

Episode 46 - Unelected with Political Scientist Norman Ornstein

Announcer: From CurtCo Media. Coming up on the show: "We have deep blue states and deep red states. And we have those purple states. But the fact is within each of those states we have a huge divide." (Music) So what are you gonna do about it.

Bill Curtis: That was Norman Ornstein. Our special guest today. But today's a new day. Our country stands on the precipice of a new future as we approach our paths forward. We can choose to either get bogged down in silliness and accusations or we can drive aggressively forward and focus instead on building better lives for you for free for minorities for poor for the next generation for workers and business owners alike.

Bill Curtis: You know the expression the enemy of my enemy is my friend. Well we in America have a common set of enemies a virus hunger managing technology unemployment economic stresses prejudices and anything or anyone that desires to destroy our future. These are common enemies. So therefore all of us who want to win those battles. We are all friends. This is politics. MEET ME IN THE MIDDLE.

Bill Curtis: I'M BILL Curtis Well we've got a pivotal show today. Our panel Ed Larson a Pulitzer Prize winning historian best selling author a prolific lecturer and it's so nice to see you today. Thanks for joining.

Ed Larson: Nice to see you and nice to see Norm.

Bill Curtis: Also zooming in Jane Albrecht. She's an international trade attorney who fought for U.S. interests to high level government officials all over the world. She has participated in numerous presidential campaigns. Jane nice to remotely see you too.

Jane Albrecht: Great to see all of you and welcome norm we're so excited to have you so our special guest today

Bill Curtis: As you've heard, Norm Ornstein, he's the renowned political scientist and resident scholar at the American Enterprise Institute a conservative think tank in Washington D.C. He's a contributing editor and columnist for Well the National Journal of the Atlantic. You've seen him on CBS CNN FOX NPR PBS and you've read his articles and opinions everywhere that matters. Norm's books include bestsellers a nation after Trump. And it's even worse than it looks. Norm thanks so much for joining us.

Norm Ornstein: It's a real pleasure to be with all of you.

Bill Curtis: So recently on Christiane Amanpour's show you said the only thing that can overcome our challenges with this election is a landslide victory where there is simply no question and the votes that are disallowed just won't matter much. Well Norm No such luck. So where does that leave us.

Norm Ornstein: So we don't have the landslide that we hoped for which would have covered not just the presidency but the House the Senate a number of state legislative chambers and other offices. We are now at a point though where with Biden winning the popular vote by what is likely to be more than five million what we're getting is a an electoral vote margin big enough that the mischief that could have followed from a closer electoral vote contest with Republicans doing all kinds of things to try and throw the election to the House of Representatives just is not a possibility at this point and a margin big enough that Biden can claim that he has the ability to move forward with what we hope will be bringing the nation back together again in a way that we haven't seen for some time.

Bill Curtis: Well let's look into a shorter horizon for just a minute. And has there ever been a president that didn't really accept being elected out of office.

Ed Larson: No not in this sense. There's never been any precedent like this. We've had some that have been bitter. John Adams refused to go to the inauguration of Thomas Jefferson very blatantly very rudely. But you know John Adams was always rude. But nothing like this no activity of whether you're actively reject the legitimacy of the election. Most Famous example probably that would be Grover Cleveland. Grover Cleveland was the incumbent president. He won the popular vote for re-election but in the weird twist he lost the electoral vote even he accepted that and gracefully stepped aside.

Bill Curtis: You know the question I have Norm for you is as a country looking to move on. What do you think we should be expecting from Mr. Trump even if he does peacefully leave the office whether it takes a tranquilizer in a net or some other fashion. Do you expect some disruption and kind of a continuing cantankerous sort of approach.

Norm Ornstein: So we know from Donald Trump's statements in the aftermath of the election statements that even normally cautious media outlets were saying we're a pack of lies about the election being stolen about how the only legitimate votes were the votes that he got. Statements that have been picked up on by a lot of people who are really odious and dangerous that we're not likely to see that change. To be blunt and brutal Donald Trump is a narcissistic sociopath and narcissistic sociopath especially those who have been there for their entire lives are not going to change very much. He is going to be bitter and resentful maybe at some point we will see him go through the fabled five stages of grief as it becomes clear that he's lost. But there is going to be a long lag before we get to acceptance and we know something else once we're at the point where the larger community has accepted that Joe Biden is the president elect. Donald Trump first is going to follow his instinct which is to do rallies every single day or as much as he can to continue to bask in the adulation that he gets from those people who still believe that he is a God. There is no incentive for a Donald Trump to turn a well running country over to his

successor so that whatever good happens in the aftermath will have the credit going to Joe Biden and not to Donald Trump his incentive is to leave a scorched earth or Biden but also to use every bit of his executive power along the way to either accomplish his goals or put roadblocks in the way for Biden Trump is going to pardon himself and as many people as he can who are around him his family members his cabinet the White House staff and others there's going to be a tremendous incentive to make sure that evidence that could be incriminating for him or them is not to be found.

