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IMPEACHMENT, FOREIGN INTERFERENCE, AND
ELECTION SECURITY IN 2020

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P R O C E E D I N G S

MR. WEST: Good afternoon. I'm Darrell West, vice president of Governance Studies at The Brookings Institution, and I would like to welcome you to our event on "Impeachment, Foreign Interference, and Election Security in 2020."

So it has been several weeks since Speaker Pelosi launched the impeachment inquiry. There's been testimony from a number of administration officials and soon we will be moving to public hearings. At the same time as we head into the 2020 election, there's concern about foreign interference and the security of our election infrastructure. There's concern about hacking voter registration databases, sowing societal discord, and spreading disinformation.

And you should have copies of the Constitution at each of your seats, so if there's anything that comes up during the course of this conversation where you need to refer to that legal document, feel free to do so.

To help us think about these issues, we have four distinguished experts. Bill Galston is the Ezra Zilkha senior fellow of Governance Studies at Brookings. He writes a column for the Wall Street Journal and is the author of "Anti-Pluralism: The Populace Threat to Liberal Democracy."

Molly Reynolds is a senior fellow in Governance Studies at Brookings and she is the author of "Exceptions to the Rule: The Politics of Filibuster Limitations in the U.S. Senate."

Elaine Kamarck is a senior fellow in Governance Studies and director of our Center for Effective Public Management, and is the author of "Primary Politics," about the nominating process in the United States.

And Ben Wittes is a senior fellow in Governance Studies at Brookings and editor-in-chief of Lawfare. He's also the co-author with Susan Hennessey of a forthcoming book entitled "Unmaking the Presidency: Donald Trump's War on the Most Powerful Office."

So I want to start with Bill. Bill has paid a lot of attention to the public opinion aspects of impeachment. There were three recent national surveys that came out -- NBC, ABC, and Fox News -- and they basically showed 49 percent of the American public want Trump impeached and removed from office. But then Bill wrote a post just a few days ago talking about how support for removal drops in some

of the swing states.

So, Bill, where are we now and what should people be watching for?

MR. GALSTON: Well, funny you should ask, Darrell. (Laughter) Let me just take two or three minutes to summarize the state of public opinion on these questions.

There is, to begin, majority support for the congressional inquiry into the president's conduct. It's averaging in the low to mid-50s if you look at most of the surveys. As you said, when it comes to actually impeaching and removing the president, the country is split almost exactly down the middle with support and opposition both in the mid- to high 40s, depending on exactly which survey that you look at.

Interestingly, if you look at change in public opinion on this question, most of it occurred in the first week to 10 days after the initial revelation on September 23rd, and it has been quite stable since then. Additional information that the American people have received has not moved them one way or another very much.

There are very sharp and intensifying partisan divisions on this question. I just took a look at the latest average of polls on this issue corrected for poll quality. That's what 538.com does. And it showed 84 percent of Democrats in favor of impeaching and removing of the President, only 11 percent of Republicans endorsing that position, and Independents stood at 45.

Demographically, you see the expected racial, ethnic, and gender divisions. You know, white Americans on balance are opposed to impeaching and removing the President; African Americans are strongly in favor of it. Latino and Latina Americans in favor, but much less strongly than African Americans. And many more women than men in favor of removing him from office.

You mentioned geography, Darrell. There was a very interesting New York Times-Siena College poll that came out a week ago that took a look at the six key swing states and found that public sentiment in those states was opposed. A majority of those voters were opposed to impeaching and removing the president. And that's important because those swing states will be the key to President Trump's either successful or failed bid for reelection in 2020.

What should you look for in the weeks ahead? Number one, look for some significant change in President Trump's job approval. There's a very, you know, common question that survey

researchers ask: do you approve or disapprove of the job that President X is doing as president? And here, hot off the press from the NBC and Wall Street Journal survey, are the results.

In July of 2019, 45 percent of Americans approved of the job that Donald Trump was doing as president. In September, a week before the matter broke wide open, 45 percent of Americans approved of the job that Donald Trump was doing as president. And as of last week, according to NBC and Wall Street Journal, yes, 45 percent of Americans approved of the job the president was doing.

(Laughter)

There's a concept in investing known as the market discount, which is a measure of how much the market has already taken into account good or bad news. And what this tells me is that this news hasn't really changed settled expectations among the American people very much. They already understood that he was fully capable of this conduct, you know, and they have drawn the expected conclusion from that.

Second thing to look for, opinion among the Republican rank and file. That hasn't changed very much either. It's up a few percentage points, but, as I indicated, from a very low base to a very low total of just 11 percent right now and many surveys have it in single digits.

The third thing to look for, a break in the ranks of Republican elected officials at the national level. As you probably saw on the vote to authorize a formal impeachment inquiry, not a single Republican member of the House of Representatives voted in favor. Not one.

Now, obviously, the critical battleground will be Senate. And here I just note for the record, and my colleagues may have a different view of the matter, we haven't heard a peep on this question from the five senators in the most toughly contested races, not from Cory Gardner in Colorado and not from Thom Tillis in North Carolina, not from Susan Collins in Maine, not from Martha McSally in Arizona, and not from Joni Ernst in Iowa. Not a peep.

An what about the very prominent senior Republicans, who have elected to retire in 2020? Not a peep from Pat Roberts, not a peep from Mike Enzi, not a peep from Lamar Alexander, and nothing as far as I know from Johnny Isakson either.

So it is possible that there will be a huge shift in response to the public hearings and other information such that 20 Republican senators, the number needed to remove a president from

office, would choose to vote in that direction. But as of the current -- as of right now, the signs of that are few and far between.

MR. WEST: Okay, thank you. So, Molly, it looks like the House soon will move to public hearings. And today we saw the release of the first two transcripts. We're likely to see more as tomorrow and the rest of the week unfold. But tell us how these hearings will unfold in the House, what the rules will look like, and how they will lay the groundwork for articles of impeachment.

MS. REYNOLDS: Great. So where we are in the House in the process is we're kind of ending the stage of gathering of evidence by the House and moving into a stage that will focus on the presentation and consideration of that evidence. So we've seen over the past several weeks this series of depositions conducted by the House Intelligence Committee, working with the House Foreign Affairs and the House Oversight Committees.

That stage has been, obviously, the subject of much Republican angst. There's been a lot of discussions about the fact that it's been behind closed doors. I think it's worth remembering that in particularly the Clinton impeachment, the last comparison case that we have, that kind of investigative work, that gathering of the evidence, was largely done by Ken Starr and came to the House of Representatives in hundreds of boxes. And we're sort of dealing with a different set of circumstances here.

We're nearing the end of that process. As Darrell mentioned, two of the transcripts of depositions were released this morning.

There is a list of individuals that these committees who have been conducting these depositions would still like to hear from. I think it's increasingly unlikely that they will get compliance from those individuals. The individuals that they have yet to hear from who they would like to generally fall into the category of folks whose incentives are more closely aligned with those of the President. We did have this series of witnesses who the committees wanted to hear from whose incentives were not necessarily closely aligned with the President's, and so were more willing to reach some kind of agreement to cooperate.

