Announcer: Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American government and offer context around the effects of government agencies in your everyday life. And now your hosts, Nia Rodgers, public affairs librarian, and Dr. John Augenbaugh, political science professor.

N. Rodgers: Hi, welcome back to this series about nominees before the Senate. This particular episode, we’re talking, this is the third part. We’re talking about the nomination of Michael Alex Azar to be the Secretary of Health and Human Services, which the link to that you can find on our resource guide. Actually, we’re not really talking about Mr. Azar. We’re talking about the process, and we’re talking about the kinds of things that happen and go into how you 1) survive the nomination process. And then now I have some questions about the actual, physical setup of the Senate, as far as the chamber is concerned, and then I also have a couple of other questions that I want to ask Aughie. So, let’s get into this third part. So, you have the, the Senate chamber is relatively small.

J. Aughenbaugh: Yes.

N. Rodgers: The physical space is relatively small. There are senators on one side in a semicircle. There are photographers sitting on the floor...

J. Aughenbaugh: Yes.

N. Rodgers: ...in front of the senators because they don’t get chairs because they’re the media. Sorry, that’s, I don’t understand why they can’t give them stools to sit on, but whatever. I mean, that would just be nice, and then there’s a table, a big, long table, and there’s the nominee. I assume that they face the nominee, so that they can get them making incredibly sad or unhappy faces, or whatever, but they’re also trying to get, just record the proceedings.

J. Aughenbaugh: That’s right.

N. Rodgers: A lot of them are filming it. If you watch C-SPAN, C-SPAN is not on the floor in front of the nominee. C-SPAN has two cameras.

J. Aughenbaugh: Yes.

N. Rodgers: One’s behind the senators. One’s behind the nominee, and they go back and forth, showing you who’s speaking.

J. Aughenbaugh: Yes.

N. Rodgers: So, if you want to watch one of these. It’s really interesting to wa-. I know. Don’t even, don’t even judge me. C-SPAN...

J. Aughenbaugh: Don’t judge us.
N. Rodgers: OK. Don’t judge us, because he watches it too.

J. Aughenbaugh: Yeah.

N. Rodgers: Do viewing parties. It’s pizza and beer at our house, watching C-SPAN.

J. Aughenbaugh: That’s right.

N. Rodgers: So that idea that you pay, that people can be there, in the sense that they can watch what’s happening. They can see it in real time. C-SPAN’s really good for that. We would encourage you to watch those nominations because you hear things that sometimes aren’t intentional, but you also see things. Seeing the nominee, physically seeing them answer the questions can help you a lot. There was some controversy with Justice Kavanaugh and the way Justice Kavanaugh physically appeared before the committee because there were times when he was pretty upset and pretty agitated. And, you know what? That shouldn’t be something that the senators are trying to make happen. That’s not okay. It’s not okay to be disrespectful to the nominee. This is a hard process. This person, as we discussed previously, is putting themselves through a pretty tough vetting process and a pretty tough process for facing down what are at least some enemies. Because there’s never, or are there, I assume rarely, there’s a nominee where there just, “We love you.” Now, if I was a nominee, they might say that. If I decided I really was going to go for defense, they might just say, “You’re so spiffy, Nia. We don’t have any questions for you at all. We’re just going to sit around, eat bon bons, and talk about how fabulous you are.” But that’s not usually how it works, right.

J. Aughenbaugh: No, it’s not. I mean, there’s an old joke in the Senate. Even if Mother Teresa was nominated, there would be tough questions.

N. Rodgers: Right. Somebody would find something. “So explain to me this whole blue and white thing you’ve got going on.” There would be something. “That’s not very patriotic.”

J. Aughenbaugh: Yeah, right?

N. Rodgers: Yeah, um, there’s always something to complain about. You know why? Because people are people. That’s part of it, Right?

J. Aughenbaugh: Sure, and...

N. Rodgers: There’s always something to complain about.

J. Aughenbaugh: ...and they’ve been nominated for positions of trust and authority. So, whether or not you’re talking about a Cabinet secretary position, a federal judge. They have authority in their position simply because they’re going to occupy that position if they’re confirmed. And in some cases, we’re talking about authority to affect thousands, if not millions, of people’s lives, so they’re going to get asked tough questions.
N. Rodgers: And it’s set up physically adversarial. Like we are on one side, you are on the other side.

