for Justice recently catalogued each time martial law — the temporary military takeover of civil functions like law enforcement and courts — has been invoked in U.S. history.

The broadest and perhaps best-known instance is Congress putting all the former Confederate states (except for Tennessee) under martial law during Reconstruction. From 1867 to 1870, radical Republicans controlling Congress imposed a list of requirements on these states for them to be readmitted into the Union, including passing a new state constitution guaranteeing universal male suffrage and ratifying the 14th Amendment.

Interestingly, the only two presidents to ever declare martial law are the two for...
which Trump has most often expressed admiration: Andrew Jackson and Abraham Lincoln. Granted, Jackson wasn’t president at the time he did so; he was a general fighting the British in the War of 1812. As British troops approached Louisiana in December 1814, Jackson declared martial law in New Orleans to compel all available men — militias, frontiersmen, pirates and the enslaved — to repel the British. Their victory made him a national hero.

In Lincoln’s case, he first declared a broad martial law not on a specific territory but on all rebels and anyone aiding them, and later on Kentucky, both during the Civil War. The Supreme Court has never clearly ruled whether a president has the authority to declare martial law without congressional approval, the Brennan Center report said.

(During World War II, President Franklin D. Roosevelt also approved a martial law order in the territory of Hawaii, though the actual declaring authorities were Gov. J.B. Poindexter and Lt. Gen. Walter C. Short.)

Martial law has more frequently been declared by governors and for reasons unrelated to war. About 40 percent of the time — 29 of the 68 instances covered by the report — martial law has been invoked to combat labor disputes.

For example, Colorado Gov. James Peabody declared martial law in several counties throughout 1903 and 1904 during the so-called Colorado labors wars. These were some of the most violent conflicts between miners and mine owners in American history, with the state government and National Guard mostly siding with the mine owners. The main issue they were fighting over was the eight-hour workday.

Sometimes, these governors would get a little overzealous with their use of martial law. Oklahoma Gov. William “Alfalfa Bill” Murray, who served from 1931 to 1935, was said to have declared martial law more than 30 times, though the Brennan Center could find records for only six. He called for martial law to enforce segregation rules, to confront Texas in the so-called Toll Bridge War and to force oil fields to shut down when he thought they were producing too much and depressing prices. The Oklahoma Senate threatened to impeach him for his strong-arm tactics, though they didn’t follow through.

Abraham Lincoln, one of only two U.S. presidents to declare martial law — though the only one to do it in office — used it twice during the Civil War, first on all rebels and anyone aiding them, and later on Kentucky.

The mayor of Galveston declared martial law after the deadliest hurricane in U.S. history in 1900.

Before there was Federal Emergency Management Agency, martial law was invoked several times for natural disasters, including the Great Galveston Hurricane of 1900, which remains the deadliest natural disaster in U.S. history. As many as 10,000 people died, and under martial law, men — most of whom were Black — were forced at bayonet point to dispose of rotting corpses. White supremacists also used it to exert control, executing as many as 50 Black men on trumped-up looting charges, according to Tulane historian Andy Horowitz.

Martial law has been imposed nearly a dozen times to restore order after race riots and mob lynchings, during a century-long period from the end of the Civil War up to the civil rights movement. There were the anti-Chinese riots in Seattle in 1886, the Longview, Tex., race riot during the “Red Summer” of 1919 and the Tulsa race massacre in 1921.

In 1963, Maryland Gov. J. Millard Tawes declared martial law in the Eastern Shore town of Cambridge for more than a year, following a tense series of civil rights demonstrations led by Gloria Richardson. While Richardson believed in nonviolence as a “first step,” her aggressive stance often clashed not just with the National Guard, but other civil rights leaders such as the Rev. Martin Luther King Jr.

Richardson, now 98 and living in New York, recently told The Washington Post’s Keith L. Alexander, “We marched until the governor called martial law. That’s when you get their attention. Otherwise, you’re going to keep protesting the same things another 100 years from now.”

That, according to the Brennan Center report, was the last known instance of martial law in the United States. ■
Challenge to Election Results

Presidential elections every four years with a smooth, peaceful transition are a hallmark of American democracy. Elections in 1824, 1876, 1888, 1960 and 2000 demonstrate the ways transitions may be controversial. History may judge the months following Election Day 2020 as the most contentious in U.S. history.

What do you think? Consider the following actions as President Donald Trump refused to concede the election and challenged the results.

A. President Trump, the Republican National Committee and others filed lawsuits.
   1. How many cases were filed? Why were these cases filed? Include dates.
      a. In Pennsylvania
      b. In Michigan
      c. In Georgia
   2. What court action was taken?
   3. Would you consider these cases to be justified?
   4. Would you consider any of these cases to be unmeritorious cases for “any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation”?

B. In mid-November 2020, President Trump invited Republican lawmakers from Michigan to the White House.
   1. What did Trump seek from these state leaders?
   2. After an approximately two-hour meeting, the Michigan lawmakers issued a statement. It included these words: As “legislative leaders, we will follow the law and follow the normal process regarding Michigan’s electors, just as we have said throughout this election.” Why is this reference to “electors” significant?

C. In December 2020 the Texas attorney general challenged the election results in Pennsylvania, Michigan, Georgia and Wisconsin when he sought the U.S. Supreme Court’s intervention.
   1. What did the Texas attorney general indicate needed Supreme Court attention?
   2. What was the Supreme Court response?

D. On Saturday, January 2, 2021, President Trump called Republican Brad Raffensperger, Georgia’s secretary of state, asking him: “So look. All I want to do is this. I just want to find 11,780 votes, which is one more than we have. Because we won the state.”
   1. What is the significance of “11,780 votes”?
   2. What was Raffensperger’s response?
Challenge to Election Results  continued

Post columnist Jennifer Rubin wrote in her Nov. 24, 2020, column, “When it comes to prosecuting Trump, let’s be selective”:

As several legal gurus have pointed out, under the criminal enforcement provisions of the Voting Rights Act,

“No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote . . . or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person’s vote.”

E. What may political parties and candidates do when they believe fraud or other wrongdoing has taken place during an election?

F. Do you consider any of the actions taken in the months following Election Day 2020 by the Republican National Committee, President Trump or others to be the following? Explain each response.

a. To be what a candidate does when he or she believes the vote count was wrong?

b. To have delayed a smooth transition of power?

c. To have broken any provisions of the Voting Rights Act?

d. To be an abuse of the rule of law?

e. To have tarnished the U.S.’s democracy in the eyes of other nations?