Once these series of depositions is complete, as Darrell mentioned, we will move to one or more hearings, open hearings, in the House Intelligence Committee. The resolution that the House

agreed to last week that set out some procedural parameters for where we go next provided for these hearings. We don't know how many there will be, but there will be one or more.

A couple of features of those that are worth nothing, they will start with a longer than usual period of questioning controlled by the chairman of the Intelligence Committee and the ranking member, up to 45 minutes per side. That's much longer than certainly the usual five minutes, and even longer than the extended period that was already provided for in the House rules. Both the chairman and the ranking member can choose to yield back time to staff, so we may well see staff counsel conduct that initial period of questioning.

Once those hearings are complete, the chairman of the House Intelligence Committee will, again, working with the chairs of the Foreign Affairs and Oversight Committees, will write a report on the material that has been gathered. That, and the other investigative materials that have been collected by House committees, will then be transferred to the Judiciary Committee, which has jurisdiction over presidential impeachments.

The Judiciary Committee will then have its own series of hearings. They will start with an initial presentation of evidence. The President's counsel will actually be able to ask questions during that, as well as members of the committee themselves. There may be the presentation of additional evidence. There may be additional witnesses. These are all things that are provided for, again, in the procedures that the House adopted last week. We don't exactly know how they will shake out. The Judiciary Committee will also have this longer questioning period where there will be the opportunity for more questions.

Perhaps the most interesting thing that we might see procedurally in the Judiciary Committee portion of this is this possibility that the Judiciary Committee chair will be able to prevent the president's counsel from exercising some of the due process rights afforded to him under these new procedures if the president "unlawfully refuses to make witnesses available or produces documents."

And so, again, we don't know exactly what that means or what exactly that will look like, but it's clear that the House is -- House Democrats are prepared for additional obstruction on the part of the executive branch and that they are at least attempting to set up some procedures that would allow them to exert leverage. Again, it's hard to know exactly how that will shake out.

I do think that we will continue to see a lot of process-oriented complaints about how this is unfolding from Republicans. We've seen a lot of that so far going back to the letter that the White House counsel sent to the Hill indicating that, you know, the President will not be cooperating with the impeachment inquiry. So there's certainly the potential for a fair amount more of kind of conflict and angst.

We have now a better sense of kind of what we might expect is likely to happen procedurally over the next several weeks.

MR. WEST: So, Elaine, you've written about the history of impeachment, so what do we need to know about the Andrew Johnson, Richard Nixon, and Bill Clinton impeachment efforts? And how might they inform the current effort?

MS. KAMARCK: Okay. Well, let's start with Andrew Johnson. That was the very first impeachment. And the interesting thing about that was how momentous the issues were in 1868 because the Union had just won the Civil War, and yet there was the question what do you do with the southern states? We had abolished slavery, but we hadn't guaranteed the rights, the full citizenship rights, of African Americans. And so the issues there, when you go back and you read much of this, which I've been doing lately, the issues are just momentous.

Andrew Johnson also was a kind of accidental president because he became president when Lincoln was assassinated. He had been a Democrat, but he had been a pro-Union Democrat, which means that Lincoln sort of thought, okay, and you can see that this was part of Lincoln's reconstruction idea, let's have kind of a bipartisan ticket. However, the Republican Party never liked him very much and it was the Republican Party that impeached a Republican president over these big issues.

Now, one of the things that comes up in the polling and in public opinion is that a lot of Americans would rather deal with the President through the election process than through the impeachment process. And Andrew Johnson beat conviction by one vote in the Senate. But the timing is really interesting here. The articles of impeachment were voted on in May of 1868. The Republican Convention convened in Chicago in May of 1868, from May 20th to 26th. And they unanimously nominated former General Ulysses S. Grant on the first ballot. So basically they knew they were going to get rid of this guy. Okay? I mean, the Republican Party had no intention of re-nominating him. He

thought he might get nominated by the Democrats. He got like less than 10 votes on the Democratic side. So in some way we see some of the themes in public opinion, which is, okay, we don't have to acquit him -- I mean, we don't have to convict him because, guess what, the voters and his own party is going to.

The Nixon impeachment is more or less a classic, but in terms of the weightiness of the matters there was clearly obstruction of justice. What we tend to forget, however, is that lots and lots and lots of people went to jail and it took a long time. It took until August of 1974 for the smoking gun tape to finger the President himself. So Nixon hung on and hung on and hung on until that tape, and then it was a matter of days and Nixon resigned.

And, of course, once the tape came out, the Republican Party, Senator Goldwater leading the delegation, walked into the Oval Office and said we don't have the votes to prevent your impeachment. We don't have the votes to prevent your conviction in the Senate. And whoosh, it was gone. So I think we need to be aware of just how quickly things can change.

Finally, the impeachment of Bill Clinton was looking a little bit like this one in that the impeachment vote was just absolutely a partisan vote. In the Senate, however, there were some Republicans who sided with the Democrats, and, of course, he was not convicted, he was acquitted.

Now, the interesting thing there, I mean, there were two articles of impeachment: one was on perjury, one was on obstruction of justice. But the fact of the matter is nobody considered this a constitutional issue or rising to the level of high crimes and misdemeanors.

Added to just the very substance of it was the fact that Newt Gingrich, who was speaker of the House when the articles were voted in the fall of 1998, resigned on January 3, 1999, because he was having an affair with a woman 23 years younger than himself while he was still married. So guess what. That sort of took the air out of the Republican balloon, so to speak.

Then Congressman Bob Livingston was the acting speaker and he was fully intending to run for speaker until, guess what, he was revealed to have been engaged in an extramarital affair, and three other members of the House were. So, you know, all of a sudden, this issue simply went away and Bill Clinton was not convicted, he was acquitted, and actually went on to have fairly high approval ratings and do something that no one expected him to do, which was to pick up Democratic seats in the 1998

midterm elections.

So each one of these things tells us a little bit about what's coming. We can certainly cross marital infidelity off the list of impeachable offenses. (Laughter) Right? That one we've got. But they also -- they've all established -- as Molly talked about, there are precedents now. There are precedents in the House, there's precedents in the Senate. And we know that the chief justice of the Supreme Court essentially turns the Senate into a judicial body when this trial begins. So we do have some precedent and some interesting both politics and legal precedents.

MR. WEST: So, Ben, you have coauthored a terrific article for The Atlantic entitled, "Trump is Running Out of Defenses." And then last week you had another one, "Trump's Tantrums Won't Make Impeachment Go Away."

Over the weekend, President Trump tweeted 75 times about impeachment, so it seems to be on his mind to some extent. (Laughter) Right now the president seems fixated on uncovering the identity of the whistleblower.

So how should we evaluate what Trump is doing now in regard to impeachment?

