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PANEL:

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John Hudak [00:06:25] All right. Good afternoon, everybody, and welcome to or welcome back to the Brookings Institution and today's panel entitled 2020 Elections Results and Implications. My name is John Hudak, I'm a senior fellow in the Governance Studies Program here and the deputy director of the Center for Effective Public Management. And it's my pleasure to welcome all of you and to welcome our panelists. For those of you joining virtually, please feel free to join in the conversation on Twitter using the hashtag election 2022.

We have a lot to talk about today. Tuesday night was a surprising outcome in a lot of ways and a lot of races, and in a lot of states. Typically the in party, the party of the president during a midterm, loses a significant number of House and Senate seats, with razor thin margins in both the House and Senate that Democrats had going into Tuesday night, the expectation was that the Democrats would lose both chambers. But here we are, almost 48 hours after the first polls closed on Tuesday night, and we still don't know who is going to control the United States Senate, and we still don't know who is going to control the United States House.

In a lot of ways, that's incredibly unprecedented. And as votes, particularly out West, continue to be counted slowly but carefully, in the coming days and weeks, we'll have a better idea of who will control the majority in both chambers, who will be fighting to become Speaker of the House, who the next majority leader will be, etc.

This is something I know Norm is going to be talking about a bit today, but pundits' predictions were pretty far off. The views on what issues would drive voters to surely support Republicans in droves, were also quite off. Historical trends were not an effective predictor of what was going to happen this year, and we're going to jump into a lot of that during our panel. Young people, people of color and women made huge differences in the result. The 2020 midterms were expected to be dominated by a red wave, but ultimately that came up against a blue sea wall. With the exceptions of Florida and some congressional districts in New York, Republicans fell far short of expectations. And there's a lot to unpack and a lot to understand about why those expectations were as far off as they were. We're going to discuss a lot of that.

But before I introduce our panelists, I want to note that there are a lot of big questions about what happened on Tuesday, and there are a lot of, there's a lot of interest in what were the big races, what were the key demographics, what were the key votes? I'm going to proffer, before we jump in, that when we look back at this in a year, in ten years, in 20 years about what happened on election

night 2020, I think it's important to note that the most critical votes that were cast in 2020 were cast by six people: Samuel Alito, Clarence Thomas, Brett Kavanaugh, Amy Coney Barrett, our newer justices, Neil Gorsuch. And finally, John Roberts. Those were the critical votes to be cast that set that set the die for what would happen on Tuesday.

And so with that said, it's my pleasure to kick off what I am certain will be a great panel with some of my favorite colleagues from here at Brookings and from AEI. Immediately to my left is my colleague, Elaine Kamarck. She's the founding director of the Center for Effective Public Management and a senior fellow in governance studies here at Brookings. Beside her in front and center, Norm Ornstein, who's a senior fellow emeritus at the American Enterprise Institute. Next to him, Molly Reynolds, a senior fellow here in governance studies. And last but not least, at the end, Rashawn Ray, also a senior fellow in governance studies.

So to kick off the conversation today and I'm going to let you guys wrestle for who gets to go first. Every midterm, as I said, is historic in some way and sets in motion historic changes that will happen in Congress and happen in terms of relationships between the president and Congress. As elections officials continue to tabulate votes, can you reflect on the historic nature of the results that we have so far and the broader trends that happened on Tuesday?

Elaine Kamarck [00:10:44] Okay. I'll start. Because Norm looked at me. Okay. So I think there's two things that really are important about this. As John cleverly pointed out, the historic six votes on the Supreme Court. This was one of the more remarkable things I've ever seen. This enormous vote happens, 50% of the population, more than 50%, may I say 52% is outraged. It affects people deeply. For those of us who are grandmothers, it affects our daughters and our granddaughters, okay, we don't forget about this. And yet, within two weeks, everybody said this issue didn't matter. It was the, it was the darndest thing. Right. It went from being an overwhelming interest to a good piece of the population. And then suddenly it didn't matter. And I think what this says is that this is an issue that is very fundamental. People get it. They know which side the two parties are on. You know, we didn't have the pro inflation party and the anti-inflation party. I mean, we had the pro, we had the pro-choice party and the anti-abortion party. That's what we had. And so it was easy for this to become a critical political issue.

And then finally, this has been a final bugaboo of mine, because I think you're going to hear a lot of those on this panel. Finally, the, the arithmetic problem, a problem of simple arithmetic. Women

are 52% of the American population. And anywhere from 53 to 55% of the vote. So when you do a little bit of simple arithmetic and you say still say about 116 million people end up voting in this election, this midterm, which was about the number of 2018, and that turns into 60 million women. Take a little change in that. Take a 5% change in that. And it's big numbers. It's big numbers that are evenly distributed across all the states in the United States. There isn't any state this just a women's state. Okay. Although I'm sure there's some women who would like that. But there's no state that's just a women's state. So the blindness to this issue and the intensity and the importance of this issue, I think, was the blindness. And blindingness, I guess, isn't a word, the blindness of so many in the press and in the punditry world was really stunning to me. And we found out on election night that, no, this was a very powerful issue. When you take away a right from someone. That is a very significant thing to do. And you're going to have consequences and they're going to be political.

Norman Ornstein [00:13:47] So let me add to that in a few ways. First, I want to refine what John said and Elaine said about the Supreme Court. That was true. But it's also true, I believe, that the Democrats would be looking at a continued majority in the House of Representatives if it weren't for this Supreme Court, which basically, having already bludgeoned Section five of the Voting Rights Act, decided to take an axe to Section two of the Voting Rights Act, and it opened the door to some pretty outrageous racial gerrymandering, which probably cost the Democrats a half dozen seats in the House. Another couple of other things that mattered there as well. It included a blatantly illegal act in Ohio by a group of Republicans who simply ignored two rulings by the Ohio Supreme Court that their redistricting was illegal under the state constitution and got away with it. And that probably cost another two or three or four seats. So we could talk about New York, but I don't want to go on too much with that.