Bill Curtis: Can you pardon someone for a charge that hasn't been levied yet.

Norm Ornstein: Yes you can. And the best example of that is Gerald Ford pardoning Richard Nixon. Remember though that pardons only affect federal offenses. And we know that the district attorney in New York City Attorney General in New York state are investigating him for potential crimes committed before he became president. We've got a lot of things going on there that are going to make Donald Trump very angry and upset when you look at the brilliance of his methods.

Bill Curtis: And then you listen carefully to his press conference from just after the election. He said a lot of things that I think are points that we should pay attention to because we can basically predict the future. He quoted election interference by big media big money and big tech. I thought that was pretty telling of who he's going to state is the cause of a loss that he won't accept as a loss.

Norm Ornstein: You know I've followed very carefully what his niece Mary Trump has said. She's trained in psychology. She knows him and she said that he's never had a defeat like this before even in the past where he had defeats the bankruptcies and the like. He's figured out ways to get work arounds. You know I also he's issued a bunch of executive orders already that are troubling and questionable. One of course just this last week he opened up the entire Tongass National Forest in Alaska to logging even if that's undone down the road there'll be plenty of logging done in between. The most troubling one is he's issued an executive order that basically blows up the career civil service and its protections. He created a new category called Schedule F can you explain to our listeners a schedule f.. So we have different schedules in the government service schedule C is political appointees. The president picks. They don't have the civil service protection there. Those that he has in place. But most of the people working in the federal government like say Anthony fleshy are career people on a different schedule with protections from being harassed or fired. They have legal outlets. A president can't fire an Anthony voce. The only one who could get rid of him is the head of NIH Francis Collins. By doing this executive order he's saying that I can take people in senior levels in government who have been there for decades who are career move them into this new area where they have no protection. And under this executive order he can fire them and they have no appeals. And I'm expecting that Trump is going to go after those who he is viewed have hurt him and wronged him. A lot of people at the CDC a lot of people in the intelligence community some of the career people at the FDA and that'll be disruption for a period of time and who knows what other executive actions he'll take or foreign policy actions to try and make it more difficult for example

for Biden to reenter the Iran nuclear deal or tried to make sure that there are more environmental steps taken that would be very hard to reverse so that he won't be able to move on climate change quite as effectively. There's just all kinds of things that he can do that are just lashing out.

Jane Albrecht: I think one thing to add to what you just said Norm is that it's not just him that will do these things to try to make it difficult for the next administration. He has really been back from the start by the extreme right wing of the Republican Party the group that believes all government is bad. That's why Steve Bannon wanted to quote deconstruct the administrative state so it's not just Trump that will do it it's going to be all the right wing that wants to get as much of the their agenda in place for as long as they can keep it in place. Wouldn't you agree. No.

Norm Ornstein: No I think that's absolutely right. And in many ways the most disturbing thing that I saw in the aftermath of the election was Lindsey Graham still the chairman of the Senate Judiciary Committee after having won re election going on Fox and other places and basically encouraging disruption of the election and delegitimization of the potential Biden victory if that's what we're getting at this point from Republicans in Congress continuing to enable bad behavior instead of trying to put limits around it. I despair.

Ed Larson: We've had a few Republicans speak out such as Mitt Romney. We need more right now. We have people like Lamar Alexander who have a free pass. They can speak out their outgoing senators. But Ben Sasse has said a few things that are positive. A few of the members of Republican members of Congress certainly people like former leaders like James Baker at some point. I think George W. Bush needs to speak out clearly and unequivocally. I think the important voices we need to hear are Republicans calling for a smooth honorable rule of law. Transition of Power.

Bill Curtis: Norm I'm wondering why there wasn't more backlash when before the election. Trump said it was a fair election, If I win. And the commentary and backlash no slaps on the wrist it seems that it was simply accepted as another day.