MR. WITTES: Right. So I want to answer this question actually with reference to some of the poll data that Bill started with because I think you can't entirely understand the strategy of the president's impeachment defense without reference to that poll data because I think that's actually the ultimate defense.

The president has kind of test-driven four distinct defenses and sometimes in a kind of indiscernible mélange of all four or two of the four or three of the four, sometimes discretely. They are the following: the first is denial; the second is character assassination; the third is process complaints, and the fourth is prerogative. And so let's tick through those individually. I think each has mostly failed, which brings us to the fifth and real defense.

So the first one is just denial of the facts. Right? And when the president, you know, started out by saying sort of no quid pro quo, you know, the call was perfect, right, various iterations of kind of factual claims, all of which -- I suppose that the call is perfect is a matter of opinion, but that there was no quid pro quo. And the factual defenses have all basically proven to be untrue as they are certainly fading away against the impressive quantity of witnesses who have come forward and testified.

The second one, which, Darrell, you alluded to just before, is particularly directed at the whistleblower, but is also directed at the “human scum” Never Trumpers and the individuals who’ve given testimony. And this is a defense that has, in general, I think worked pretty well for the president. You know, in the past, he’s managed to make a lot of people believe that the fundamental problem found in the Russia investigation were a bunch of texts between an FBI agent and an FBI lawyer. Right? And he made Jim Comey into a villain in the eyes of a very large number of people. And so this is actually a pretty substantial tool in his arsenal. And it is interesting to me that it does not seem to be working in this context.

So the whistleblower has, of course, not been outed. And the anonymity is actually an interesting feature here. And when Fox News and some of the president’s defenders went after Lieutenant Colonel Vindman last week, even Liz Cheney had to kind of repudiate that and say that this was unacceptable. And so there’s a dynamic there that the sort of attack the attackers thing is maybe working a little bit less than it had been in the past.

The third is process objections, and they’re spending a lot of time on this. And this is, I think, a reasonably effective strategy with respect to people who already don’t want to believe it and want something else to talk about. But I don’t see a lot of evidence that it’s persuasive to anybody on the margins. And the evidence of that is the data that Bill cited about the degree to which people who are not pre-committed by dint of approval of the president’s performance to be supporting the impeachment process. Relatively few of them seem to be put off by “Shifty Schiff” or claims of undue secrecy. And I think those complaints will fade further in relevance as more and more of transcripts are released and more and more of the hearings take place in public with reasonable times for people to ask questions and raise their concern.

And that brings me to the final and I think the real defense, which is, you know, an assertion that this is all a fine thing for the president to do. And, you know, when the president says, “I have the absolute right to ask the Ukrainians to investigate corruption,” what he’s really saying is, “I dare you to say that this is unacceptable.” And that is, I think, the real defense.

And as the support for the impeachment process kind of asymptotically approaches the president’s disapproval numbers, I think we get the actual test of that defense, which is whether, as Bill

describes, that 40-some-odd percent, in some polls it's as low as 38, and in some polls it's as high as 44, 45, but whether that low 40s average stays. That is an acceptance, I think, of this latter defense, that it is fine if Trump does these things.

If you start seeing cracks in that, that is the surest sign that the president's defense is not working. As long as that number holds, the president's strategy, ultimate defense strategy, which is hold enough base support that it is politically impossible or dangerous for Republican elected officials to break with him, will be an effective defense strategy irrespective of how ridiculous the arguments may sound to any or all of you.

MR. WEST: So, Bill, if I can ask you to put on your prophet hat for a minute and basically respond to Ben, just in terms of you've seen how the polling looks now. We kind of know historically what the current polling looks compared to what we saw with Nixon and Clinton. Moving forward, what, if anything, has a probability of changing the current dynamic? Is the current dynamic likely to stay pretty consistent?

MR. GALSTON: You've invited me to make a fool of myself on national television.

(Laughter) If I didn't work for you, I'd refuse to answer the question. (Laughter)

MR. WEST: There is no executive privilege on this panel.

MR. GALSTON: No, I'm talking about peon privilege. (Laughter)

I mean, my judgment, for what it's worth, is that what comes out during the public phase of the hearings would have to add quite significantly to the public's baseline knowledge in order to move the needle significantly. And so to what extent will the American people be moved to television for the public hearings the way Elaine and I were in our graduate student days during the Watergate hearings? There's one question, right? Are Americans interested enough, do enough of them believe that they can gain additional information and insight from the public phase of the hearings to tune in and reserve judgment?

I don't know the answer to that question, but that would be one really interesting indicator, that is to say the ratings for the hearings and whether they start high and stay high, whether they start high and go down sharply, or whether they start low and never budge. That's one thing to look for.

It is possible, I suppose, that something gas earth-shaking as the smoking bun tapes would emerge, I wouldn't bet on it. But, obviously, no one can rule out that possibility.

My own view, for what it's worth, is that the extraordinary increase in partisan polarization that has occurred in the past generation is going to limit the response of the American people taken as a whole to additional information to the extent that that additional information contradicts their overall worldview and their overall view of the President.

We tend to forget opinion about Richard Nixon, you know, support for his impeachment and removal, which began at 19 percent in May of 1973, ended at 57 percent at the end of July of 1974. But that was during a period when the political parties were much less polarized than they are now; when on the two critical articles of impeachment between a third and 40 percent of the Republicans in the House Judiciary Committee voted for them. I would bet money against that in today's House Judiciary Committee. My over/under number of Republicans supporting any article of impeachment in the House is zero. And I'm ready to be corrected by a real congressional expert, but just for the record, that's my estimate.

So the long and the short of it is I can imagine a big change, but I think the odds are against it.

MR. WEST: Okay. Molly, if the House votes to impeach Trump, as many people expect, the articles of impeachment will go to the Senate. So tell us how that part of the process will work. And then, also, what's your sense in terms of Majority Leader McConnell and how he will lead the process in the Senate?

MS. REYNOLDS: Yeah. So I think when we think about the stage of that process, when we move from the House to the Senate, it's important to delineate the things that we know and the things that we don't know. And there is a fair amount that I would put in both of these categories.

So we know that the current Senate rules for conducting an impeachment trial are phrased in pretty mandatory terms, in terms of the Senate needing to have one. There's lots of -- the Senate's impeachment rules are littered with the word "shall." They have, you know, particular times for things to happen.

But we also know that the Senate can waive or alter those rules. To change them

formally would require two-thirds votes, but they have the ability to change specific parts of them or set specific parts of them aside with fewer votes than that.

We also know that just as the Constitution doesn't specifically prescribe a lot of what is to happen in the House around an impeachment inquiry, so when the House voted last week to approve certain procedures for the impeachment inquiry, they were not required to do so under the Constitution or the rules of the House. So as that's the case, the Constitution similarly does not require certain aspects of an impeachment trial much beyond, you know, the chief justice must preside, the senators have to take an oath at the start, and that two-thirds is required to convict.