The results were historic in a lot of ways, not what we expect and not what we've seen in most of our lifetimes for the first midterm following a presidential victory. It was a little bit different in 2002 because of 911. But we know Bill Clinton got and his party got destroyed in 1994. It was a double whammy for Barack Obama in 2010 and 2014. And the idea that you could come through this with what might be minimal losses in the House, understanding, however, that you're also affected by what happened in the presidential year. We didn't see the surge in support. In fact, Democrats lost 15 seats in the House when Joe Biden got elected. So. An additional loss, you could argue, is part of a typical trend that happens. But even with that, it's it's an unusual kind of setting. Now, we could talk

about it when it comes to the House. The Senate's always a little bit different because it depends on which third is up at any given time and what happened six years earlier, therefore. But to me, the most historic elements of this are in the states. It is Democrats gaining governorships. It's Democrats winning houses in state legislatures, including in Michigan, that they haven't done for 40 years, which happens to be because they were able to have a fair redistricting for the first time in a very long time. It's having the trifecta in Michigan and in Minnesota, control by Democratic Party of the governorship, the House and the Senate, which makes a big difference. And as we were saying before we came in, in Michigan, that you have women running everything at the top in that state. It's Democrats picking up. And I'll give a hat tip to Lou Jacobson, who's very good at writing about these things. It seems like 400 seats in the state legislative chambers. Democrats are used to getting thumped, to use Barack Obama's term about his first midterm in the state legislatures and picking up chambers. That's really unusual. So all of that makes it historic.

Now, having said that, when I get asked now, today, all the time, how are you feeling? And I say, relieved, but. And the analogy that I use is imagine you're on a ship that sunk and you survive. You don't drown, you don't get eaten by a shark, but you end up on a desert island with no communication to get out because we're facing an extraordinarily difficult time ahead. We will talk a lot more about that, but in a couple of ways. One is, of course, this was a terrible election for Donald Trump. And, you know, in what I referred to as a lover's quarrel with his previous paramour, Rupert Murdoch, The New York Post has as its headline with a picture Humpty Trumpty, and they're now all in for Ron DeSantis. It was a bad time for Donald Trump. Don't imagine for a nanosecond that Trumpism is dead, even if he fades into the darkness or ends up in an orange jumpsuit for a period of time, even if they have to construct one to, to fit in. But we're going to face a radical group in Congress. If anybody believes that there are moderates remaining in the Republican Party, in the House or Senate, you have not been awake for the last dozen years. Susan Collins was out campaigning with Dr. Oz and with others. There are no moderates anymore. The constitutional conservatives, the Liz Cheney's and Adam Kinzinger's are gone. The people who took on Trump and even the slightest way, like Fred Upton, are gone. They've retired. They've been defeated in primaries. We know that the vast majority of Republicans in the House are election deniers, which is a good template for saying that they're extraordinarily radical.

And at the same time, there is nothing to expect that the Senate is going to behave, whether it's a narrow Democratic majority, 50 or 51. And I want to talk at some point about the dramatic difference between having 50 or 51. It really is important. Or having 49. You're not looking at people who are going to be doing things that will be bipartisan in nature or working with Joe Biden. And the deeper cultural conflicts that we saw reflected in Florida, going dramatically in a red direction, probably for a significant period of time. Ohio, even with a couple of surprises at the House level, becoming even more firmly red. We've got a deep cultural divide, and it's going to create extremely difficult governance for quite a period of time to come. But certainly the next two years.

Molly Reynolds [00:20:19] So, I don't have much to add. I will just again underline the way in which going into these elections, our historical understanding of midterms would have told us to expect large losses for Democrats. I often say that as close as an iron law as we have in American politics is that the president's party loses seats in his particularly first midterm. So we certainly we certainly did not see that happen. I think one thing that I will be paying particular attention to as we get a deeper understanding of what happened in historical context involves split ticket voters.

So one of the things that, again, a strong trend that we have seen in American politics in recent years is a real decline in split ticket voting. So folks going to the ballot box and voting for the same party up and down the ballot. And there's some emerging evidence from Tuesday that we saw perhaps less of that this year than in a couple of in a couple of places. We saw folks really splitting their tickets in a way that we've come to expect, expect less and less of. And I think that's important to keep in mind as we think about the future of certain types of candidates and who runs for office.

And when we talk about the Senate, there's been a lot of conversation about how much of what happened in the Senate is because of the kinds of candidates on the Republican side. So, you know would a different candidate from Dr. Oz have beat John Fetterman, would a different candidate than Herschel Walker have won outright against Raphael Warnock in Georgia. These are impossible questions to answer. But I think that when we get to that stage of the conversation, we do have to start asking ourselves, is there, are we seeing a little bit of a return to folks doing some more split ticket voting than we know we have seen in recent years? And so and I think that that has consequences going forward. But I'd love to hear what Rashawn has to say.

Rashawn Ray [00:22:23] Yeah, I mean, these are all great points. I'll just kind of double down on them, particularly when we talk about what this midterm means and being on that island, I mean, pretty much in my lifetime in the gray hairs of my eyebrows sometimes show my actual age. But with that being said, we haven't seen a presidency where someone has been or a party has been able to keep things as close as the Democrats have this time around. And I think that is historic. I mean, we are talking about 40 to 50 years. We have not seen this. I mean, when it flips to midterms, I mean, typically that particular party that has the presidency loses big. We did not see that. Well, why would that be the case?

Well, I think we have to start looking at new demographic trends, which I know we'll be talking about, not just age, but also geography, thinking about new ways in which we think about socioeconomic status. I mean, when it comes to race, one of the ways I like to think about it is that Republicans have really started courting Latinos, we might even say cohabiting with them. And when I say that, they are literally setting up Republican centers in predominantly Latino neighborhoods. You go to Florida and you look at, say, Miami Dade County, which has pretty much been Democrat for a very long time. The inroads that Republicans made there is something that we really, really have to pay attention to. Part of that has to do with them being in those places, literally inviting people in to have a conversation about politics in a very, very different way.

On the other hand, we have Democrats who seem to simply just keep being engaged with African-Americans, but seeming reluctant to fully commit to being married, to to continue that analogy. And part of what I mean by that is every time an election is about to come up, they set a new date for marriage but never really end up coming through with policies that Black people want to see. Right. We have to be clear about that. And that's important because I'll talk about that in a little bit. I know John has some additional questions. Well, we'll get into this and really be able to talk about Georgia in particular.

But what also I think surprised me was not only the way that people voted, but what they voted for, not only on abortion, which we know was big, not only on voting rights, which we heard about, but also minimum wage increases in areas where we might not necessarily expect, cannabis, which I'm hopefully John will say something about, but also slavery, which I don't know if you all have been following this, but in five states, five states were voting to eliminate slavery from its constitution. I want you all to really think about this. This is 157 years after the Civil War ended and states are just

now voting to end slavery. Of course, we know about states rights. I probably don't have to go into those details with people in this room, but it was meant to continue indentured servitude and think about mass incarceration and think about convict leasing in a very big way. But this was the big thing that stood out to me. It wasn't just that the legislation passed overwhelmingly in four of the five states, and I briefly mentioned the one that it didn't, but I also looked at the numbers and percentage of people who voted against ending slavery. All right. Let's— let's just go through this real quickly. Vermont, 90% approved to remove slavery from its constitution. Okay. Maybe we would expect that from Vermont. Let's go to my great state of Tennessee, where I was born at in Murfreesboro. 21% of people, based on what we currently know, voted against the removal of slavery from the Constitution. How many people are we talking about? Over 330,000 people. Right. Let's go to Oregon. Oregon people say, oh, the West Coast, right? The Upper West Coast. What does that look like? 46% rejected it. 450,000 people voted to keep slavery on the Constitution. And then in Louisiana, which has a whole big, complicated history, because they kind of messed up the legislation and it was really confusing. It actually failed. 61% of people voted to not remove slavery from the Constitution because it was still this peculiar language that suggested that if you were incarcerated, that you could actually be made a slave and put into enslavement. Y'all, this is 2022. This is the democracy that we have, the democratic experiment. And we have to be clear that it's not only about who we're voting, but the large percentage of people who actually want things to go back to pre-1865.

