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OPINION

American democracy has a future after all

By [Jerry H. Goldfeder](#)



Let's not kid ourselves. The failure of a red wave doesn't end the fragile state of our democracy. Although several of the more virulent election deniers were defeated, more than 200 of these seditionists were elected throughout the country. And former President Trump is running again. Yet overall, I am hopeful.

Listen to what Rep. Tim Ryan said when he lost to J.D. Vance for United States Senate in Ohio: "I have the privilege to concede. That's the way this country operates," he went on, "when you lose an election you concede."

This patriotic embrace of defeat is actually part of a rich tradition in our history — a gracious and peaceful succession of power. And Ryan was not alone. New York's own Sean Patrick Maloney, no doubt upset by his surprising defeat, called Congressman-elect Mike Lawler when it became clear that voters in the Hudson Valley went in another direction. Even most of the defeated deniers conceded!

All of this reminds me of Samuel J. Tilden, a New York Democrat who ran for president and actually had the election stolen from him. Growing up in Brooklyn, I knew only one thing about Tilden: He had a local high school named for him. I guess our social studies teachers forgot to tell us about his place in history. So for those of you who also missed out, permit me to share it here.

It was 1876, and corrupt canvassing boards in three states he had won — Louisiana, South Carolina and Florida — altered vote totals and handed their electoral college slates to Tilden's opponent, Republican Rutherford B. Hayes. This concerted fraud was then rubber stamped by a congressionally inspired extra-constitutional commission, and Hayes became president. The deal was possible because Southern Democrats traded the White House for the end of Reconstruction — which, in turn, led to a century of Jim Crow.

For his part, Tilden took the high road. Speaking to a civic group in Manhattan several months later, Tilden urged listeners to “be of good cheer.” He went on: “The Republic will live. The institutions of our fathers are not to expire in shame. The sovereignty of the people shall be rescued from this peril and re-established.”

As the one presidential candidate who could legitimately claim that victory was fraudulently snatched from him, Tilden’s appreciation of the rule of law, of putting country over his own ambitions, and optimism for the nation, is worthwhile to remember. Indeed, it represents the norm, not the exception.

In 1960, Democratic victories in Illinois and Texas were supposedly concocted by election officials, but Richard Nixon chose to concede to John Kennedy rather than begin an uncertain legal battle. In 2000, when Al Gore’s opportunity to re-count thousands of votes in Florida to overcome a 537-vote deficit was stopped by the U.S. Supreme Court, he took it on the chin and conceded to George W. Bush.

And in 2008, in a heartfelt concession speech, John McCain said that he “had the honor of calling Sen. Barack Obama to congratulate him.” In fact, before 2020, there were 10 incumbent presidents who lost re-election yet turned over the keys to the White House without too much of a fuss. In all of these so-close-it-hurts elections, including presidential re-election campaigns, the declared loser respected the constitution and stepped away.

Only Donald Trump has insisted on tainting the nation’s tradition of peaceful succession. Given the incontrovertible evidence to the contrary, Trump’s cock-and-bull fabrication of the last election would be laughable were it not for his continuing inflammatory rhetoric and its adoption by hundreds of public officials.

Voters in the midterms seem to have hit the brakes on the Big Lie crusade, but there are still enough deniers in Congress and the heartland to cause continuing concern. Whether the Kari Lakes of the world are sufficiently chastened or will be encouraged by Trump to plow on is an open question. Americans must, therefore, be watchful as to whether voting results in 2024 will be respected and free from political violence.

Which brings us back to Tilden. His positive attitude about the future has generally been borne out by history despite the nation’s ups and downs. But though optimism is necessary, it is, of course, not sufficient. Vigilance and persistent engagement is required. The midterms were an important step forward, but only that. Americans who believe in the rule of law need to stay the course. To put it simply: It’s up to the voters to prove Tilden right, that our republic will survive — and improve.

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