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Could the U.S. See a Canceled Election?

It happened in Romania, and Washington practiced Europe-style censorship during the Biden years.

By Alex Kozinski

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Romanians protest against the cancellation of the first round of presidential elections in downtown Bucharest, Romania, Jan. 12 PHOTO: ROBERT GHEMENT/SHUTTERSTOCK

I knew something unusual was up in December when I started getting emails urging me to vote for Elena Lasconi—“the only sensible choice”—and definitely not for the dangerous Călin Georgescu. As a Romanian citizen I’m entitled to vote in Romanian elections, but I have never done so. Romania has a parliamentary system, with numerous parties identified by initials. I found it confusing and thought it best to leave the decision to those who actually lived there. No one ever asked for my vote—until now.

My curiosity aroused, I decided to read up on the presidential candidates and was planning to trudge down to the Romanian Consulate to cast my vote. Then I got word that the Romanian Constitutional Court had canceled the election.

Having visited Romania and the Constitutional Court two months earlier, I was stunned. Unlike communist Romania, where I spent my childhood, Romania

today looks and feels like a Western country. Private enterprise flourishes, and people speak freely on all topics. They seem intensely interested in politics (Romanian, European, American) and the rule of law. A conference at the University of Bucharest discussing a recently published Romanian translation of my judicial opinions, speeches and articles attracted numerous lawyers, scholars and judges. The discussion was open and vigorous. My appearance on a popular law podcast was candid and wide-ranging. Bucharest was plastered with posters for the coming election.

Two months later, the election was canceled.

I was reminded of this by Vice President JD Vance's speech to the Munich Security Conference. He mentioned the Romanian election twice and held it up as a cautionary tale of what can happen to societies that seek to coerce rather than persuade, suppress rather than debate. He noted that other European countries are engaged in heavy-handed suppression and punishment of speech and ideas; that some refuse to collaborate with parties that hold disapproved ideas, despite their popular support; that the European Union and national governments are compelling social-media companies to censor speech they find undesirable. Free speech, as Americans understand the term, is in serious peril.

Mr. Vance admitted that even the U.S., with the most robust free-speech guarantees in the world, isn't immune. As the Fifth U.S. Circuit Court of Appeals detailed in *Missouri v. Biden*, our government exerted considerable pressure, even coercion, to extirpate ideas from social media. Certain topics—such as Covid's origin, remedies and vaccine safety, transgenderism, climate change and the legitimacy of the 2020 election—were deemed nondebatable. Many who expressed views contrary to the official position were canceled.

Could American elections be canceled next? Some states came close in 2024 by attempting to remove from their ballots the candidate who eventually won the presidency. There was no uproar; the Supreme Court had to intervene. During the pandemic, Americans put up with unprecedented and draconian restrictions on their freedom of movement, school closures, destruction of businesses and interference with doctor-patient relationships. Much of this met with little resistance, in large part because authorities in government and media suppressed discussion and debate. If enough panic is stirred up, canceling elections isn't inconceivable.

Our legacy media have greeted Mr. Vance’s speech largely with disdain and horror. They are wrong. The speech is epic. It reminds Europeans and Americans that the values of the Enlightenment, as captured in our Constitution—not least the right to think, speak and debate freely—are the glue that binds us together. If we don’t defend those values, there isn’t much left worth defending.

Mr. Kozinski served as a judge on the Ninth U.S. Circuit Court of Appeals, 1985-2017. He was counsel of record for Donald Trump in Trump v. Twitter, which challenged the president’s and other plaintiffs’ removal from the social-media site. The case was recently settled.

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