We know that under the current Senate impeachment rules the chief justice, John Roberts, will be presiding and will rule on questions of evidence and on motions. Those will be subject to appeals from the full Senate, like most things that happen in the Senate. So there are some things we know.

What we don't know is a lot of the details of how exactly this would play out. And to Bill's point that he was just making about the real rise in partisan polarization, even since the late '90s with the Clinton impeachment, there are some important parts of what happened during the Clinton impeachment trial that were made by the Senate on a unanimous basis.

So basically, in January of 1999, when the Senate was trying to decide how they were going to proceed with the trial, Senators Lott and Daschle sat all hundred senators down and said we're going to figure out how to do this in a way that is respectful of the Senate and the Senate's traditions. And they came to a unanimous agreement on some of the very specific procedural questions.

The idea of that happening in the current Senate is pretty hard for me to fathom. (Laughter) So there's a lot of the details that really, I think, will remain to be filled in.

On this question of Majority Leader McConnell specifically, I think also to a point that Bill made earlier about some of these Republican senators we have yet to hear from, so both senators who are in close reelection races in 2020 and some Senate Republicans who are retiring. I actually think to me where they stand to be perhaps more influential, absent some big sea change that would lead folks to vote for a conviction, is in kind of behind the scenes, before the impeachment trial would start, negotiations with Leader McConnell about what is important to them to a process to look like. What does

the trial need to look like for them to feel like the Senate is fulfilling its responsibilities as part of this process?

And I don't have -- I think there are a number of different ways that that could play out and I don't know how exactly it will. But, again, to the extent that I think we may see some of these kinds of Republicans that Bill mentioned earlier play a big role in what happens, it's going to be in this process of working with McConnell and then McConnell working with Minority Leader Schumer to figure out, you know, what will the very detail-oriented parts of this look like.

MR. WEST: So, Elaine, you mentioned the crucial role of the courts in the Nixon impeachment. So we, of course, remember the famous lawsuit involving the release of the White House tapes, and they ruled that the tapes should be released and that produced the smoking gun tapes.

Right now there are current lawsuits involving the principle of executive privilege. We know there have been a number of administration officials who have refused to testify before the House. Unrelated to the impeachment, but we just had a New York Appellate Court that ruled that Trump must release eight years of tax returns.

So the question I have is on the Trump impeachment how do you see the role of the Court unfolding either, one, on the impeachment front or is it not going to take place within let's say the next one or two months and, therefore, not be relevant; or what is your expectation in terms of the role of the courts going into next year's election?

MS. KAMARCK: That's a great question. One, of course, different is that, you know, Trump has already admitted to doing -- to having the phone call he thinks is perfect. Ben is absolutely right, this will be fought on the appropriateness of that phone call and whether people think it's appropriate or not.

With Nixon it was a long slog getting to Nixon and the courts were critical. I don't see the Supreme Court having as big an impact on this impeachment trial as it did on the Nixon trial. However, there's another court involved and that's the Southern District of New York, which, as Darrell mentioned, they just today again we've had rulings that they should release the -- that Trump has to release his tax returns.

The reason I think that's important is it goes back to the question Bill answered. What, if

anything, would break loose the public? Okay. And, of course, one of the most closely guarded secrets of the Trump campaign and presidency has been his actual financial status. Nobody in New York, where I lived for many years, can -- nobody in New York City can figure out where this guy's money comes from. No, really, honestly, nobody can. And so if the finances, in fact, reveal something surprising, that could be the sort of thing that would move some of this public opinion.

It would also -- if you go back and you think about a crime, right, crimes always need motives. There needs to be a motive for wrongdoing. And if you look at Trump's history with Russia, and, of course, this Ukraine thing is only a part of a bigger history with Russia, you know, on the one hand you could say, yes, presidents have the right to change American foreign policy and bring it in a different direction. On the other hand, this has been such a strange way of going about changing American policy that we have all been wondering for some years now whether or not there is something going on there between Trump and Russia. And one of the things that could break that loose is the tax returns finally coming to life.

MR. WEST: Okay. Molly mentioned the role of Chief Justice Roberts in presiding over the Senate trial. Ben, I know you are a long-time observer of the Court. What do you think Roberts will be like as a presiding officer of this trial?

MR. WITTES: That's a really interesting question. You know, like nobody seeks to be on the Supreme Court or seeks to be the chief justice so that he can preside at the Senate at an impeachment trial of the president. (Laughter) And, you know, if you're John Roberts and you're really trying in a polarized environment to keep the Court somewhat insulated from the political fray, having to go into the Senate and sit there while, you know, people throw food at each other is a kind of a mortification of the flesh that I'm sure he is not looking forward to.

And I'm also confident that in his, you know, dignified, institutionalist kind of hat-wearing way, he would want to do impeccably. So remember, this is the guy who when he flubbed a word in Barack Obama's inauguration, he went to the White House the next day to do the oath of office a second time to make sure they'd gotten literally every word of it correct. And so it's actually a bit of a challenge, I think. How do you preside at a Senate trial that's going to be as ugly and as bitter as this one in an environment that is quite toxic, involving, let's face it, a highly toxic personality and not grossly stain the

institution that you represent?

And here's the other thing. So Bill Rehnquist, his predecessor, in the Clinton impeachment found a -- locked into a quite novel solution to this problem, which was that the then majority leader and minority leader, I believe it was Trent Lott and Tom Daschle -- is that right, Molly? -- quite to everyone's surprise, went in a back room and came up with a very detailed list of procedures and answers to all questions that they each presented to their caucuses. And the result was that the entire trial proceeded on the basis of unanimous consent. All the questions were kind of resolved that way.

I think you can pretty safely say -- and the result was that Rehnquist presided, but really didn't do anything, which was, I think, fine with him. He kind of sat there laconically in his robes and looked dignified and that was the end of it.

I think we can pretty safely predict that that is not going to happen here and that the two sides are not going to agree on a great deal. And that means that John Roberts, at least in the first instance, is going to have to issue a lot of rulings. And so I think that actually makes the problem worse that he'll be initially deciding the answers to a bunch of questions, subject, I believe -- Molly, correct me if I'm wrong -- but I think the rule is the presiding officer rules and then can be overruled by a vote of the Senate. And so you could really imagine a situation in which Roberts kind of upsets everybody and there are a kind of serial Roberts rulings and then serial rulings to -- votes to overrule these judgments.

But I think it's going to be a difficult situation for the chief justice, honestly. And judging, also, again, with respect to the toxicity, you can really imagine the President tweeting bile at him for every ruling that goes, you know, against him. (Laughter) And so I don't think that's a sort of attractive moment. If you imagine those tweets, that's not a sort of attractive moment for comity between the branches or for the sort of relationship between the executive branch and the courts institutionally.

So I think it's an interesting question and we will learn a great deal about John Roberts and his, you know, very famous political savvy by how he navigates the situation.