J. Aughenbaugh: We are on one side, you are on the other. Yes.

N. Rodgers: I mean, that alone sets up a dynamic...

J. Aughenbaugh: Yeah, I mean, because you know…

N. Rodgers: …that’s very specific, that you don’t get in paper, that you can’t really see when you read this.

J. Aughenbaugh: Yes.

N. Rodgers: You can’t really see that that person is. Now they’re not along at that table. Right? There’s a whole bunch of people at the table.

J. Aughenbaugh: Yeah, they can have lawyers. They can have counselors. Sitting behind the nominee is typically family members, perhaps friends, sometimes mentors.

N. Rodgers: OK.

J. Aughenbaugh: You sometimes see this with nominees for federal judgeships, senators who brought their name to the attention of the White House will sit behind them.

N. Rodgers: Oh, okay, so they don’t all have to sit on senators’ side.

J. Aughenbaugh: No.

N. Rodgers: They can sit on the nominee’s side if you’re supportive.

J. Aughenbaugh: Yeah, because on the Senate side is the Senate committee.

N. Rodgers: They’re not doing it as senators on the committee. Okay, so they’re just doing it as senators.

J. Aughenbaugh: Senators. That’s right.

N. Rodgers: OK.

J. Aughenbaugh: But then behind…

N. Rodgers: Yeah, who are those people? Because those people are fascinating. Some of those people are dressed really interestingly. They do things. Now first of all, wait, let me ask you, because, separate question. There are only… there’s only one person who speaks at at time. Right?
J. Aughenbaugh: That's correct.

N. Rodgers: The senator asks a question. The nominee answers the question. Theoretically no one should be shouting,

J. Aughenbaugh: No.

N. Rodgers: commenting,

J. Aughenbaugh: No.

N. Rodgers: interrupting.

J. Aughenbaugh: Because, again, the purpose of the hearing is to give information to the senators on the committee who make the initial decision for the Senate.

N. Rodgers: Just like a fact-finding party.

J. Aughenbaugh: Yeah, that’s right.

N. Rodgers: Or the pre-interview. We're doing the hard work, so then the rest of the Senate can read what we do.

J. Aughenbaugh: Yeah, yes.

N. Rodgers: And vote accordingly. I assume that the Senate, in part, are watching some of this on C-SPAN too. Like they’re...

J. Aughenbaugh: Or their staffers.

N. Rodgers: Or they’re engaged in some way.

J. Aughenbaugh: Well, their staffers will.

N. Rodgers: OK.

J. Aughenbaugh: I mean the senators, for many senators, you know, they’re at other committee hearings.

N. Rodgers: So other committees' meeting meet during nominees?

J. Aughenbaugh: Yes.

N. Rodgers: Really? So you don’t even get, like, the channel to yourself.
J. Aughenbaugh: No. I mean it.

N. Rodgers: You’re just part of the Senate.

J. Aughenbaugh: Of the Senate. Yeah, because at any point in time, in any day in the United States Senate, there might be two or three nominees who are having hearings. There might be two or three committees doing markups on bills that they want to get votes on and report out to the Senate. The Senate Appropriations Committee might be holding a budget hearing. I mean, all that stuff is going on at the same time. And that’s, again, one of the reasons why it’s difficult to schedule a nomination hearing is that...

N. Rodgers: Ahh.

J. Aughenbaugh: ...committee members who serve on other committees...

N. Rodgers: Who serve on other committees. Ahh.

J. Aughenbaugh: ...will have to go ahead and look at.

N. Rodgers: They have to pick.

J. Aughenbaugh: Or they have to look at their calendar and say to the chair, “Hey, I know we want to get this scheduled, but I’m supposed to be in Appropriations Committee. And we’ve got the Department of Agriculture testifying. And agriculture is important to my state. I can’t show up, and I want to make sure, at least when C-SPAN scans to the Senate committee, I’m there.”