Norm Ornstein: You know what we have is a cult. It's not a party anymore. And with a cult the fear of being shunned or excommunicated is powerful because so many Republicans in the rank and file out in the country still believe that Donald Trump is the most fantastic thing that's ever happened to them taking him on means that you are an apostate. I'm afraid that's the world we live in and the only way I see a Mitch McConnell trying to stage an intervention with Donald Trump is if they believe that their future majority is in jeopardy because of the things that he's doing. I'll give you just one example here McConnell now predictably is going to want to do a complete 180 on a covert recovery package which he opposed until after the inauguration. Basically you know the House passed a package months ago. They did nothing when Trump talked about doing a huge package before the election McConnell threw cold water on it. Now he'll want to do a package for two reasons. One is he'd rather have it take place when Trump is president so that Biden doesn't get credit for it. The second is to give him an excuse for not

doing an ambitious package. When Biden is president by saying we've already done that and he'll try and get something done and water it down in some ways it wouldn't surprise me that Trump now says Screw that. They all voted against me. Why should I do anything for them. And then you could see McConnell going to him and saying no you're not going to let that happen because it's bad for you but it's even worse for us.

Bill Curtis: You know Norm this being a show called Meet Me in the middle we have a lot of friends that are fiscal conservatives and social issue Democrats who actually have been somewhat excited at the idea that Biden would win the presidency but the Senate would prevent some radical taxes that they're concerned with. So they feel like they're getting the best of all worlds. I'm wondering if you feel that perhaps that's a reasonable thing for someone like that to say

Norm Ornstein: If your greatest concern is not getting the tax increase that Biden has put out there which includes of course raising the top rate and raising the corporate rate if that's the main thing on your agenda then you're going to want a Republican Senate. If you're a fiscal conservative however that doesn't really compute. You know we have seen no signs of fiscal conservatism over the last four years. What we've seen is a debt that's grown astronomically some of that obviously necessary as we fell into this deep morass because of it and some of it less destructive because of low interest rates. We're gonna see yet another package at least one and the one thing that could happen with a divided government is infrastructure. I joked for a long time we're in week two hundred of infrastructure week that Trump proclaimed right at the beginning. But for reasons that escape me you didn't do anything to move on an infrastructure package. And if there's one thing that could really move us once we're past the worst of covered to some strong economic recovery it's getting those good jobs that come with construction with you know pushing for universal broadband getting jobs and the green energy world. Which Republicans won't like that much but it would really provide some real help. This is the time to do it when interest rates are low but it's going to add astronomically to the debt. And unless you address the revenue side at some point that will get much worse.

Bill Curtis: Well you know what normally tends to not be addressed enough. And I know a lot of fiscal conservatives who are not completely opposed to paying some additional taxes but what they're not hearing is anything about smarter spending creating more priorities. A lot of these folks wouldn't be against the idea even of a of a universal health care. If they thought that it was a thorough policy that involved perhaps spending a little less in some directions rather than just charging more to the taxpayer.

Norm Ornstein: You know I will say Bill that I think the real challenge we have on that front is you've got a few buckets in the federal budget. You have the discretionary domestic spending bucket. You have the discretionary defense bucket and then you have the bucket of what is loosely called entitlement spending. But that is basically Social Security Medicare and Medicaid. And the reality is that on the discretionary domestic front that's been cut back dramatically in terms of its growth as a share of the GDP we're back to where it was before the 1960s. The other challenge of course is what you do about Social Security Medicare and Medicaid. One of

the things that we've seen is that in the states that accepted the expansion of Medicaid in the aftermath of the Affordable Care Act their healthcare costs have actually gone way down and their rural hospitals have been able to stay open. And then the states that didn't accept the Medicaid expansion the burden on the states has grown dramatically. The other part of this is in the aftermath of covered all of the states that have their own balanced budget requirements are deeply in the red and are going to need some help. You know we can begin to talk yet again a little bit further down the road about how we get the trade off that we've had out there as the strongest possibility since 2009 if not before which is you look in a smart way at Social Security and Medicare then ad revenues.

Norm Ornstein: I have sympathy for people who are fiscally conservative and socially moderate or liberal. It's hard to find a place in the political system now where you feel those concerns being felt but those are ones that are going to have to wait awhile and remember on the socially moderate side we have a Supreme Court that is likely to take a whole set of actions that are going to leave people in that category extremely upset. And I'm not just talking about choice. One of the cases the Supreme Court's going to hear very soon. Is about adoption rights for L.B. Beatty couples and families. I wouldn't be surprised if they take a position that's not very favorable to those who are socially moderate or liberal. They could revisit gay marriage and they're certainly going to at least accept significant further restrictions on abortion.

Norm Ornstein: So we're going to see people who have that balance of views which is in many ways reflects a larger share of the population being disappointed on all fronts we're going to take a break.

Bill Curtis: We'll be right back with Norman Ornstein.

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Bill Curtis: Welcome back with Norman Ornstein.

