

Welcome to Civil Discourse. This podcast will use government documents to illuminate the workings of the American Government and offer contexts around the effects of government agencies in your everyday life. Now your hosts, Nia Rodgers, Public Affairs Librarian and Dr. John Aughenbaugh, Political Science Professor.

N. Rodgers: Hey Aughie.

J. Aughenbaugh: Good morning Nia, how are you?

N. Rodgers: I'm good. How are you?

J. Aughenbaugh: I'm fine. You're all feisty this morning?

N. Rodgers: I am a little feisty this morning about the impeachment. It's not stupid. It just seems wasteful to me. It seems like, what has happened here is that we spent what a month, or month-and-a-half, or even longer if you go back to the pre stuff, going through an impeachment that didn't amount to anything. Why bother?

J. Aughenbaugh: So let me ask you this. What if the outcome had been the Senate found President Trump guilty? Would your reaction be different today?

N. Rodgers: Yes, I think. I see what you're getting at. It can't be that every court case ends in a guilty thing because it's not always the person is guilty of something.

J. Aughenbaugh: No, because a court process is exactly that, it's a process.

N. Rodgers: It should be fair.

J. Aughenbaugh: Yes.

N. Rodgers: Yeah. Fair whatever, blah, blah, blah, blah with your fairness.

J. Aughenbaugh: There's an old axiom among constitutional law professors. Fair is a four-letter word in the US constitution.

N. Rodgers: Well, I guess I take your point that if there had been a different, if it looked like progress had been made in some way, it looks like we're just back where we were at the beginning.

J. Aughenbaugh: In fact, I would go ahead and argue because the Senate acquitted President Trump, it has emboldened him even to break more behavioral norms in the office of the president.

N. Rodgers: So I'm not imagining that?

J. Aughenbaugh: No.

N. Rodgers: Because it feels like, and I'm not trying to slam Roger Stone except please I'm going to slam Roger Stone because come on, that guy's a jerk. Or Rod Blagojevich, who we only can pronounce his name because he went to prison and we heard it so many times. Pardons all of a sudden out of nowhere for people who I would not think you would be able to pardon unless you had just been acquitted of crimes and misdemeanors.

J. Aughenbaugh: I would go ahead and argue that with your Roger Stone example and what Nia is talking about, is the press reports that President Trump has intervened in the Justice Department process in regards to what they recommended that the judge give Roger Stone, a former associate confidant.

N. Rodgers: I think it's what they call him, an associate.

J. Aughenbaugh: Okay.

N. Rodgers: Because I'm not sure, in fairness I'm not sure Donald Trump has a lot of friends.

J. Aughenbaugh: No.

N. Rodgers: I think he has a lot of associates and he has family.

J. Aughenbaugh: Sure.

N. Rodgers: That he is very close to, but I don't think he has a whole huge circle of what most of us would think of his friends.

J. Aughenbaugh: He's not even a traditional politician that would have a huge network of people for whom he has done favors over the years, and they've done favors for him. I mean he is as I just recently pointed out in my Intro to US Government class. He is unique among American presidents, because he had absolutely no government service or experience before running and being elected as president.

N. Rodgers: That in fact was a draw for a lot of people who voted for him.

J. Aughenbaugh: A lot of Trump supporters.

N. Rodgers: Get in there and shake it up and let's see what somebody who's not part of, the Washington.

J. Aughenbaugh: The establishment.

N. Rodgers: What can they do? Thank you the establishment. What can they do? But that mean Roger Stone, ignored his, the orders the judge gave not to talk during his trial he's just a-

J. Aughenbaugh: That's all true.

N. Rodgers: I don't like him as a person. I mean I don't know him, I don't like his public persona.

J. Aughenbaugh: I would dispute the press, and the well over 1,000 Department of Justice former attorneys and staffers who have argued that the president and the current attorney general, got involved in a process that they typically don't. I mean, we've had presidents as far back as Thomas Jefferson, Jefferson went ahead and orchestrated the prosecution case against Aaron Burr for treason.