N. Rodgers: Right.

J. Aughenbaugh: Because that’s important because if you don’t show up to the nomination hearings, that’s the stuff that gets reported in your next re-election.

N. Rodgers: Like you didn’t bother to show up.

J. Aughenbaugh: To show up. Right?

N. Rodgers: They don’t ever say, “Because he was actually doing stuff appropriate to our state.”

J. Aughenbaugh: Yeah.

N. Rodgers: Because that’s not how elections work.

J. Aughenbaugh: No, right.

N. Rodgers: It’s never about that.
J. Aughenbaugh: So, at any point in time, there’s 7, 8, 12 hearings going on. Some of which are about, you know, other nominees. Some of which are about budgets. Others are about general oversight. Some of it is, “Hey, we’re thinking about doing this with a new law.” And these new laws may be important to some of the committee hearings, or committee members for that nomination hearing. Right. If it does occur. This has been well-scripted, well-timed, well-scheduled, and each senator on the committee has a certain amount of time to ask questions. So the chair acts as the, if you will, parliamentarian.

N. Rodgers: Ahhh, which is why, at one point, one of them was corrected about not having enough time.

J. Aughenbaugh: That’s right.

N. Rodgers: They were corrected by the nominee, which might not have been the best choice. No, it wasn’t the nominee; it was a person who was testifying. But still. So somebody somewhere should be keeping time and saying, “OK, you’re getting down to the end.” So we went away from the crowd. So behind the sort of supporters for the nominees, there are chairs...

J. Aughenbaugh: For the public.

N. Rodgers: ...for the public. So anybody could go. Now I assume there’s some sort of lottery if it’s a really popular or really controversial nominee. It’s probably not just.

J. Aughenbaugh: Well for Supreme Court nominees, for instance, the Senate Judiciary Committee has, in the past, used a lottery. They used to go in.

N. Rodgers: For one where people are like, “Meh.” There might not be...

J. Aughenbaugh: Yeah, right.

N. Rodgers: ...a huge turnout for it. I mean, no offense intended to the nominees, but.

J. Aughenbaugh: But, hey, you know, somebody for Health and Human Services, chances are, and again, it’s not to denigrate the department.

N. Rodgers: Or its importance, because it is.

J. Aughenbaugh: It is, but many Americans probably couldn’t name the Department of Health and Human Services. Right?

N. Rodgers: Right.

J. Aughenbaugh: There’s fifteen cabinet departments, right.
N. Rodgers: It’s not going to be the first two or three or four you think of.

J. Aughenbaugh: That’s right. When I give a quiz to my Intro. to U.S. government students, most don’t mention Health and Human Services.

N. Rodgers: Which is really unfortunate because it does…

J. Aughenbaugh: It does important work.

N. Rodgers: It affects millions of people. But that’s us with our personal rant of, “It’s all important.” For us, and just so you know for Aughie and I, everything is important, every part of the government is important. All these people are important. I’m not suggesting they aren’t.

J. Aughenbaugh: So you get the public.

N. Rodgers: And they can apparently dress however they feel is appropriate.

J. Aughenbaugh: Sure.

N. Rodgers: So long as they are covered.

J. Aughenbaugh: That’s right.

N. Rodgers: Because during, again, Justice Kavanaugh’s there were ladies dressed as women from *The Handmaid’s Tale* from the Hulu television show.

J. Aughenbaugh: That’s right.

N. Rodgers: To make a point. They were clearly making a political point.

J. Aughenbaugh: Yes.

N. Rodgers: And as long as they are respectful and quiet, they can. They are welcome to come to the chamber in that. OK.

J. Aughenbaugh: Yes.

N. Rodgers: So they’re not going to be removed for something like that. You would be removed for making noise.

J. Aughenbaugh: Yes.

N. Rodgers: You would be removed for booing, or yelling, or throwing things. But if you didn’t do any of that, if you were quietly behaved. You would…
J. Aughenbaugh: Yeah, you could. You could be touring the Senate.