MR. WEST: And on that point, we remember during the Kavanaugh hearings, I believe Trump was actually calling in advice to the nominee during various breaks. I'm just wondering if Trump will do the same thing with the chief justice. (Laughter)

MR. WITTES: Well, one would hope the chief justice wouldn't take those calls.

(Laughter)

MR. WEST: So, Bill, look into the future, how do you think this impeachment effort will affect the 2020 election? How does impeachment compare to other issues, such as the state of the economy, cultural issues, immigration, the trade war, and international affairs?

MR. GALSTON: Oh, another call for a prediction. Thanks, boss. (Laughter)

Let me just, in no particular order, on the one hand, when you listen to the reports from the field about what the Democratic candidates are hearing as they go around the early states, they're all saying that they're not getting a lot of questions about impeachment. Right? They're getting a lot of questions about healthcare and a bunch on guns and a bunch of other things that Democratic primary voters are passionate about. But they've sounded surprised that they haven't gotten more questions or more demands on impeachment.

So is it possible that even among Democrats this issue has a somewhat lower priority and will have less of an influence on the outcome of the election than many people inside the Beltway suppose? I mean, we are focused on this issue to an extent that is not typical of the American people as a whole.

But we should keep an essential fact in mind, and that is if the President is impeached by the House, but not removed by the Senate, he will be the first president in American history to be running for reelection with that sequence of events in the backdrop. Richard Nixon was in his second term. Bill Clinton was in his second term. Andrew Johnson wasn't going anywhere.

MS. KAMARCK: Couldn't get nominated, yeah.

MR. GALSTON: Right, exactly. Now, there has been a lively analytical debate, with surprising people taking surprising sides, on the question of whether the impeachment but non-conviction of Bill Clinton turned out to be a decisive disadvantage for Al Gore in the year 2000 because Gore was, in effect, running for Bill Clinton's third term, although he refused to admit that fact. And Elaine and I can continue our 20-year debate about it.

MS. KAMARCK: Debate about this, yeah.

MR. GALSTON: And some people argue that but for the Clinton affair, Gore would have been elected fairly easily. Others, including a lot of political science modelers, say that the division in the

popular vote was almost exactly what would have been predicted in the absence of that. And so the one reasonably contemporary example from which we might draw some lessons yields no clear lessons.

It is also the case that assuming even a relatively slow timetable, the Senate trial will be over by early to mid-February. I can't see it stretching out a lot longer than that. Certainly by the end of the February, which means that there will be between eight and nine months between the end of the trial and the actual vote.

There are times for not only passions to cool -- well, they won't cool, but they'll simply be displaced onto other objects and areas of contention, and that's another reason to believe that it may not turn out to be decisive. And I go back to the point with which I began. You know, Donald Trump is what the late Tom Wolfe would have called a man in full. And who he is, for better and for worse, is so much a matter of public inspection and public knowledge that I wonder how much even this cataclysmic event is going to add to that. And it is possible that a House impeachment on party lines, a Senate acquittal on party lines will change a lot of people's mind, but my hunch is it won't.

MR. WEST: So, Molly, how do you think impeachment will affect the Senate elections? We know that McConnell has a very narrow majority at this point and, as several people have mentioned, there are a number of vulnerable Republicans who are up. There are a few vulnerable Democrats, as well. Do you think it will be decisive one way or another?

MS. REYNOLDS: Yeah, it's a good question. I mean, I tend to agree with kind of Bill's analysis of the effects on the presidential race.

I will also remind folks that increasingly the outcomes of Senate and House elections in presidential years are correlated with what happens in the state in the presidential race. So in 2016, for example, it was the first time since we started popularly electing senators at the beginning of the 20th century that there were no states with a Senate election where the electoral college votes went to a presidential candidate of one party and the Senate seat was won by a candidate of the other party.

So to the extent that people's voting behavior is correlated and that they don't split tickets, I mean, I think that that -- a lot of Bill's analysis of what's happening at the presidential level will sort of filter down to the Senate. That's not to say that there aren't some Senate races where I think this could matter.

It's worth remembering that the senators who are up for reelection in some of these close Republican states, you know, they've taken different approaches to navigating the political challenges that are presented to them. So, you know, Bill mentioned Senator Tillis before, who I think in general has continued to tack to the right in North Carolina. And then you have folks like Susan Collins in Maine, who has actually staked out a somewhat more moderate voting record in the Senate this session, in part I think to bolster her credentials and independence.

So it'll be difficult, I think, for some of these senators to exactly navigate these particular waters. But at the end of the day, a lot of, again, what's going to happen for them in their races is going to be about what happens in the presidential race.

MR. GALSTON: Well, if that were the case, then Cory Gardner and Susan Collins would both be toast because Donald Trump isn't going to win either of those states.

MS. REYNOLDS: Right. And so I think that, particularly in the case of Collins, I think that's why we've see her not so much on the impeachment questions specifically, but do other things that are meant to kind of differentiate herself from the president.

MS. KAMARCK: From the president.

MS. REYNOLDS: And then it's, you know, Colorado who's been trending blue more or less since Gardner was elected six years ago. And so it all -- the Democrats' path to taking control of the Senate, it's not an impossible one, but it is a tricky one, in part because they, as Darrell mentioned, also have to do things like defend the Doug Jones seat in Alabama.

MR. WEST: So, Elaine, you've written on threats to the integrity of the 2020 election in terms of hacking into voter registration databases, using social media to sow societal discord, spreading disinformation through Facebook and Twitter. What are the greatest threats that you worry about as we head into 2020?

MS. KAMARCK: Well, Darrell has written about this, too, and Darrell and I have an e-book coming out from Brookings soon on this topic.

Look at this in two different ways, okay? On the question of the count itself and protecting the actual voting day information from hacking, et cetera, there's been quite a lot of movement in the states. More than half the states now have paper ballots and they have some protocols for what's

called risk-limiting audits, which can be done right after the election. So they have been working hard.

The Congress appropriated \$380 million last time around, too late for the 2018 elections, but a lot of states have that money. And after a lot of groaning and delays, they actually appropriated more money for this cycle. So, on the one hand, I think that there's been this huge amount of progress since 2016 on the count itself.

What I think is more problematic is the more generic issue of disinformation and what I would call digital voter suppression. Here I think the Russians, the Chinese, the Iranians, everybody who's in this mix have gotten more and more sophisticated. I think that the platforms like Facebook have not been able to catch up with this and have not really filled anybody with confidence that they can control this or they can weed out the bad actors.

I would applaud Twitter for just getting out of the political ad business altogether, which they did. But I think there in the disinformation, we really are just constantly playing catch-up.

Years ago, when I was in the government, we worked on drug interdiction, et cetera. And, of course, what you learn about all these things is that the minute you find out a loophole someplace, the minute you find out where drugs are getting in, guess what, they just go to another place. Right? It's just a constant thing. And I think this is what we're facing on the -- when it comes to disinformation.

