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Mr. Ranking Member, esteemed Senators, thank you for the opportunity to be with you today, and alongside such distinguished company.

I'm as honored to be here for this forum as I am disturbed by the reason for it. This Administration has been in office for just six months, and it has already inflicted profound damage on the institutions of our democracy — damage that will be extremely difficult to repair. I am also quite concerned about damage still to come. As a constitutional law scholar, I have faith that “we, the people” will prevail in keeping the republic, and continuing the work toward the more perfect union entrusted to us. But I am troubled that we will have to do that work despite, not alongside, our current federal government.

The Trump Administration is acting unlawfully — unconstitutionally — in ways that attack and undermine public trust in institutions. Those include not only the executive branch itself, but the judiciary, scientific centers, law enforcement, the military, academia, journalism. And of note for today, also the electoral institutions that have earned our trust.

The Administration has promulgated an executive order on elections that is mostly illegal. A brazenly politicized Department of Justice has sent a series of election-related letters that also appear to be illegal or attempt to effectuate illegal acts — some demanding voter data the Department may not at this point lawfully collect, and one providing pretext for a partisan gerrymander the Department may not lawfully further. At the same time, the Administration has decimated the Department's capacity, forcing out the nonpartisan career staff who enforce the laws Congress has passed. I hope we'll discuss these developments today. These actions have some common threads. They stand to hurt legitimate voters — of both parties and neither. They make a mockery of federal law. And they unjustifiably impugn the election process itself.

This would be plenty bad enough. But allies have foreshadowed more disturbing activity to come. Despite forswearing any relationship with

Project 2025, the Administration has been following the Project 2025 template disturbingly closely. And in the elections sphere, Project 2025 proposes, in plain view, a monstrous abuse of DOJ authority, pursuing baseless prosecutions of elections officials.

Reality TV producers understand that the way to keep viewers engaged is to perpetually dial up the outrage. International observers understand that the way would-be autocrats extend power is to ratchet up pressure, often in weakness and sometimes in desperation. And most people understand that bullies bully until someone hits back. So I expect that more bad behavior is coming.

But people who prize democracy are not powerless here. Federal trial and appellate courts — with judges appointed by Democrats and judges appointed by Republicans, including judges appointed by Donald Trump — have been largely acting like judges. I don't agree with every ruling, but most judges have been finding facts and assessing claims — and pushing back where the Administration has broken the law. Elections officials are largely standing firm — not in every state, but in most of them — looking to state and federal law and doing their jobs, trying to run fair elections for their voters without buying into the Administration's extralegal nonsense.

And the voters are watching, waiting for their next chances to weigh in. Even as the Administration continues to sow distrust in the American electoral process, we've seen that the American people are losing trust in the Administration. What's more, the federal executive does not and cannot control American elections; states and local governments do, within a framework you set and which the courts enforce. Most Americans believe that their own local elections will be fair — even if it sometimes takes a while to get there — and that's because lots of institutions are still working to make sure their own local elections are fair. Voters will have the opportunity to do their part. And they will need to take that opportunity.

I thank you for your continuing efforts to help ensure that eligible voters are able to cast meaningful ballots to elect a government of, by, and for the people. There's a lot more work to do.