N. Rodgers: And go, “Oh, this is interesting,” and just sit down. OK.

J. Aughenbaugh: Yeah. And, in fact, I’ve actually done that. And it was for (who was that?), it was undersecretary position for the State Department. And I just sat down. And for an hour and a half, I listened to the nominee, heard some entertaining questions, and then me and some of my friends went and got lunch. And we were like, “What’d you think of the nominee?” I’m like, “All we saw was the back of his head.” And they were like, “Well, what did you think of the answers?” And I said, “I was more interested in the questions.” Because a lot of the questions, again, are already well-scripted, and senators, if they want to be cooperative with the White House will go ahead and let the nominee know, “I’m going to ask you about X.”

N. Rodgers: Really?

J. Aughenbaugh: Sure.

N. Rodgers: So they, sort of, give them the answer ahead of time.

J. Aughenbaugh: Sure.

N. Rodgers: Kind of. It’s a little bit cheating.

J. Aughenbaugh: Well, I mean hey, if they’re...

N. Rodgers: Cheating is not fair. It’s a little bit, if you support the person,

J. Aughenbaugh: Well, I mean hey, if you think about...

N. Rodgers: Also, if you support them, and you bring up something that’s bad, you can bring it up in a way...

J. Aughenbaugh: To minimize...

N. Rodgers: ...that takes the legs out of it.
J. Aughenbaugh: Yeah.

N. Rodgers: So it’s not quite so.

J. Aughenbaugh: Mitigate the damage.

N. Rodgers: Right, OK. So there are smart political reasons for doing that. That aren’t cheating, so much as they are supporting.
J. Aughenbaugh: Well, I’ll give you another example. When I was an undergrad, and I did an internship for a U.S. senator, it was the summer that Robert Bork was nominated to the Supreme Court.

N. Rodgers: Oh my.

J. Aughenbaugh: And the senator that I was interning for opposed the Bork nomination to the Supreme Court.

N. Rodgers: As I think many senators did.

J. Aughenbaugh: Yeah. Because he was ultimately rejected by the Senate. But my senator, who was in opposition actually forwarded his questions to the White House before the hearing. Because my senator believed that springing questions was unprofessional.

N. Rodgers: Yeah, sandbagging.

J. Aughenbaugh: Yeah. And think about how many of us, when we have interviewed for jobs, we’ve appreciated the organization that we’re trying to get a job with have let us know what are some of the questions or what are some of the broad areas that you might be asked about. We appreciated it.

N. Rodgers: Right.

J. Aughenbaugh: Now I also understand that in other job interviews, the purpose is, “Let’s see how quickly they can think on their feet.” And you’re like, “Wow, I didn’t see that one coming.” Right. You walk out of there and you’re like.

N. Rodgers: If you were a color, what color would you be?

J. Aughenbaugh: What kind of house would you be?

N. Rodgers: Right.

J. Aughenbaugh: I got that in a job interview.

N. Rodgers: Did you really?

J. Aughenbaugh: Yeah, and I was just like…

N. Rodgers: Uh, hello? I mean, like, what do you say?

J. Aughenbaugh: Well, I said, one that has a roof with no holes. And they were like, “We’ve never got that before.” And I’m like, “I don’t know if that’s good or bad!”
N. Rodgers: Wow. Let’s, we’d like to note for the Senate, please don’t ask that question. That’s not fair for nominees. So I noticed something in the document that I wanted to bring up to you because it’s interesting. They have to list potential conflicts of interest. Is that things like, so if I’m going to be the Secretary of Agriculture, and I have stock in Monsanto, right; is that the kind of thing that I would list there?

J. Aughenbaugh: Yes.

N. Rodgers: Is it, and I worked for Monsanto as a summer intern?

J. Aughenbaugh: Yes.

N. Rodgers: Is it all those things?

J. Aughenbaugh: It’s those kind of things.

N. Rodgers: What do justices have to list?

J. Aughenbaugh: Justices will typically list things like…

N. Rodgers: They belong to associations or?

J. Aughenbaugh: …particular associations, trips that they have taken,

N. Rodgers: Oh, trips! Oh, I guess that would potentially…

J. Aughenbaugh: Do they have stock in certain companies? Because a huge part of the, particularly the Supreme Court’s deals with business cases.