The one hope I have is that the voters themselves would get increasingly sophisticated and skeptical about the stuff they're seeing online. I don't know that there's any way we can judge that at this point, but it is, frankly, given how quickly campaigns move, it's probably our only hope. Because I don't have much hope that the disinformation part of election interference can be countered by the FBI, by the normal legal means. It moves too quickly. It comes and then it disappears into thin air. So I'm hoping that the voters will be appropriately skeptical.

MR. WEST: So one last question for Ben, then we'll open the floor to any questions or comments from the audience.

So tomorrow, the Roger Stone trial begins. You have noted in other contexts that some of the redactions that we saw in the Mueller report was based on evidence that apparently prosecutors wanted to present in the Stone trial. Are there any surprised that you think would change the current

political dynamic coming out of that trial?

MR. WITTES: Well, the way you've asked the question, the answer is no. I think the surprises are unlikely to change the current dynamic. That said, I do think there are things we are going to learn in the presentation of evidence in this trial.

So there are redactions in the Mueller report that appear to relate to the Roger Stone trial that involve the president very personally receiving information about WikiLeaks. And there's a particular scene in which he's in a car driving to the airport, I think, and there is -- and he is told about a pending WikiLeaks release. And most of the sentences around this are redacted, I think because of the Roger Stone case.

And so I think we're going to learn some interesting stuff about, you know, not the hacking of the emails, but the interactions between Trump campaign folks and WikiLeaks folks about the distribution of those emails directly or indirectly. And will it make a difference to anybody? Surely not. I mean, the people who are concerned about this, as Bill describes, this discount has already been paid. People know exactly what they think of Donald Trump and information handling and WikiLeaks and the emails in the 2016 election. And I don't think, short of Roger Stone standing up and saying, yes, I did it, I colluded, in fact, including that, I don't think it's going to change the way a lot of people think about it.
(Laughter)

MR. WEST: Okay. Let's open the floor to questions. Right up front there's a gentleman with a question. There's a microphone coming over. And if you can give us your name and organization, please.

MR. GLUCK: Yes, thank you. My name's Peter Gluck.

I'd like somebody to address the issue of how the courts can be used to play this thing out beyond the point where it makes much difference. In other words, you've had two decisions of three-judge panels at the Circuit Court. The losing side will probably appeal to the full Circuit. And then the losing side at that level would probably appeal to the Supreme Court. The Nixon tapes case took about 90 days to go from start to finish. I'm wondering what the scenario would be in this particular instance.
Thank you.

MS. REYNOLDS: Yeah, go ahead.

MR. WITTES: So I've got bad news for you, which is litigation is slow and it is not a process that is designed to mediate real-time political disputes between the legislature and the executive branch and it will not play that role efficiently. That's the bad news.

Here's the good news. It might have a useful role to play anyway and the reason is twofold. The first is that this process is dragging on and so not addressing it efficiently doesn't necessarily mean not addressing it at all. And the second is it is really, really important to establish some law in this area so that it is not possible in the future to be quite as defiant as the current administration is being of congressional subpoenas.

And one of the problems -- you know, traditionally, the way -- I guess some of you are old enough to remember when the presidency was a little bit more normal. (Laughter) And the way the presidents and Congress resolved these issues was not through litigation. It was through kind of the combination of threats of litigation and threats of, you know, withholding legislative consent to a judicial nominee or an executive nominee or withholding an appropriations request, right, or some leverage within the normal four corners of the separation of powers. And so the result was that immense numbers of these disputes got resolved every presidential term without actually a lot of formal law being created.

And so you have a traditional legislative branch way of looking at these questions and a traditional executive branch way of looking at these questions that are doctrinally very dimly related to one another. And they're resolved by the kind of push-and-pull of politics.

Well, that doesn't work anymore because now you have one side that says we won't negotiate over it at all. We're simply going to defy all the subpoenas. That forces you to go to court. And one thing about going to court is that it does actually make law. And so if you find out that Don McGahn cannot simply refuse to show up, which is, by the way, I will do a prediction, the courts are not going to say it's fine for Don McGahn to just refuse to show up. But the day that there's an authoritative judicial finding on that, it's much, much harder for the next person to do that. And so it's important for that reason.

And then finally, there is this one other thing that can speed things up significantly, which is that unlike an Appellate Court to which you have an appeal as a right, so, you know, you litigate it at the District Court level and then you have a right to appeal to the D.C. Circuit or the Second Circuit, but the Supreme Court you don't have a right to appeal to. They have discretionary review over all of these

cases. And so everybody's assuming that the Supreme Court's going to sort of hear all these cases, and I'm very confident that that will not happen; that they may hear one of them, but the larger posture of the Supreme Court is very likely to be to let the Appellate Courts just be the final word on some of this stuff.

MR. WEST: So which one will rise to the level of the Supreme Court?

MS. KAMARCK: Yeah.

MR. WITTES: That's a level of prediction that I don't know.

MR. GALSTON: Chicken. (Laughter)

MR. WITTES: For example, let me give you an example of one that I think is probably the other direction. I think it is -- I'm not sure if I were a justice that I would be particularly interested in hearing one of these *Mazars* cases over the President's tax returns. You know, I would wait for a situation in which there's some sort of meaningful division in the lower courts, where there's a real live question that requires you get involved.

And so the bad news is it's going to be slow. The good news is it is going to accelerate.

MS. REYNOLDS: So I would agree with Ben's diagnosis of the difficulty on the part of Congress of using the courts as a means for advancing congressional oversight in the short term. And we knew that before this episode.

What I would add is that I think that one of the major consequences of the shift in the focus to what happened with the Ukrainians is that it opened up a different and new set of witnesses from whom Congress has been able to get information because they do not have, as I mentioned before, the same incentives as, you know, Don McGahn does to align himself with the president.

And so on one level -- and, again, I agree with Ben on kind of a macro level about why these fights matter quite a bit, but in terms of advancing the narrative of kind of where we've ended up, some of these court fights are less important than it would if we didn't have this new set of facts about Ukraine that's come out over the past eight weeks.

MR. WEST: Over here, there's a gentleman with a question.

MR. HIRSCHHORN: Eric Hirschhorn. I have a comment and a question.

The comment is for the two of you at least. Al Gore lost the election because he ran away for eight years of peace and prosperity. That's my view.

But the question is, assume I'm Donald Trump and I'm looking at all this and I know that nothing that's happened before now has affected my base, my popularity, my approval rating as president. And I say to myself, you know, six months of this enables me to attack the Democrats because I'm going to be acquitted in the Senate. Six months of this enables me to attack the Democrats for wasting the Congress' time and the people's time on impeachment when they could be working on helping me build the wall, doing all the things that a lot of Americans who don't like Trump care about.

Can you comment on that? I'll give it to any member of the panel.

MR. GALSTON: I'll be happy to comment on that. You've just stated my worst fear, the fear that has led me on numerous occasions to write publicly about why I thought that from a political standpoint moving to a full formal impeachment process would be a mistake for Democrats. I have not changed my view of that matter.