N. Rodgers: Did he?

J. Aughenbaugh: Yes.

N. Rodgers: While he was President?

J. Aughenbaugh: While he was president.

N. Rodgers: Okay. So here's a cheese Baltic.

J. Aughenbaugh: Okay.

N. Rodgers: My goodness did I just say T. J was a cheese ball?

J. Aughenbaugh: Yes.

N. Rodgers: Can I still live in Virginia after I've said that?

J. Aughenbaugh: Hey, I'm not a native Virginian, I'm not entirely sure.

N. Rodgers: I might have just crossed a line. Sorry.

J. Aughenbaugh: I mean, if you say this in Charlottesville.

N. Rodgers: Yeah, and get run out of town.

J. Aughenbaugh: But your larger question here is one that I have received from a lot of students, a lot of non-university people that I come in contact with because they're just like. What was the purpose?

N. Rodgers: Right.

J. Aughenbaugh: Okay.

N. Rodgers: It doesn't seem like anything was accomplished here except the sides digging in even further, on their side of whatever an issue is which I find deeply frustrating. I also think though you just

brought something up that I want to mention before it gets away from us. Which is, I think that Donald Trump in a lot of ways treats William Barr and previous attorneys general as if they are his attorney, like his attorney that he can direct. Because when you hire attorney you really can, and if you are on trial for murder and you've hired an attorney to defend you and you do or don't want them to do something you can tell them that, and they're obligated as being your client.

J. Aughenbaugh: That is correct.

N. Rodgers: I mean you being their client to do that. So I think that he in some ways perceives the attorney general as his lawyer, the president's lawyer.

J. Aughenbaugh: It could be that, it could be also the fact that he comes from a corporate world.

N. Rodgers: Where the CEO is boss of everybody.

J. Aughenbaugh: That's right. The individual department heads report to the CEO and if they don't do what he wants, they are gone.

N. Rodgers: Yeah. Do you think he'll fire Barr?

J. Aughenbaugh: I think Barr resigns before Trump fires him.

N. Rodgers: Okay.

J. Aughenbaugh: Yeah. Because I think, though again it looks like at times Barr has done the president's bidding, formidably I thought when Barr was picked by Trump, Barr's view of the Office of President is different than Trump's but the outcomes were similar enough to where the president felt comfortable. Barr basically believes, that the president if you will, gets to control the entirety of the executive branch. It's what's scholars refer to as the unitary executive theory. Meaning that anything that goes on in the executive branch has to go through or be approved by the president.

N. Rodgers: Nixon was a fond believer of this.

J. Aughenbaugh: So was the second President, Bush. Okay?

N. Rodgers: Okay.

J. Aughenbaugh: Okay. Scholars are not entirely sure that Bush II, number 43, President number 43, was as much of a believer in it as was Dick Cheney, the Vice-President.

N. Rodgers: Who scholars say was running the show.

J. Aughenbaugh: All the daily operations to a large extent because Bush II viewed his job as the CEO of the White House. He would establish broad policy, but it was all the underlings who were supposed to go ahead and make it work on a daily basis.

N. Rodgers: They call those in business COOs, Chief Operating Officers.

J. Aughenbaugh: Officers. That's right.

N. Rodgers: You actually make things come off the assembly line.

J. Aughenbaugh: Yeah.

N. Rodgers: Or deals happen or whatever, you do that part and then you come to me for broader vision, the higher level vision versus the lower level vision or the day-to-day vision.

J. Aughenbaugh: Whereas a president like Bill Clinton, he loved the policy details.

N. Rodgers: Jimmy Carter.

J. Aughenbaugh: Yeah, Jimmy Carter was that way. So the reason why I think Barr will resign before he gets fired is that because the president keeps on making public remarks about the justice department.

N. Rodgers: Yeah. Someone should shut down his Twitter account. Twitter, I plead with you, help the man out because he cannot help himself. What we are watching, is an alcoholic sitting at the bar and the bar attender just keeps giving him drink after drink after drink. No, cut him off. He's not able to cut himself off. The president cannot resist the urge to pick up his phone and go on Twitter, bless his heart as we say in the South.

J. Aughenbaugh: In my ideal world, all future presidents will have no social media accounts.

N. Rodgers: Well, I mean, they took away President Obama's phone, they were like, "No, you can't have your phone." He's like, "What do you mean I can't have my phone? Well, then I don't want to be president anymore." Terrible.