N. Rodgers: Huh? Corporate, OK.

J. Aughenbaugh: And that’s particularly the case of probably the last three or four years, where the Supreme Court has been taking a lot of technology cases.

N. Rodgers: Oh, so if you own a trillion shares of Apple,

J. Aughenbaugh: Yeah.

N. Rodgers: Although, in that case, I’m going to go off a tiny bit on a tangent. In that case, you would just recuse yourself.

J. Aughenbaugh: Yeah.

N. Rodgers: A la Jeff Sessions recusing himself from any Russia investigation of the campaign because he was part of the campaign.
J. Aughenbaugh: That's right.

N. Rodgers: That's part of the reason he gave for recusing himself from those issues.

J. Aughenbaugh: That's right.

N. Rodgers: Is that he could not be a neutral party.

J. Aughenbaugh: That's right.

N. Rodgers: So theoretic-- so I think people sometimes don't realize that it's not just lawyers that have to recuse themselves. I assume that if...OK...just so the listeners will know, because you may not have listened to other portions of this podcast, there's a part of me that longs to be the Secretary of Defense, mostly just because it's an open position right now. But if I was the Secretary of Defense, and I had...

J. Aughenbaugh: Stock in Boeing.

N. Rodgers: OK.

J. Aughenbaugh: Which has a lot of defense contracts.

N. Rodgers: Then I would have to put that into some kind of blind trust,

J. Aughenbaugh: Blind trust, yes.

N. Rodgers: or something like that, right?

J. Aughenbaugh: Yeah.

N. Rodgers: Because I would not be able to benefit from giving them contracts.


N. Rodgers: I would have to be careful about doing that sort of thing.

J. Aughenbaugh: Yeah.

N. Rodgers: So it's not just justices. It is everyone who serves in government can have a conflict of interest in that way.

J. Aughenbaugh: Sure. Because, think about how many of these departments do significant contracting out. And it's not just the Department of Defense. I mean, the federal government contracts out with the private sector all the time.
N. Rodgers: Isn't that where a lot of our money is out? Like when they talk about the national debt, isn't that owed to essentially ourselves to contractors within the United States.

J. Aughenbaugh: Sure. Unless we wanted a significantly larger federal government workforce, and that's typically a political issue, if you will, but departments, federal government agencies all contract out. If you're talking about the Department of Transportation, not only does the Department of Transportation allocate a significant amount of money to states and local governments to build roads, pave roads, etc., but the federal Department of Transportation has significant contracts across the country to do federal transportation projects. They contract that out.

N. Rodgers: Oh, Health and Human Services, if you're going to build housing.

J. Aughenbaugh: Yes.

N. Rodgers: They're not going to build housing. Boy, that would be just tragic. You have to hire a professional construction company to build those to spec. and all that kind of stuff.

J. Aughenbaugh: And if you're the nominee, and you used to be the CEO of one of these companies.


J. Aughenbaugh: Yeah.

N. Rodgers: Like a major construction company.

J. Aughenbaugh: You would have to go ahead and announce that.

N. Rodgers: OK.

J. Aughenbaugh: Because, in part, Congress is trying to figure out. Are you too closely aligned with either people that you may be regulating? Or people you may be… And think about this, the federal government, various federal departments, regulate the behavior of so many in the private sector. So, you know, are you capable of making sure your department against these people who you used to be really, really close with?

N. Rodgers: And still are in some cases.

J. Aughenbaugh: Cases, yeah.

N. Rodgers: Your social may be those people still. Even if you're not part

J. Aughenbaugh: Or you got on the radar of a particular President because of that previous work, yeah.
N. Rodgers: I was gonna say. You mentioned in a previous podcast that that person is probably an expert in the field. Well, then that means they probably came up through the field. Which means that they've worked in the field, and they know people in the field. They're known for being known in the field. So, basically everybody...

J. Aughenbaugh: Sure.

N. Rodgers: ...has a conflict of interest of some kind, if they're getting to that position.

J. Aughenbaugh: You mentioned the Department of Defense. The secretary position is vacant since

N. Rodgers: Well, there’s an acting. In fairness, there is an acting.

J. Aughenbaugh: But the previous Secretary of Defense was General Mattis. And I recall; during his confirmation hearing, he was asked by a number of senators, “Do you think, as the civilian head of the Department of Defense, you can regulate the behavior of officers in which you used to be one of. And, of course, he already had the answer to it, but that's the kind of thing that we have to ask. Can you go ahead and...