John Hudak [00:26:35] Well, you know, Brookings is over 100 years old. And I can say this is probably one of the few times on a panel here we've been discussing the repeal of slavery. But here we are in 2022. Molly, I want to pick up on, on some of what you were talking about, about some of the broader trends in in Congress, in the congressional races this year and sort of drill down a little bit. Elaine had mentioned that it really didn't take a small change in the women's vote to have some significant impacts on specific races. The closest US House race in the United States right now is in the state of Colorado, the third district, which is essentially all of western Colorado, with the exception of Denver and its suburbs, which is Lauren Boebert's district, the Democrat there is currently leading by 62 votes unless something has happened in the last 20 minutes since we took stage. And so, again, the movement of small numbers of people, especially in House races, can have such dramatic effects. Can you talk a little bit about, again, drilling down at some of the specific races, states, districts, talk demographically, that really surprised you Tuesday night?

Molly Reynolds [00:27:42] Sure. So I'll start by saying that I am surprised by what is happening in that House district and in Colorado. It was not one of the ones that I was certainly paying attention to. I think in, I think in general, maybe like between the 10,000-foot view and the weeds, I will say that Democrats simply held more seats than we, I certainly, was expecting them to. A lot of these competitive seats that, because my priors were for Republican gains that I thought would have gone to Republicans, Democrats, Democrats managed to hold in places, a couple races in Ohio were interesting. And this gets back again to my earlier comment about swing voters. This idea that some folks like Marcy Kaptur, who is now the House's longest serving woman, was able was able to hold on, some other places in, say, Pennsylvania, that sort of thing. And just so again, just generally, this, places where I think we at least I was expecting losses, where we really saw that Democrats hold on to, to those seats. And I think this matters.

And I know we're going to talk a little bit more about the specifics for governing going forward. But I think we're looking at a scenario where the exact size of the majority in the House of Representatives is going to matter a great deal. Not simply are we talking about a small majority or medium majority or big majority, but literally that there will be governing consequences for the difference between a five-seat majority and a seven seat majority because of sort of the individual people who particularly on the Republican side, if that's where this goes, the particular people that make up that majority. And so I think that, again, you know, small shifts in individual districts make a big difference. And I think in this case, as Norm was indicating, are going to have big consequences for governing.

John Hudak [00:29:50] All right, Rashawn, you said you wanted to talk about Georgia. Let's talk about Georgia. So Stacey Abrams lost the governor's race pretty badly on Tuesday night. But Stacey Abrams fingerprints are all over Democratic success in that state. Can you talk a little bit about what Black turnout in Georgia and other demographic groups' turnout in Georgia meant for a candidate like Reverend Warnock in some of the down ballot races as well?

Rashawn Ray [00:30:17] Yeah, I mean, it's a great question. And I think Georgia is fascinating because it really is purple. And I know that I mentioned Tennessee a second ago, but I grew up in Atlanta. Like I know these states very well. And one of the big trends that we've seen in the state of Georgia over the past two decades is that the literally the number of Black people in that state has almost doubled. It went from about 1.8 million to 3.5 million in a little over a decade. That is

completely shifted what's happened, and part of that has to do with what Atlanta means. So that's just telling you all demographically. The percentage of Hispanics has also increased in the state. But as I mentioned before, we see very different political avenues for African-Americans compared to Latinos. And that's important to note. And we talked about that courting.

The big thing I'll say one of the big narratives and I kept getting asked about it and it was annoying me, to be honest with you, which was, why don't Black men want to vote for Stacey Abrams? Well, you know, one of the things I love about what people think versus what actually happens is that we see what happens. And basically the same percentage of Black men who voted for Warnock also voted for Stacey Abrams, roughly about 85%. You got another 12%, I think it's around 11% right now based on what we know, they've voted Republican. But about 10 to 15% of Black men have voted Republican since the seventies. That's not news. That's not new. Right. So we have to move on from that narrative. But as John was saying, even though Stacey Abrams lost, I guarantee you she is going to be all in on aiming to ensure that Senator Warnock stays in place.

The other point about what's happening in Georgia, and this is very, very important here. I mentioned the Latino vote, which was basically split. And in fact, there was actually a higher percentage in some places of Latinos in the state of Georgia voting Republican than voting Democrat. But the big story in Georgia is white people and particularly white women who seem to just refuse to vote for Stacey Abrams at all cost. And to be even more specific, if we think intersectional, intersectionally, Evangelical Christian white women seem to seem to just not want to vote not only for Stacey Abrams, but even Warnock. And I think that becomes part of the story. And this is pretty interesting when we start talking about individuals who are for abortion compared to people who are against abortion, and how we think about that. And in many ways, it's an inherent contradiction to what we've been seeing more broadly in other states and the way that women are voting, particularly white women, in the way that white women are voting. And so we have to think about that intersection between race, religion and gender and how we see it playing out on black political candidates, particularly like Stacey Abrams, who people will really try to get that credit for that, but not necessarily want to go out and vote her.

The last thing I'll say about this is and this is just important, and I hope we can just put this to bed. The whole narrative that Black people don't vote. We just got to stop it. Like, it's just not true in a lot of states, particularly competitive states, the black vote continues to carry the Democratic Party in

those states. And— and the reason why that narrative pops up is because it continues to give Democrats a scapegoat when things don't go as well. Right. And kind of the infighting that people are saying that exists between black men and black women really doesn't play out when people are actually voting. But I will say back to that analogy that I was giving about whether or not people, you know, are dating or racing, engaged or married, is that Black people are saying that they want to see something different even when the candidates are Black. Right. They're like, look, it doesn't really matter who the candidate is if we aren't feeling as though that the issues that come to bear moving forward and we know that the Biden administration made a series of promises to not only African-Americans but people who want to see us get past race and racism and not many of those things have really taken hold.