Bill Curtis: You know it's been said already that Trump with his 80 million Twitter followers and his seemingly lack of desire to be known as a classy exiting president who might have accomplished some things for people who wanted him to fulfill his promise. But as he proceeds one of the things that it's already been told that he's saying is running again in four years as any other president. And in our past been voted out of office and then tried to run again.

Ed Larson: Yes the most famous example of course is Grover Cleveland. Not only did he run again but he won. He served one term won the popular vote the next time but lost the electoral vote and came back four years later and won. It's actually a fairly successful president. But there have been other examples of presidents who've tried. Teddy Roosevelt tried he tried to

come back afterwards. Ulysses S. Grant thought about coming back and trying. So there had been other examples but certainly Grover Cleveland stands out as the successful one.

Jane Albrecht: When did this sort of tradition of presidents stepping down and not really speaking at all during their successor's term when did it start that there was the tradition of former presidents basically retiring and saying nothing that's more a personal attitude.

Ed Larson: People like Dwight Eisenhower just wanted to facilitate the next president and not get in the way. But there've been a lot of presidents over time who have remained involved and remain vocal. And of course even your example of Obama he's certainly been vocal in the last few weeks. So it's not necessarily a historical norm. Often presidents remain active. Another famous one would be John Tyler who not only remained active but he ended up becoming a senator in the Confederacy. And he was a former U.S. president. So he remained very vocal and active on the slavery issue.

Norm Ornstein: So you know it's been a norm that presidents have followed generally in part because of a belief that if while they served the former presidents had tried to undercut them it would have made their lives more difficult. Jimmy Carter hasn't particularly followed that and you know he's spoken out quite actively in ways that frustrated Democratic and Republican presidents at different times. But generally speaking the modern era is one where especially because presidents have had bigger bully pulpits and former presidents they've tended to try and stay out of current controversies. I think Donald Trump is going to form his own media network. I think he is going to create a hyper right wing populist network that will have television radio and social media. It will position itself to the populist right of Fox. He will probably bring over Stuart Varney Lou Dobbs. Mark Levin and some others you know if he gets backers and he will have backers you could buy any television network that has a broad reach on cable whether it's the weather channel or another more minor one or use ON and as it were or even join with our RT the Russian propagand network you'll do rallies all the time assuming he does not get indicted and assuming you can find a way out of the huge morass of debt that he's in. I expect him to be a major presence.

Bill Curtis: When you look at a dysfunctional country where just short of half the country just showed that they wanted four more years of an arguably unbalanced and dangerous man because of what he stood for not because of who he is you know even conservatives admit that he is well a bit odd. You have to talk about the dysfunction in our country where there seems to be such an overwhelming divide. The walls appear to be more between rural and urban and suburban America than it is or should be between countries.

Norm Ornstein: I couldn't agree more. I did find it very unsettling the level of support that he got after everything that he had said and done. And it does show that we have this tribal world and you're absolutely right Bill that we have deep blue states and deep red states and we have those purple states. But the fact is within each of those states we have a huge divide. The reality is that the economic dynamism of the country is centered in metropolitan areas where you have the infrastructure the educational infrastructure the workforce educational

infrastructure the communications and transportation infrastructures. People who are supple and can deal with the vicissitudes of a global economy two thirds of the GDP come from those areas. And then as you move out from the cities and the inner suburbs into the outer suburbs into the Xers and then to the smaller towns you find this divide growing. And it's an economic divide and a social divide and a political divide and then let me throw in another structural challenge that we have because people are moving to the states where there is that economic dynamism. By 2040 70 percent of Americans will live in just 15 of our 50 states. That means that 30 percent of Americans will elect 70 senators and they are not representative of the diversity of the country much less the economic dynamism.

Jane Albrecht: Do you really think after Trump is out of office that the attorney general of New York and Manhattan are going to have the political will to go after him in a serious concerted way.

Norm Ornstein: Remember they're from New York. Jane, if you're Cy Vance the D.A. in New York and you let Donald Trump off the hook in New York you're in big trouble. So their inclination is going to be to go forward. And if I had to guess my guess is they've got a whole lot of evidence of tax fraud. Keep in mind that it was fraud of just this sort inflating your real estate properties to get loans and then deflating them to get losses on your tax returns. That sent Leona Helmsley to prison for 18 months

Ed Larson: And going after the president if he's in legal trouble in New York. Well in a way help corral him a bit as to those other prosecutions though most of those are federal. And you know Trump's got a month and a half left to pardon those people pardon his cabinet members to avoid those Hatch Act or insider trading issues as long as they're federal actions against him.