N. Rodgers: Because the Secretary of Defense is not actually part of the military. They're a civilian position.

J. Aughenbaugh: It’s a civilian position.

N. Rodgers: Yeah. That always confuses me. That’s why I can’t be secretary. I mean that and about a billion other reasons. Let’s just be honest. I’m completely 100% unqualified for that job. But it also...

J. Aughenbaugh: You want civilian control over the Department of Defense because the military is the ultimate sanction that a government can use on its people and people of other nations. You want civilian control. I mean, if you think about...

N. Rodgers: Otherwise you might have a coup.

J. Aughenbaugh: That’s right.

N. Rodgers: I mean, there's nothing to stop a coup. That’s part of what other countries suffer from is that their Department of Defense or their equivalent is often a military general who’s like, “Well, you know, I could be President.”

J. Aughenbaugh: Yeah.

N. Rodgers: “I'd make a better President than this loser.” And then…
J. Aughenbaugh: Yeah, so...

N. Rodgers: ...the next thing you know, you have a military junta, and you’ve got a whole different podcast.

J. Aughenbaugh: Yes. Yeah, right, OK. So you always want civilian control over any agency who could exercise the ultimate power of government, which is to go ahead and take the lives of others.

N. Rodgers: Right. Yeah, that’s another reason I don’t want to be Department of Defense, Secretary of Defense. Because, truly, you’re, not only are you taking the lives of others, you’re costing your own.

J. Aughenbaugh: Yes.

N. Rodgers: You’re losing your own people too. And that must be and incredible burden that would be impossible to. I mean for me at least. I would be paralyzed by those decisions.

J. Aughenbaugh: Yeah, I would never want to make those decisions.

N. Rodgers: I have tremendous admiration for people who have to make decisions at that level, in part, not just Secretary of Defense but for all the secretaries because someone somewhere is going to have to pay a price of some kind.

J. Aughenbaugh: Sure.

N. Rodgers: They’re going to lose a job. They’re going to lose a home. They’re going to lose...

J. Aughenbaugh: A welfare check.

N. Rodgers: They’re going to lose a family member. They’re going to lose themselves, right, like if...There’s something that’s going to happen. With every decision you make, someone is going to suffer. And it’s choosing what’s best for the largest number of people that would be, I think would just keep you up at night. I think that there’s a very real burnout factor that would come with any position like that. It’s surprising to me that the Supreme Court, heretofore known in my brain as The Supremes, but, I know, properly referred to as SCOTUS, if you’re going to choose an acronym.

J. Aughenbaugh: I use both. And my students always chuckle when I say, “The Supremes.”

N. Rodgers: Yeah, I mean Diana Ross would’ve made an amazing Supreme Court justice.

J. Aughenbaugh: By the way, she could, according to the U.S. Constitution. She has the necessary qualifications.

N. Rodgers: Really?
J. Aughenbaugh: Article III

N. Rodgers: You have to be a Motown singer?

J. Aughenbaugh: No, no, no.

N. Rodgers: Because that would be incredible!

J. Aughenbaugh: No, no, no, no, no. What many Americans don’t understand is you don’t have to be a lawyer to be a Supreme Court justice. There is no requirement that you have to be a lawyer.

N. Rodgers: Uh, OK, mind blown. Sorry, I’m having a mind blown moment. So you’re saying to me I could be a justice.

J. Aughenbaugh: You could.

N. Rodgers: Baw-ha, ha, ha! Well now I know what I want to do. But I was going to ask you a question about the nominees as far as their length of service. So there’s nothing in the nomination process that says that there’s an end date to this, to being a secretary. So if you were an incredibly spiffy secretary, see: Nia and spiffiness, that everyone loved and that the next President respected and liked and willing to keep on, you could serve across Presidencies. It’s not a partisan...