When we think about policing, this is important, a Fox News poll, a Fox News poll now found that 70% of the people that they polled said that racism is a big problem in policing. A majority of Americans are like, this is a problem. And yet and still we can't get federal legislation through. So I think in Georgia, unlike, say, Texas and Florida, where it's very clear that the Republican Party has a strong hold on those states, I mean, you look at the way that Abbott beat Beto O'Rourke. I mean, that wasn't even close. I mean, if you look at what DeSantis did in Florida, what Marco Rubio did to Val Demings, I mean, those elections were not even close. Georgia is a very, very different story. And it's not only about the Black vote, which we can consistently see going toward Democrats, pay attention and evangelical Christian white women in the suburbs, which I know very well growing up in that area, they might say something to you publicly, but they are voting a very, very different way. And we see that playing out in their voting behavior.

Norman Ornstein [00:35:02] So I want to follow on one point that Rashawn made and amplify, and it's about the cancer of tribalism. In so many cases, we have lost our ability to distinguish among candidates based on whether they are qualified for or morally suited for office. And that has actually changed fairly recently. In 2006, we had two Senate races, one in particular in Indiana. We had a Republican candidate who basically said, you can't get pregnant from rape. And Republicans and Democrats condemned it. It was unacceptable. Now you can say anything and it is acceptable. Herschel Walker is manifestly unqualified for public office. And I say that not just because he was the subject of the worst trade in the history of the NFL that my Minnesota Vikings carried out. But it's obvious we used to think that if somebody put a gun to the head of his wife and threatened to blow

her brains out, that that might be disqualifying. No more. And it goes beyond that. And, you know, you could look at J.D. Vance in the same way, but and that's a bad thing for the country.

But it's also the case that you have a sitting senator from Alabama, Tommy Tuberville, who made one of the most vile, racist comments in public that we've heard since Theodore Bilbo was in the Senate. And not one of his colleagues condemned it or said a negative word, because in an era of tribalism, you give aid and comfort to the enemy if you do anything to undermine one of your own. And that is a huge problem in the society, because if you don't have some boundaries of shame, if you don't have some ability to discern, it's not universally true, as Doug Mastriano might admit at this point, but it's become much more widespread. And then just a quick word on Colorado, where many of the outstanding votes are from Pitkin County, which happens to be Aspen. So I think there's a very good chance that Lauren Boebert will be able to spend more time with her utterly dysfunctional family.

John Hudak [00:37:28] Elaine, I'd like to turn to you. So there are there have been a lot of conversations over the past couple of years about a need for new blood in Democratic leadership. The president, a Democrat, will celebrate his 80th birthday this month. The top three House Democrats are all over the age of 80. Do you think that the results of Tuesday night change that conversation within the Democratic Party, or does it give a greater lead for some of the the older Democrats, we'll say the Democratic elder statesmen, to continue to continue in their leadership roles?

Elaine Kamarck [00:38:05] I think that the way I would look at it is as follows. If the gerontocracy, as they've been called, decides that maybe it's time to go. This is probably a good year. Because in fact, they just had a big win. It's always nice to leave when you're on top. And one of the reasons that, of course, Pelosi and the rest of the leadership team stayed on and was elected in the last two go rounds, was because Trump was around and they needed to impeach Trump. There was he was president first. They needed to impeach him. They needed some people with some experience to do this and get this through. So I think this is really going to be up to them personally, you know, to, because, in fact, there's a if they're going to be in the minority for two years, you know, maybe that's not so much fun. But we do have Joe Biden in the White House and he can stop anything really awful from happening by using his veto power. So who knows? I think this is up to them. I think all of them would get reelected to their leadership posts, especially after this year. If they

ran, they would get reelected. But I think at this point, it is really going to be a set of personal decisions.

And I think the same thing is for Biden. You know, Bel Sawhill, one of our economists here, once told me that the funny thing about aging is that, you know, when you're in your forties or your fifties, there's a lot of people in the middle. Right. And who are more or less the same. And then as you get older, that graph flattens out and you get a lot of people who are very ill and really can't function. But you have people who are Nancy Pelosi, who stood at the Congress for 8 hours in four inch heels. I can't stand for 30 seconds in four inch heels, 8 hours in four inch heels and read out the names of the dreamers. Okay. Now she's the phenomenon. She happens to be 82 years old, but she's still going strong. The same can be said of the rest of the leadership team. The same can be said of Joe Biden, who does this incredibly difficult job. So, I mean, I think that you have to understand that there's 80 year olds and there's 80 year olds, and this will be up to them to make that decision.

John Hudak [00:40:30] Molly.

Molly Reynolds [00:40:31] Yes. I think one thing that I would keep in mind with this question about Democratic leadership succession and frankly, also, if we want to talk about what might happen on the Republican side of the aisle in the House, is that one of the most important things to remember is that you can't beat someone with no one. So when we think about sort of what led to Speaker Pelosi continuing her hold on power in the, in the Democratic caucus after the 2018 midterms and then again after 2020, was the lack of a viable, organized alternative candidate in expectation that Speaker Pelosi would step down from being the Democratic leader because Democrats, one, because she said she would, and two, because Democrats expected to lose the House. I think the caucus has spent much more time over the last two years deciding what a succession would look like. And so I think that alone is a pretty powerful force in what's going on on the Democratic side of the aisle.

And then on the Republican side of the aisle, as we start to wonder, you know, can Kevin McCarthy be elected speaker? I think the big question is who would organize well enough to challenge him. I will say again, to go back to my earlier comments about the exact size of the Republican majority, if that is what comes to pass, there is certainly potential for chaos, beginning with the speakership vote and continuing forward from the House Republican Conference. But again,

as we think about, you know, what does, what does the leadership look like in the House, this idea of you need a viable alternative to get, I think, to someone to actually have someone else. And Democrats have, I think, are, you know, in a different position now than they were two years ago.

Norman Ornstein [00:42:13] A couple of observations. I think there will be some significant pressure on, there you go, that's what a ring camera does. Some significant pressure on Nancy Pelosi to stay, for a couple of reasons. One, there has not been in our lifetimes and probably going back further, a more effective speaker than Nancy Pelosi or leader. She is brilliant at tactics. She is tough as nails. She knows her caucus and can keep them together and in a narrow Republican majority, those are great qualities to have. At the same time, you have divisions in the Democratic caucus. You got the progressive wing. You have the moderate wing. You have others. If you have a leadership contest and a lot of ambitious members, you are going to have some bitterness. You're going to expose some fissures. It may not be the best thing to do right now.