Norm Ornstein: Donald Trump has been furious with his attorney general Bill Barr for not going after Hunter Biden and Hillary Clinton. He's been furious with his FBI director for not following what he believes is all of this evidence that Rudy Giuliani has uncovered about perfidy. I can also imagine during the transition against the advice of everybody given his own self-interest trump finding prosecutors who will agree to in his final days do to his opponents including Obama what they did to him when he was asked about the transition said Why should I give them a good transition when look at the witch hunt that they brought against me. If that's what Trump does I'm not sure we're going to see the same kind of forbearance on the other side.

Bill Curtis: He doesn't care how things look. So we have to keep that in mind.

Jane Albrecht: I think the trick is you know with Biden how much political energy is Biden going to want his administration to put into going after former political enemies. It looks bad.

Norm Ornstein: You know I don't think he would do it directly. The best way in which you would do that is you would pick a Preet Bharara to go back to the Southern District of New York and you would pick a career person in the Public Integrity Section of the Justice Department has had no history of any partisan involvement and basically say you guys follow the evidence where it

takes you we are going to stay out of it completely. My attorney general will not intervene in the slightest way with any investigations. The Southern District has a reputation for complete integrity and we're staying out of it. That's the way to deal with this.

Ed Larson: Your suggestion on the North Carolina senator is perfect because there you have something to hold over his head and that's just the sort of dealing you have and then you look around in other states that are similarly situated. Those could be key to bringing together the country. And that's what I think Biden is going to be committed to doing because that's I believe he thinks will be his legacy and even more important. He's always been religious but he became so deeply religious with what's happened with his family and his and himself and his own illnesses. And I believe he believes that he is called by God to save this country and to restore the soul of American and those people who say he's going to be run by that by AOC and the left.

Ed Larson: I just don't think they understand Joe Biden

Jane Albrecht: Having said that I should add you know I think you can bring Republicans in in certain specific ways in any appointments. But I think this is not a time for a cabinet of a team of rivals if nothing else. The Democratic base and by that I'm not just talking about the progressive base I'm talking about the entire Democratic base is very much going to want to get a feel. We've put up with this for a long time. It's time to have Democrats rule the country so I think we'll have room to do some of that but not too much of it and not in key positions.

Bill Curtis: And you know what Jane though being that we're Meet me in the middle before we wrap up I'd have to say if it goes the route that's outlined by Norm the country is better off. Norm I have two questions for you. Before we run one that was suggested by Jane following and Chris Hayes footsteps you travel in areas in Washington that many of us could only wish or dread the idea of travelling in you know people they talk to you tell us something we don't know.

Norm Ornstein: I've known Joe Biden since he first came to the Senate in 1973 and I had my own personal tragedy. I lost a son in January of 2015. Joe called me up two days later spent an hour on the phone from his office and the vice presidency with me and my wife and my other son gave me his private phone number followed with a handwritten letter and I saw him at a White House Hanukkah party. He came over made a beeline over to the two of us gave us hugs and whispered in my ear I know the holidays are a really rough time. There is nothing that's more intrinsic to Joe Biden's character than the empathy that he has for others. So you know that. But I know what at a personal level. The second thing I'll tell you is that the team of people around Biden including those running the transition are as capable and tough minded as any I've ever seen. That starts with Ted Kaufman who succeeded him in the Senate who wrote the Presidential Transition Act and who is handling the transition. And are I think going to be ready to go in a way that Obama wasn't that Trump certainly wasn't. Which is not just to have a cabinet lined up to be confirmed right after inauguration but a large slew of the subcabinet. It's a critical thing that most presidents don't do and have not done. What I will tell you finally is the

Republicans I've talked to in Congress large numbers of them have contempt for Trump. They see him for what he is but not one of them has used that in any public fashion.

Bill Curtis: First of all our hearts go out to you and your wife for your loss and we hope you'll come back and talk to us again because this has been an absolute honor to have you join us. So Norm how can people follow you.

Norm Ornstein: I'm very active on Twitter. That's one way it's at @normornstein .

Bill Curtis: OK Ed Larson and Jane Albrecht thank you so much for being with us tonight. This has been spectacular. Until next week don't forget to hit the subscribe button so you don't have to hunt around and find meet me in the middle for next week. Thank you to our producer A.J. Moseley, music for Meet me in the middle is composed and performed by Celleste and Eric Dick the executive producer for this episode is Stuart Halperin . Trump is not going to go quietly but we as a society can decide to come together. And when you listen to some of the ideas that Norm laid out tonight you realize that we do have choices.

Bill Curtis: We do have ways that we can come together. We do have ways to have a better future. See you next week everything.

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