J. Aughenbaugh: That’s correct.

N. Rodgers: position.

J. Aughenbaugh: Sure.

N. Rodgers: Because the Supremes, Supreme Court serve on the court until they choose to retire or until they, unfortunately, pass away.

J. Aughenbaugh: That’s right

N. Rodgers: There’s no, there’s no limit to that. But technically no limit to the nominee position either. Right?

J. Aughenbaugh: Sure.

N. Rodgers: Like, if FDR served four Presidencies -- well...

J. Aughenbaugh: He almost.

N. Rodgers: Three and a partial.
J. Aughenbaugh: He almost finished his fourth term.

N. Rodgers: So conceivably his Secretary of Defense... (Except it was the Department of War. We can't get into that.) ...but his secretary of something something could have served the entire length of his Presidency.

J. Aughenbaugh: Sure.

N. Rodgers: had they been simpatico, had that relationship worked out.

J. Aughenbaugh: Sure.

N. Rodgers: OK. What ends your working as the secretary is either personally you choose to say, “I’m done now,” for whatever reason: burnout, family problem.

J. Aughenbaugh: Yes.

N. Rodgers: I just need to stop doing this. You are brought under investigation, and the pressure becomes too much...

J. Aughenbaugh: Yeah, you can no longer effectively...

N. Rodgers: ...to bear.

J. Aughenbaugh: ...effectively do your job. Or the President asks.

N. Rodgers: Or the President changes. No, OK. So the President can ask for your resignation because they’ve lost confidence in you. Or the Presidency changes and the new person...

J. Aughenbaugh: ...wants their own people. But you’ve seen this, for instance, a good example of this would be, um, the Director of the FBI. And I’m not touching upon the current fiasco in the current administration. But you had FBI directors who

N. Rodgers: Oh, that’s right. J. Edgar served...

J. Aughenbaugh: ...multiple Presidents.

N. Rodgers: Oh! J. Edgar, like I know him. I’m sorry.

J. Aughenbaugh & N. Rodgers: J. Edgar Hoover!

J. Aughenbaugh: Yes.

N. Rodgers: Sorry, I apologize to um
J. Aughenbaugh: First-name basis

N. Rodgers: Yeah, like I’m his buddy. That was rude. I apologize.

J. Aughenbaugh: That’s alright.

N. Rodgers: Director Hoover.

J. Aughenbaugh: Yeah, Director Hoover. But even Director Louis Freeh served multiple Presidents.

N. Rodgers: Well, and Director Comey...

J. Aughenbaugh: Yeah, Director Comey

N. Rodgers: ...served in different Presidents. He didn’t serve continuously.

J. Aughenbaugh: But he served in different Presidents.

N. Rodgers: So you also could be brought back.

J. Aughenbaugh: Sure.

N. Rodgers: For instance, if the next President were a, let’s just assume in our imagination. We’re not making political choices here. But let’s say that the President changes over to the other party. And so the new President wants to bring back Hillary Clinton,

J. Aughenbaugh: Sure.

N. Rodgers: or John Kerry, who served under the last Democratic. They could do that. They could bring in.

J. Aughenbaugh: Sure.

N. Rodgers: And that has happened multiple times, right?

J. Aughenbaugh: Sure.

N. Rodgers: That various nominees have been brought back to serve in subsequent Presidencies.

J. Aughenbaugh: Subsequent Presidential administrations. Now, when that happens, that used to happen with much more regularity in the early part of our country’s history. The criticism that arose was Washington has, it’s chock full of insiders.
N. Rodgers: Ahh, OK.

J. Aughenbaugh: On the other hand if you want experienced leadership, and you know that this person in their previous tenure as Secretary of State or U.S. Attorney General or Secretary of Defense, and you want that. You want an experienced hand running that department. That’s a good reason to go ahead and pick somebody.

N. Rodgers: So if I were President,

J. Aughenbaugh: Yeah.

N. Rodgers: Cuz now I’ve decided I’m just going to go all in. Cuz you can see I’m slowly growing my ambitions.

J. Aughenbaugh: Yeah, your aspirations there are.

N. Rodgers: They’re getting pretty high. Eventually I’ll just be dictator of the planet.

J. Aughenbaugh: I was about to say. I can’t wait to see what you are in our next podcast. Stay tuned for our next podcast, so we can see what position Nia aspires to.