Now, having said that, for Pelosi, she has to consider her family and she is extraordinarily close to her five kids and her grandchildren and to anybody who knows them, to her husband, Paul. And while it appears Paul is well on the road to recovery, we don't know. And that may be a consideration for her as well. I would add one other note. On election eve, Andy Biggs, a Republican from Arizona, said in a public gathering, do you think Nancy Pelosi is getting hammered tonight? Oh, okay. Nobody in her in his party said word one against that. It takes it back to what I was saying earlier, and it reflects the coarseness that we have right now that is going to make it so much more difficult to be able to unite as Americans or across party lines. So that's a challenge that Democrats will have.

On McCarthy, we've already had some members of the Freedom Caucus who said they want to bring back a rule that would put a speaker on a very tight leash where you could have at any time a vote to remove that person. That is a warning sign for Kevin McCarthy. And Kevin McCarthy is in my five plus decades of being close around Congress, the weakest leader that I have seen, the most feckless leader that I have seen. He will not have a good time in this role. Well, neither will we.

Molly Reynolds [00:44:45] And to build on that slightly, Norm, I think Arizona is sort of standing above the rest in the gutter in terms of the conversations around this that are happening. Someone was warming up the room at the Arizona Republican Party headquarters party election night and said, we've, well, Nancy Pelosi is losing her gavel and getting a hammer, like this is the type

of rhetoric that is coming out. And again, no one's people are laughing and cheering. And it's I mean, it is disgraceful rhetoric that, as you said Norm, 20 years ago, would have been disavowed vehemently on both sides. And we're just not there.

Norman Ornstein [00:45:23] It's also encouraging violence, violence against our political leaders. This is not anything we have to, that we can possibly shrug off. And we really have to push back against that.

John Hudak [00:45:35] So I definitely want to leave time for questions from the audience. We have about 12 or 13 minutes left, but I want to do a little bit of a lightning round for for our panelists. So the first question, will Kevin McCarthy become speaker?

Elaine Kamarck [00:45:51] Yes.

Norman Ornstein [00:45:53] Assuming they have a majority. Yes.

Molly Reynolds [00:45:55] Yeah.

John Hudak [00:45:56] Okay. Does the results coming out of Florida Tuesday night launch DeSantis to a higher polling position than Trump's polling position in the coming weeks?

Elaine Kamarck [00:46:09] No.

Norman Ornstein [00:46:10] It vaults DeSantis to a different place, but he is by no means a sure thing for anything in the future.

Molly Reynolds [00:46:19] I'm not sure how much it matters, because to me, like the forces that DeSantis represents are so similar to the forces that Trump represents, that swapping them out as the kind of leader of the Republican Party is not maybe as consequential to me as we might think.

Rashawn Ray [00:46:38] Yeah. I mean, to pick up on what Molly said at, in terms of ideals, I'm not sure of the difference. But if Trump keeps, if his candidates keep losing and things keep happening, more Republicans are going to jump off their train and jump on the DeSantis train. And the big reason why I think I know is because Trump gave DeSantis a nickname. And whenever that happens, you know, that Trump feels threatened. And so there's definitely something happening there. And yeah, I think I think it could definitely have a big impact.

Norman Ornstein [00:47:06] One, one point to add, Republican elites want to move away from Trump. They'd like to see him just go away. The Republican base doesn't feel the same way, and you're going to see some significant tension ahead.

John Hudak [00:47:19] Okay. Last lightning round question. And then for those of you in the audience who have questions, raise your hands and we'll have a mic come to you. This this answer is a number. How many Democratic senators will we have come January 49, 50 or 51?

Elaine Kamarck [00:47:36] 50?

Norman Ornstein [00:47:37] I think 51.

Molly Reynolds [00:47:39] I also think 51.

Rashawn Ray [00:47:41] I think 50.

John Hudak [00:47:42] 51. It's a tie.

Norman Ornstein [00:47:43] And John. It's important to say what's the difference between 50 and 51. With 50, every committee has an even number of Democrats and Republicans. That has meant disaster in terms of the timing and often the outcomes in getting confirmations done. With 51, you get an edge in every committee and that would smooth the way tremendously. Huge difference.

John Hudak [00:48:07] Thank you Norm. All right. Questions from the audience. We're excited to hear from you, right over here on the end.

Audience Member [00:48:15] Thank you so much for this enlightening conversation. I have two quick questions. The first one would be for someone who's not familiar with, oh, my God, I just forgot his name. We just talked about it. But. DeSantis, Sorry. What would be the main differences between DeSantis and Trump in terms of policy? And the second question, would be, I'd like to know more about the Republican strategy to, and how they appeal to Latino voters in states like Florida. How has that been successful and why have Democrats not done the same thing or, yeah, thank you so much.

John Hudak [00:48:57] Yeah. Thank you so much. I'll take the moderator's privilege to answer the first question about the difference in policy between DeSantis and Trump. I think ideologically there is a lot of shared space for them. What I, and Elaine and I have had this conversation now for six years, and I've had this conversation with others. The real difference between DeSantis and Trump is that Trump never wanted to learn how government worked. DeSantis did. And if you disagree with Trump's views on policy, you could at least be enlightened by the fact that he could have done more as president had he bothered to learn how government worked. Ron DeSantis will be a much more effective president with very similar policy views than Donald Trump

ever was. And so I think regardless of the outcome of, the outcome and their views on policy, the actual execution would be much stronger and much more effective under President DeSantis.

Elaine Kamarck [00:49:59] But the question was on Latinos. Is that the question? Yeah, I think that the one thing that the last two elections have shown is that we really can't talk about the Latino population. We have to talk about Cubans and Venezuelans in Florida. We have to talk about Mexicans in California and Texas, and then a variety of other South Americans. It's really not.

John Hudak [00:50:22] Young and old.

Elaine Kamarck [00:50:23] And you have to talk about young and old. You have to talk about male and female. I mean, we're about to publish a piece maybe this afternoon, right, Jordan, about a really in-depth piece by one of our colleagues, Gabe Sanchez, on the Latino vote. And it's really a fascinating piece. And I encourage you all to have a look at it once, once we finish and we send Jordan back upstairs to put it online. But it's a very, it's just we've spent too many years talking about the Hispanic population as one entity, and they clearly are not, they clearly are not.

Norman Ornstein [00:51:00] A couple of comments. One difference between the two. Trump wanted to be Kim Jong un. And you could see from his comments yesterday he wants to take drug dealers, summarily execute them with a 30 minute trial and send the bullets to their families. Ron DeSantis wants to be Viktor Orbán, and there is a much greater threat in this society, the Orbanization that is a role model for many.