And what the net political effect is going to be I can't tell you. But, you know, I am afraid that Democrats who think that this will be a big political plus for them are fooling themselves. And the information that's come out in the past week about attitudes in the swing states has only fortified me in that judgment.

MR. WEST: Yes, on the aisle there's a woman with her hand up. Yeah.

MS. SLESARCHUK: Thank you. Yana Slesarchuk, 1+1 Media, Ukraine. So I have a question about Ukraine in this process.

Mr. Trump almost every day says that it was a perfect call and Mr. Zelensky repeated many times that there were no pressure on him. So what is the possible good reaction for Ukraine in this process to save a good bipartisan relationships with a strategy partner?

And a little question about prediction. What could possibly go wrong? (Laughter) Can Ukraine become again, with or without its will, an influencer in U.S. domestic politics?

MR. WEST: It's a great question, what can go wrong? Many things. (Laughter)

MR. GALSTON: I suspect that lots --

MS. KAMARCK: Lots of things can go wrong.

MR. GALSTON: I suspect that lots of us have a view on this question, so let me just offer a few thoughts at random.

What we've learned just in the past couple of weeks suggests that there is an important piece of what we call the back story. And that is President Trump's deep antipathy to Ukraine that was born of the struggles in 2016, aided and abetted by some of his aides, such as his former campaign manager Paul Manafort; blaming -- trying to shift the blame from Russia to Ukraine for efforts to undermine Mr. Trump's campaign. And as a result of this, Ukraine's new president has found himself in an almost impossible situation vis-à-vis the White House. That's the bad news.

The good news, and we saw this at work in a very practical and effective way in September, is that the Congress of the United States, both Democrats and Republicans, is much more sympathetic to Ukraine and much less sympathetic to Russia than the President is. And so they made it clear to the White House that having authorized the military assistance for Ukraine, having appropriated the funds, that the White House had better release those funds to Ukraine. And it just took a few days of bipartisan outrage and pressure to get almost \$400 million released.

And I think in the battle for public opinion Ukraine enjoys a very significant advantage over Russia. Most Americans are aware of the fact that Russia seized Crimea, that Russian-backed forces have initiated and continued an assault against the unity and territorial integrity of Ukraine in the Donbass. And there is not a lot of sympathy for the Russian side of this story.

So I think if Mr. Zelensky is smart, he will make sure that there's a steady stream of senior officials talking with senior Republicans and senior Democrats and perhaps not worrying so much about the White House. Frankly, I don't think there's anything that President Zelensky can do to overcome President Trump's antipathy to his country. I say that with deep regret.

MR. WEST: Also near the back there's a gentleman with his hand up.

MR. ARNONE: Bill Arnone. Two procedural questions.

Might the presiding Justice have the authority to rule that the vote is confidential? And secondly, is the required number to convict two-thirds of the Senate or two-thirds of those present?

MR. WEST: Molly?

MS. REYNOLDS: You've taken me really in the weeds here. From the second question, I believe it is two-thirds of those present, not two-thirds of the Senate itself. There are relatively few Senate procedure that applies to senators chosen and sworn as opposed to senators present and voting.

On the question of could the chief justice rule that the vote would be secret, so as Ben articulated earlier and I mentioned, as well, the chief justice, you know, questions have to be put before the Chief Justice. He doesn't get to sort of decide what the questions that he rules on and the motions are.

The question of whether the vote could be -- so under the existing rules, many of the deliberations will be secret. That's the kind of default position. But the question of whether the vote itself could be secret runs into one of the few Senate procedural questions that's prescribed in the Constitution itself, which allows a one-fifth of the Senate to force a recorded vote. So I don't really see a possibility of the vote ending up secret, putting aside things that folks like I think it was Mitt Romney said if the vote was secret it would be a different story.

I don't know if Elaine has --

MS. KAMARCK: I just have one small thing to add, which is that in the Clinton impeachment Senator Arlen Specter voted -- he didn't vote yea or nay. He voted "not proved." And then Rehnquist had to rule that that meant not guilty. Okay. So you can imagine some senators voting abstained, voting not proved, you know what I mean, doing a variety of things, and then Chief Justice Roberts is going to have to decide how to count that vote. So that's --

MS. REYNOLDS: Yeah. I mean, at the end of the day, I don't think the ultimate outcome of this whole episode is going to come down to --

MS. KAMARCK: Not going to come down to it, but it's just --

MS. REYNOLDS: -- these particular questions, but it's a --

MS. KAMARCK: But it's just something to note --

MS. REYNOLDS: Yeah, it's a hopeful (inaudible) out there.

MS. KAMARCK: -- that there are things out there. And, of course, there is the question which Bill brought up some weeks ago in a Wall Street Journal piece, which is, all right, if an impeachment -- if a vote to convict or acquit, if a vote to convict fails, would there be a censure vote? A censure vote in the Senate is 50 plus 1 as opposed to an impeachment vote. So, you know, the other question then is would they move from that vote to a censure vote?

The reason I think that's important to keep in mind is that we've talked a lot of politics and

public opinion, but there's another issue here, which is Congress has to decide do they want to lay down some markers about how presidents can behave? Do they want to give up this much and let this president's behavior on this issue establish a precedent for future presidents? And that is a bigger issue. It is not likely to be an issue that the public will give much guidance on. And yet, I think it's the kind of issue that could result in maybe a profile in courage here or there in the Senate, an unexpected vote.

MR. GALSTON: Well, as I remarked a couple of days ago, there's a reason why the Profiles in Courage is such a short book. (Laughter)

MS. KAMARCK: You can see Bill and I have been back and forth on this a lot.

MR. WEST: Near the back.

SPEAKER: Good evening. This is (inaudible). I am the CEO of the (inaudible) Institute of Research and Development from Pakistan.

I would like to know how you see the role of artificial intelligence in securing the election 2020. Thank you.

MS. KAMARCK: The role of what, Darrell?

MR. WEST: Artificial intelligence.

MS. KAMARCK: Artificial intelligence.

MR. WEST: I'm not sure I see the relevance of that in terms of how the election is going to play out. I mean, certainly in terms of sowing disinformation, AI and bots did play a role in disseminating false narratives, and I would expect a continuation of that strategy going forward.

But, you know, it's hard to prove the election is caused by things like that. I personally don't think the 2016 election was decided on issues like that and I don't think the 2020 election will be decided on that basis either.

MR. GALSTON: Well, let me add my worst nightmare to that answer. Many of you have probably been following the development of what are called "deep fakes," which is an application of artificial intelligence to especially video recordings such that it becomes increasingly easy to manufacture videos of public figures saying things that they never said. And it becomes harder and harder to detect the fake.

And my nightmare about 2020 is that there will be a proliferation of such video

interventions into our presidential campaign. And as the old saying goes, the lie can make it halfway around the world before the truth gets out of bed.

MR. WEST: Over here there's a question. There's a microphone coming up from behind you.