N. Rodgers: If I became President in the next election.

J. Aughenbaugh: Sure.

N. Rodgers: I could conceivably bring back Barack Obama’s entire previous previous ending secretaries and say to them all, “You’re only going to serve a year, but I want you to give me time to find other people within the bureaucracy.” So I would be using their experience, and if I time-limited, like if I told them that, people might actually 1) come back if they knew it was only going to be a limited amount of time or for a specific reason.

J. Aughenbaugh: And others might say, “Well, it’s not worth my time to just go ahead and do it for a year.” But as long as can get Senate confirmation of them, sure. Why not?

N. Rodgers: OK, so that’s the hard part, Senate confirmation.

J. Aughenbaugh: That’s the hard part.

N. Rodgers: Which currently would not work in my favor because the current Senate is Republican-controlled.

J. Aughenbaugh: Yeah, is dominated by the Republican party.

N. Rodgers: Not to say that I am Republican or Democrat, as I guess you can tell from that statement, sorry.
J. Aughenbaugh: But here’s to your broader point though, Nia. Presidential scholars have pointed out that typically the first six to nine months of any Presidential administration, even somebody who is an experienced government official, is basically just them filling appointments. So if they could rely upon experienced hands, think about how much more time that would buy them just to go ahead and find people who they really want.

N. Rodgers: Right. I wish that what they would do is straddle. In my ideal world, the nominees would straddle. They would stay the first six months or year into a new Presidency.

J. Aughenbaugh: Well, and

N. Rodgers: And say, “We’re just holding. Basically we’re holding ground. We’re not doing anything, but we’re.”

J. Aughenbaugh: And depending on the relationship of the outgoing President and the incoming President, some of them do that.

N. Rodgers: Do they? OK.

J. Aughenbaugh: Particularly deputy undersecretaries will do that.

N. Rodgers: So the head may go, but

J. Aughenbaugh: Yeah, so you still have some transition.

N. Rodgers: OK. So the workforce doesn’t 100% change over, at that level. I know the main workforce doesn’t change over at all because they’re nonpartisan.

J. Aughenbaugh: Yeah, because they’re career civil servants. You didn’t see that all that much with Obama to Trump. OK. But you saw some of it with Bush 2 and Obama. You definitely saw it with Clinton to Bush 2. So there was more of that in the past, where particularly with the, not the secretaries, but the undersecretaries, the deputy secretaries would stay, would agree to stay on six, nine, twelve months so that the confirmation hearings could take, the confirmation process could take place. You get the new secretary in. The new secretary gets a lay of the department that they are now running. And then that person gets to go ahead and choose, in consultation with the White House, who’s going to be Deputy Secretary of State for this function? So you saw more of that. One of the negatives of the increasingly partisan environment of Washington, DC is you just don’t get that kind of cooperation in the changeover from one Presidential administration to the next. And I understand why partisans don’t want that. Hey, “We want our person to go ahead and clean house. Drain the swamp.”

N. Rodgers: Right.

J. Aughenbaugh: Whatever the case may be. But as a scholar of public administration and policy, in a government that is set up to where you need cooperation to get things done, that
kind of cooperation in the turnover in the executive branch was generally seen as a positive. Most scholars believe that that is one of the negatives of the kind of, sort of, hyper-partisan nature that we see in Washington, DC right now.

N. Rodgers: Well on that happy note, we’re going to end this podcast about nominees. Thank you so much, Aughie, for talking me through this process.

J. Aughenbaugh: You are welcome. I enjoyed it.

N. Rodgers: I think that really what you’ve said to me is that I’m aspirational, but that it’s just never going to happen. But you’re doing that kind thing that parents do, where they’re like, “It’s okay. Keep dreaming.”

J. Aughenbaugh: Always reach for the stars. That’s my nice counterpoint to the dose of sobriety I just threw out there. Keep reaching for the stars.

N. Rodgers: Thank you, and we will talk again.

J. Aughenbaugh: You’re welcome.

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