And then I would say Democrats missed an opportunity in Florida. Ron DeSantis basically lured a bunch of Venezuelan asylum seekers from Texas in the same way that an old man offers candy to kids to come into the van, and then secreted them in Florida until he could fly them to Martha's Vineyard. He called them illegal immigrants. These were people fleeing the left wing Maduro regime and going, risking their lives to come and get asylum here. Democrats could have appealed to many more of the Hispanics in Florida, which were who were in many instances it was just the S-word socialism over and over again that made a difference in a different way. And they they missed a beat there.

John Hudak [00:52:11] All right. Next question down front on the aisle. Microphone is coming.

Audience Member [00:52:19] Hi. Two quick questions. It's been a great panel. As you noted, the Republican capacity to engage in, you know, gerrymandering played a crucial difference, at least

for the House. There are two ways to mitigate that going forward. One is what happened in Michigan, where voters, not politicians organized, got through a referendum that then withstood challenge and essentially did away with gerrymandering, made a tremendous difference in the Michigan outcome. Second way presumably would be ranked choice voting. I'm wondering whether what your thoughts are on the possibility that either or some combination of those two will actually make a significant difference by 2024.

Second, totally different question is that President Biden in his press conference kept coming back over and over to the fact that he got a lot done in the last two years. But for most of it, it doesn't impact real lives until the coming two years because it's these big infrastructure programs and that kind of thing. Do you think this will make a significant difference going into 2024? Other words, will there be much more to run on in the sense that real outcomes are being felt from what occurred in the first two years? Or is that likely to be swamped by all the unknowns out there?

John Hudak [00:53:50] Thank you. Thank you.

Elaine Kamarck [00:53:52] Good answer.

Norman Ornstein [00:53:56] Keep your eye, first of all, on the North Carolina case that the Supreme Court is going to decide, the independent state legislatures theory. I think we may have five justices who will say that referendums that create independent redistricting commissions are unconstitutional because it's the state legislatures that have the sole authority to do so. If that happens, we're going to have havoc. Of course, if you follow that logic, Congress has authority that the Supreme Court doesn't have, to get involved in elections. But that's a, a major obstacle in the way of getting a change in redistricting. And on the agenda, so much of it depends on whether the combination of Republicans trying to cut off funding and throw obstacles in the way of implementing a lot of these programs creates havoc. A threat to the debt ceiling could throw the global economy into something worse than a recession.

And at the same time, there's going to be no policy moving forward of great significance. Congress won't do that if there's a Republican majority in the House. That will put more emphasis on executive action. But we have a Supreme Court that's already indicated that it wants to curtail the ability of executive agencies, astoundingly saying that the Centers for Disease Control doesn't have the authority to regulate a new pandemic going forward because the public health responsibility isn't specific enough that the EPA couldn't regulate emissions because it didn't specifically suggest it. The

Democratic Congress changed the latter one in the reconciliation bill. But if you get Chevron going by the boards, we're going to have a federal government that's brought to a standstill and that's going to create its own havoc.

Elaine Kamarck [00:55:48] But can I just say that I think that one of the things we're going to see in the next couple of years is a resurgence of federalism and a resurgence of state initiative. And therefore, the state offices and the state legislatures, four houses have already switched hands, and there's another, I think, 12 chambers still up in the air. We don't know what what the partisan makeup is. Abortion was the big one that shifted power from Washington to the states, and I think that's going to continue to happen. I think the Supreme Court is going to be much more favorable for shifting power to the states. And whether that's a good or a bad thing depends entirely on who's running these states. And in fact, we talked about tribalism earlier. The country really is divided between states. I mean, there's, it's like there's suddenly there's different worlds. One America is over here and one America is over there. So I think we need to watch the states and power in the states are going to, is going to make a lot of difference.

John Hudak [00:56:59] Molly. Oh, good. All right. We have time for one more question before we switch to the second part of the panel, the person at the back.

Audience Member [00:57:08] Thank you. Coming in hot. I was wondering if you could talk a little bit about cannabis, specifically from the perspective of social justice. Obviously, there's a big focus on getting people out of jail. But in Maryland, where I'm from, we focused a lot on redistributing the tax revenues to communities most impacted by the war on drugs. Because we saw in other states, people were really concerned that the money wasn't hitting the ground. They were caught up in big nonprofits that weren't reflective of the community and people weren't feeling the investment, even though people said it was coming. And what, just a quick recap on cannabis, specifically around the question of social justice and how do we invest in communities with this revenue in the way that communities actually feel?

John Hudak [00:57:46] Sure. Thanks for the question. So as Elaine said, we're going to have a lot more federalism happening in the next few years. And one of the most fascinating federalism experiments we've had for the past decade or a decade and a half has been around cannabis. And there were five ballot initiatives in the United States Tuesday night. Two of them passed. Three of them failed. Maryland and Missouri joined 19 other states to approve adult use cannabis. And a big

part of the programs moving forward is exactly what you describe: using tax revenue to begin to implement social justice programs in an effort to reverse the harms of the war on drugs. States have fallen down in their efforts to do that. There have been really well-laid plans in places like Illinois and Virginia and New York, New Jersey, Connecticut and elsewhere, California and Nevada. And they just have not met the moment. Part of that is because this is new policy and new policy layered upon new policy. And I think this is an issue that requires, demands rather, immediate comprehensive action.

But unfortunately, the reality is going to be piecemeal action. And in the meantime, during that wait, a lot of people are going to continue to suffer because of past convictions, because of institutionalized racism, grown throughout American public policy, but driven largely by the war on drugs. So I wish I had a better answer for what Maryland could do to get it right. But no one, no state has really cracked that. Not yet. Hopefully Maryland is the one and that the legislature can go a bit beyond the ballot initiative the other night to bring to Marylanders the type of justice that they deserve. So on that note, and before I encourage you to give our panelists a round of applause, oh, we're going to have a quick transition. This panel is going to shift off and the next shorter panel on election denialism will come up. There is not time for a cookie, coffee or bathroom break. So I encourage all of you to stay put while we do this. But please thank my fellow panelists for today's event.

Elaine Kamarck [01:00:54] Okay. Hello, everyone. Thank you for staying put. And the cookies are still there, so don't worry about it. And I'd like to introduce my colleague, Norm Eisen, who, is a former ambassador of the United from the United States to the Czech Republic and has been working, as many of you know, on a whole variety of important legal issues dealing with democracy. Perhaps he was most famous for being on the impeachment team in the House of Representatives, and since then, he's here with me and we're, we have been looking for the past several months in depth at the phenomenon of election denialism, which is, by the way, completely new in American democracy. Certainly in the last 50 years, we have not had this kind of concerted attack on the election system. So I'd like to start, Norm, going into Election Day, right? What was the situation with the election deniers?