MS. NEYRA: Hi, my name is Valerie Michelle Neyra. I'm a student at Washington Adventist University, a communications-public relations major, along with the Honors College double major.

MR. WEST: Okay, you're hired. (Laughter)

MS. NEYRA: Thank you very much.

MR. WEST: Good resume there.

MS. NEYRA: I have a question specifically for Mr. Bill. He mentioned that the dynamic can change with those ratings, changing in television journalism. And we hear a lot about fake news right now and we have television journalism being judged on all sides. How can we apply Robinson's media/video malaise theory to the reliability or credibility of the information to the public? Will the juice of the drama be what swings the public towards one way or the other way of the impeachment in that 45 percent?

MR. WEST: Thank you for that question. Bill?

MR. GALSTON: I'm not -- the microphone was a little fuzzy. I'm not sure that I heard the full question. Could you just in one or two sentences restate the heart of your question? I know you've prepared a question, but see if you can speak straight into the microphone so that I can hear it.

MS. NEYRA: Thank you.

MR. GALSTON: I'm not as young as you are.

MS. NEYRA: What I'm asking is will the public, their opinion, that 45 percent, with the television journalism and the video malaise theory, will that swing that vote? Will that change? Will the juice of the drama, basically the pessimism that's already in society towards trusting television, for trusting news networks, will that be something that swings the vote, especially with President Trump saying everything about fake news?

MR. GALSTON: Obviously, I'm not sure, but here are a couple of sobering thoughts.

First of all, there was a survey that I found -- a survey result that I just saw last week, and if I were back in my office I could come up with the accurate citation for you, as I said I found it deeply disturbing. And Americans were asked, well, you know, do you think that what President Trump has done is something unusual or do most politicians behave this way? Six in 10 said that most politicians behave this way. And this pervasive cynicism about political conduct I think is one of the things that's perversely shoring up the President's approval because a lot of people who think that he is "guilty as charged," think that it's business as usual and, therefore, doesn't rise to a level of something that a president should be removed from office for.

The second sort of discouraging note is that people have divided up based on the news outlets that they find trustworthy and credible, and that maps almost perfectly onto partisan preferences. And so disturbingly few Americans over the next year are going to turn to news sources they disagree with for sources of additional information. What that suggests to me is that they are much more likely to be reinforced in their current views than they are to have those views changed.

The only thing that could change that is something that occurs in a neutral medium, like C-SPAN, which is trusted across the board, and that would have to be simply watching public hearings and saying, oh, my god, I didn't know it was this bad.

MR. WEST: Are you just sucking up to C-SPAN because they're broadcasting this?

(Laughter)

MR. GALSTON: I've been on C-SPAN four times in the past week and sucking up to them is not something I feel necessary. (Laughter)

MR. WEST: We like C-SPAN. Right here is a question. There's a microphone coming. Yeah, right here.

MR. BEEBE: Hi, I'm Jonathan Beebe. It was mentioned earlier that party divides are much deeper now than they were in the past. However, if we listen to some of the news recently, especially with the crisis going on in Syria between the Kurds and the Turks, we have seen people from both sides of the political spectrum agree that President Trump's actions were deplorable. Do you think this could lead to possible cross-party teamwork during the impeachment hearings?

MR. WITTES: No.

MR. BEEBE: Thank you. (Laughter)

MR. WITTES: You ask a yes or no question, you get a yes or no answer. No, look, so partisanship is not perfect. Even perfect partisanship is not perfect. It is, however, remarkably pervasive. And I think the striking thing about the Syria withdrawal announcement is that it came in the midst of the Ukraine matter, it offended the President's base, including key members of both Houses of Congress, and it affected their relationship with the ongoing Ukraine scandal not at all.

And so you actually picked an example that we have a kind of weirdly controlled test of, right? So if this were a situation where, okay, they have to defend him over here, but then he pierces the bubble, you know, the air goes out of the balloon and it has some kind of cross-pollination effect with willingness to consider an impeachment process seriously, surely what's happened over the last three weeks would have been the place where we saw that and we didn't see it at all.

MR. WEST: Okay, I think we have time for one more question. Right here there's a gentleman if you can get the microphone over to him.

MR. KULAKOV: Mikhail Kulakov. If the Senate votes not to impeach the President what in your view will be the long-term impact and consequence on the Republican Party and its popularity and on the Democratic Party?

MR. WEST: Now that is a great closing question here. What do you think?

MS. KAMARCK: Well, I think that very shortly after that we will have an answer to that because we will have an election. And so I think if they vote, which is likely at this point, not to convict them, then I think all the action will turn instantly to the 2020 elections and we'll see. Right? We'll see if, as Bill fears, there is damage to the Democrats or if things simply go on and the president's -- look, this is a president who is unique in many aspects, but one particularly relevant, he has never passed 50 percent in approval.

Now, there is a lopsided, you know, aspect to this because, of course, California skews the whole country because it's gotten so big and so favorable to the Democrats. And, you know, Trump is not even -- he's so hostile to California he doesn't even want to give them money for the wildfires out there. Okay? So this is an odd situation.

But the fact of the matter is we will see in 2020. If there's a Democrat elected, I do

believe, as has Molly said and others said, that we will -- the Democrats will take the House. And then I think there's going to be a real self-examination in the Republican Party. Okay? Their demographics are not good. They have their highest levels of support and Trump has his highest levels of approval among people 65 and older and they have consistently not done well in the younger portion of the population, with the people in the middle kind of splitting 50-50.

So if, in fact, this plays out and, in fact, Trump loses and the Democrats take the Senate and keep the House, then I think there's a real turning point in the Republican Party. But bear this in mind, American political parties don't tend to die. Okay? They just tend to kind of -- you know, they just morph into something else. So I think there will be a Republican Party around, it'll just probably look different if this happens.

MR. GALSTON: Yeah. This sounds like, you're the chair, this sounds like a good exit question for all of us. And let me just offer some concluding reflections.

I think what's at stake is the future of the Republican Party, but more than the future of the Republican Party. Here's something for all of us to think about. The American Republic is now in its 230th year. In the first 184 years of our existence we had one incident of impeachment. In the last 46 years, we've had three. Right? Is this telling us something? And, you know, my fear is that it is.

You know, we have had an unusual number of presidents elected during this period with less than a majority of the popular vote. We've had two presidents who've taken office with less than a plurality of the popular vote. And when you pile that on top of the extraordinary increase in polarization that's occurred during this period, I think it would be over the top to talk about a legitimization crisis. But I do think that this is pointing to deep systemic problems that all Americans -- Republicans, Democrats, and Independents, and the leaders thereof -- are going to have to think about very seriously in the years ahead. I'm not sure how long we can go on this way without risking serious damage to the entire constitutional order, not just one political party.

MR. WEST: Okay, on that note, I want to thank Bill and Elaine, Molly and Ben for sharing your views. And thank you for your great questions. (Applause)

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Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

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