Norman Eisen [01:02:00] Elaine, thanks for having me on the panel. Hello to all who are with us in person. I'm sorry to come between you and your second or third cookie, but those who are online can have unlimited cookies as they watch an advantage of the era of Zoom. Elaine and I began tracking these election deniers for our series earlier this year, and both of us had been writing and

speaking about them really since the birth of the election denial, the modern election denial movement in 2020, in the run up to that election and led by the former president's questioning of election results there, there were some older antecedents of false claims of fraud, working with Kris Kobach, the former secretary of state, to make these baseless allegations. There was a White House panel that was set up, then fell apart. One of the members of that panel called me Elaine, and said, I'm not going to be able to serve on this panel because they're not actually doing facts and law. An election official who had joined. So while while we've seen those antecedents, it really was born in in 2020. And, of course, we know what the pre-election of 2020 augured with election denial for the post election in terms of litigation. 64 out of 65 cases that were ultimately lost, bad faith litigation, disinformation and ultimately the violence of January 6th. And so we were concerned because we saw similar signs.

And you might even argue, although Donald Trump was not himself on the ballot, that the danger was even more intense because we had election deniers, Elaine and our, and I in our series tracked 345 of them, running from coast to coast. But the, the, the so the expectation was pre-election day of alarm, we got somewhat of a bit of good news for you in the in the event so far because we've seen we'll be publishing an update. But I know just on the state election deniers alone, I did the statistics before I came over here and I will share them with you. Out of 94 races for the statewide offices in our database and we track the state and federal. But the most direct peril to our elections and our democracy are from the state officials who say they don't believe the outcome of the 2020 election and what that implies about how they will handle future elections, and sometimes they're pretty express in their statements about that. So out of them, only five new election deniers have won. That's a little over 5%, nine others, those are new, nine other election deniers who won were incumbents.

All of the so far in all of the important races that have been called, where there were strong election denial tickets in Michigan, in Wisconsin, in Pennsylvania, the election deniers have failed and we haven't, we had a smooth Election Day. We didn't see the kind of chaos on Election Day that we feared. We did not see political violence, now, that comes with a caution. There are exceedingly close races that are being counted. I just wrote for the L.A. Times the importance of patience. But it is today between when we started preparing and now, the former president has started tweeting out the kind of disinformation about Nevada, as have others who are among the election deniers. So we've got to

keep an eye on Nevada and Arizona and a very sharp eye, less there be an emergence. Remember, January six was not, was not the day after Election Day. It took a while to percolate. So we do need to keep a sharp eye on Arizona and Nevada and how that develops as these very close races now are being shifted and the usual pattern, a stronger red showing on Election Day and then the blue wave coming in afterwards. We're seeing that as well.

Elaine Kamarck [01:07:04] And you know, what's interesting is that we wrote on the Brookings website a while ago a piece titled Save Democracy and Cancel Election Night. I mean, this, we are in a new world here, we're in a new world where less than 50% of the population votes in person on Election Day. We vote early or we vote by absentee or something. And this craziness, the paranoia that's out there, is fed by these shifting votes that people see going on all through, all through the night. So that's that's something I think we'll keep talking about, is why don't we get rid of this idea of election night? You know, the networks love it because people tune in and watch them as if they're watching the Super Bowl or something. But the fact is, it hasn't, it hasn't been great.

Norman Eisen [01:07:55] And it's not, Elaine, it's neither Election Day is neither the beginning because of the prevalence of early and absentee voting, nor the end because it takes time to count.

Elaine Kamarck [01:08:07] Yeah. So it's, it's a crazy concept and it doesn't, doesn't match our reality. And we need to remember that, why do we have this difference in Election Day? It was the pandemic. This was not some wild, crazy idea that Democrats came up with to defeat Donald Trump. This was because people were, if we go back to 2020, November, there was no vaccine. People were dying. That was, that that winter was the worst, worst part of the pandemic. Nobody wanted to go into a crowded school auditorium and stand in line to vote. Right. So states, Democrats and Republicans made the correct adjustments. I think we got really lucky this time around. Okay. The question is, are we out of the woods? Right. Are we out of the woods? What? What do we have in front of us that could happen.

Norman Eisen [01:09:04] And here at Brookings, we will not only study American democracy, but we also look, in governance studies, at the comparative performance of democracies and backsliding democracies around the world. I wrote with colleagues from our foreign policy program and others from other institutions a big report last year, the Democracy Playbook. And the United States is now in terms of what to expect, is, like many of our allies around the world, we can't really rest or let down our guard first. We may yet have crises in Arizona, election crises in Arizona and

Nevada. They will turn out, I'm confident, in predicting that they will turn out like the 2020 election crisis in terms of the outcomes. Those are not going to change whatever the votes may be, those will not, those crises will not change the votes. I'm not as confident about the drama that may lie between, between where we are now and the end of those crises. If they emerge. They also may not emerge.

In the more long term, though, we are a democracy under pressure, so we can expect that this new aspect of needing to build in resilience, of being aware, of hug your neighborhood election official or poll worker because they're under threat of having to focus on this phenomenon. Elaine and I were very pleased to be a part of calling national attention to the election denier phenomenon, including our comprehensive database. We are going to need to attend to this as a permanent part of American political life, and we can expect that there will be drama around it again in 2024, and that is life in a pressured democracy. We are hardly unique in that regard.

But the good news is that that coalition and it is a bipartisan coalition, some of the greatest objects of the election denier in chiefs' ire, the former president's rage, are the Republican officials, the governor and secretary of state, who shepherd the count in in Georgia. So officials on both sides of the aisle did their job in 2020. They did it again in 2022. Elaine and I also track election litigation. Eight election assaults in the courts, many of them motivated by election denial, were denied just on the day before Election Day. Eight lost.

Elaine Kamarck [01:12:02] So describe one or two of those because this shows the important role the courts are going to have as we go forward.

Norman Eisen [01:12:10] Well, they election denial takes many forms. One face of it is the armed vigilantes harassing voters at drop boxes in Arizona. And the litigation was brought before an Arizona judge, a Trump appointee, no less, explaining the nature. Voters came and testified and he said, no, that is illegitimate drop box harassment and barred, set the the harassers from interfering with or intimidating voters as they put their ballots in drop boxes. And then sometimes the motivations can be a little less apparent. In Michigan, for example, there was a piece of litigation that was filed to obtain more poll workers. It sounds pretty benign until you learn that the polls were already staffed, that there's the so-called precinct strategy of the election denial movement to load election deniers into the poll working community, and that there was no need, no other apparent reason, it targeted a majority Democratic, majority Black city. This pilot what I view as test litigation, it was rejected again by the courts. I think it was likely also a manifestation of election denial, even though unlike the

Dropbox harassment, you have to draw some inferences. That's why I say likely. So. And we saw many, many more of the full range every different way you can attack the system like those 65 cases, 64 of which failed in the former 2020 election cycle assault. And that 65th case, by the way, had nothing to do with fraud. It went off on a procedural technicality, no impact on the election.

Elaine Kamarck [01:14:17] Let's, we have a couple of minutes. Let's take any questions the audience might have about about elections. About the election denial movement. Yes, right up right up here. This this gentleman. Right, right here. Right here.

Audience Member [01:14:37] Thank you very much. Wouldn't it make sense to have every ballot counted when it came in? I mean, for example, in Maryland, the last primaries went on for weeks and weeks and weeks. Couldn't somebody just count the ballot when they opened the envelope before the election?

Norman Eisen [01:14:56] Well, we don't want the, we don't want every ballot counted when they come in because we don't want to know who is winning or losing before Election Day. We wouldn't want that information to get out. We wouldn't even want poll workers to have it. It actually would, yeah, I'm going to partially agree with you, if we started counting too early, then you would run the risk of if there was, if there were ever a hiccup of those who are opposed to early voting, absentee voting mail in voting saying, aha, I told you so and we want those that early voting. Now, the question is a good one on election day, what can we do for the states to help support them to count every ballot on Election Day?

But let me tell you that in in some of these states, particularly states that have larger rural areas. Like in Arizona or in Nevada, more remote areas, you have the returns that are driven into central points. So you're not going to get every count on Election Day. The poll workers are often exhausted. Some states can do it. Some states are, have the money to do it. States are, have different levels of affluence. But the poll workers are already exhausted. They've been through a primary, through a general. They're under all this new stress. In some places, it just takes longer. This is not unique, just to rural states. I'm from Los Angeles, where counting in the mayoral primary took weeks and we won't, we may not know for days or weeks who won the general in the mayoral in Los Angeles. So sometimes it's going to take time. That is also an important function of our American democracy, because we believe in Brandeis term of the states as the laboratories of democracy, and they make different choices based on their needs.

All of that being said, if the federal government were to surge money into the states, to give them a reasonable ramp, to have the equipment and the systems and the personnel to count everything on or immediately after Election Day, that would be a good thing. But the federal government does, sadly, does not fund every state equally in that regard. And it's tough for a state to say, are you going to put up a whole new tech system or buy extra lunches for kids in school? That's a tough choice for some of our states.

Elaine Kamarck [01:17:38] You know, it's— it's interesting because the, we looked at all of the election deniers', you know, proposals in a recent piece that Norm and I did. And one of the interesting things is not all of them are bad. In other words, some of them are really quite sensible. The problem is that the election deniers think that nobody does them. So, for instance, the chain of custody of the ballots. Right. The paper the ballots are printed on, the printing of the ballots, the delivering of the ballots, in almost all states is very carefully controlled. They're under lock and key. There's only a certain number of people that can see them. The you know, that's why this notion remember that in Maricopa County, Phoenix, that the Trump people insisted that 40,000 ballots from China were deposited in Maricopa County and that's why Biden won Arizona. You know that that just can't happen, right? That would just be extraordinarily weird if that happened. But the fact of the matter is that tightening those things, tightening the chain of custody, those sorts of, that's not a bad idea. You know, so. So some of these ideas that sort of do an extra layer of security, that's, that's not bad. But a lot of these are clearly fall into a different category of voter suppression. And that's, that's where separating out the election deniers agendas becomes really important. Let's take one last question. Okay?

Elaine Kamarck [01:19:20] Oh, right. Okay. Right here.

Audience Member [01:19:27] Thanks. So we— we had election deniers, you know, coast to coast, across the board for Republican candidates. And it seems that, you know, the more outrageous and outlandish, outlandish the rhetoric was during the election cycle, they thought would be the better. And as the midterm elections didn't yield the results that Republicans would have wanted, do you expect to that we may see a reversal of of what conspiratorial languages, what conspiratorial language is acceptable, you know, from you know, from other members of the party. We had talked in the previous panel about how people can say things now that 20 years ago would have been avowed. So do you think that there will be any kind of return of boundaries.

Elaine Kamarck [01:20:18] And return to normalcy? Norm.

Norman Eisen [01:20:22] What's better than a Norm to talk about normalcy? This was one of the most well populated panels by Norms in recent Brookings history. The return of the norms. It's an excellent question. I think that the shellacking that the election denial movement and the election denier in chief took in this cycle is being noticed. It doesn't mean that on the extremes we won't continue to have harsh rhetoric. And regrettably, sometimes that has a mirror effect. On the other extreme, I'm on Twitter constantly, so I can tell you that there's no monopoly, no right-wing monopoly on extreme rhetoric. It's asymmetrical as the first Norm, I call him Norm the elder, we once wanted to have a rock band, The Ethical Norms. As the first Norm points out, there's a asymmetrical dysfunction between the parties. And so I do think there, there will be a corrective self-correcting effect, because it clearly is not what the American people are interested in. And I think, you know, the analysis of this election will go on for some time to come.

My own view is that one of the things that the pollsters missed, and Elaine and I talked about these early vote numbers, see Elaine, these early vote numbers, the data does not line up with the why is everybody saying there's going to be a red wave? It, maybe there will be, but these numbers don't justify it. I think one of the things that the prognosticators missed is just how much the American people care about their democracy. It's the world's oldest continual democracy. It has survived through intense crisis and conflict, internal and external. It has been a powerful force for all of our flaws. We try to make it better. It has been a powerful force for good in the world. And I believe the 2018 election, the 2020 election and the 2022 elections, among other things, were referenda on democracy versus Trumpery, actually wrote a Brookings book about this overcoming trumpery. In my view, we've just seen Trumpery overcome again. And I think it as a result, this style of governance is going to be reconsidered.

However, you have Ron DeSantis, who has a whole other form of and often it is, you know, it is the successor to those extreme forms of governance who poses a threat. So it's not going away. But to end on an optimistic note, the American people have voted in that referendum, three elections running. They've made clear what they want. I have faith in rule of law, faith in our systems, faith in the bipartisan judges who are rejecting these cases in the litigation lane, for example, but ultimately a proven faith in the American people and their belief in our fundamental system of democratic governance.

Elaine Kamarck [01:24:01] And by and large, just on one more happy note, the Trump judges, most of the Trump judges have abided by the rule of law. There's not this, I think, to the to the.

Norman Eisen [01:24:14] Election crisis.

Elaine Kamarck [01:24:15] In the election crises, the election crisis, to to the obvious dismayal of Donald Trump himself. So thank you, Norm, very much. Thank you for staying with us. Thank you to our audience at home or on Zoom.