J. Aughenbaugh: I just think that we need to return to the norm where White Houses can't do press conferences.

N. Rodgers: The press secretary keeps you from saying things that you immediately want to say. It's not that presidents shouldn't have the right to have those emotions, he should certainly have that right, he should also, I think, have some internal Twitter account where he sends that to just a few people who go, "Yes, you're right, that's totally unfair." Or whatever, and then he can get it out of his system.

J. Aughenbaugh: Listeners do understand neither Nia or I are making a comment about the quality of the Trump presidency or whether we like Donald Trump as a president etc. We're just talking about the President.

N. Rodgers: That any President should not have Twitter.

J. Aughenbaugh: No.

N. Rodgers: Because you're eventually going to show your butt as they say.

J. Aughenbaugh: Yes.

N. Rodgers: Because you're going to say something out of turn that you shouldn't say because you're mad or because it's four o'clock in the morning or because some country somewhere has pissed you off for the final time and you can't stand it anymore, and you go on there and you say something stupid like, "I'm going to nuke Kazakhstan." Then everybody goes, "What?" Then Kazakhstan's like, "What did we do?" Then it just turns into this whole thing. Then the President has to say, "I'm not, I was kidding, I'm sorry." Or in this case, this president doesn't do that, but he sends other people to say that.

J. Aughenbaugh: Sure.

N. Rodgers: I mean, then Kelly Conway's almost entire job is apology and/or redirection and she's brilliant at it because you'd have to be.

J. Aughenbaugh: Sure, I mean, I couldn't do her job.

N. Rodgers: I couldn't either.

J. Aughenbaugh: Because I would probably, they would send me out there to go on to talk with reporters, or go on a cable news show and I'd be like, "Yeah, that's bullshit." I'm like, "I have no idea why they went ahead and why the President sent that tweet."

N. Rodgers: Yeah, must have been four in the morning he must have had a bad batch of.

J. Aughenbaugh: Diet Coke.

N. Rodgers: Yeah, sorry about that, and then move on.

J. Aughenbaugh: Yeah.

N. Rodgers: Like it would be or I probably would get myself in trouble by agreeing and saying something even worse and not only that, but also this and this and then people would say, "What is the White House's position?" and they would say, "Well, we're not sending Nia out again because she clearly can't control herself."

J. Aughenbaugh: Well, back to [inaudible] .

N. Rodgers: Sorry, but it has emboldened his Twitter account as well. This impeachment trial, it's not just involved in-

J. Aughenbaugh: I mean, he is going after enemies, he is pardoned and commuted the sentences for a number of individuals and as I pointed out with my students, typically presidents withhold patterns and commutation of senses until their last year of their last term. So you frequently see this with the last year of the second term, he's running for re-election. So I cannot even imagine what kind of patterns in commutation.

N. Rodgers: On the second, if he wins the second term.

J. Aughenbaugh: There are so many political, if you will, layers to impeachment. You and I talked about this in a previous podcast episode. Yes, it is a constitutional authority that the Congress has to check the executive branch or even judicial branch officials, but there are so many political calculations and this gets at your lament and other people's lament. If you look at what Congress did, they basically stopped doing any legislating for the last quarter of 2019, and it completely occupied the United States Senate for the first three, four weeks of the 2020 Congressional term. So you're basically talking about 4-5 months where the United States Congress basically did very little work. So you got a whole bunch of people who were like whether I'm a Democrat or Republican, it doesn't matter, my criticism and I'm speaking for them, is the Congress didn't do anything.

N. Rodgers: The Congress did some stuff. It looks from the media portrayal that the Congress wasn't, there were hearings that were being held and things like that, but the mental occupancy was taken up by this.

J. Aughenbaugh: We know historically whether it was the impeachment of Clinton or President Andrew Johnson, or even lesser Executive and Judicial Branch officials who were impeached. It is a time consuming process.

N. Rodgers: Yes.

J. Aughenbaugh: There are some things that do get delayed, postponed in either house of Congress while they are considering this. We also know that even though Richard Nixon was not impeached, the House of Representatives was drawing up articles to impeach him and the Senate was already taking vote counts as to whether or not they would find him guilty. That is what what led to Republican members of the House and the Senate to go to the White House and say, "Mr. President, not only will the House impeach you, there's probably enough votes to find you guilty and that's what led Nixon to resign." But that all takes time.

N. Rodgers: So he would have been the first and only at this point president yo be-

J. Aughenbaugh: Removed because of impeachment? Yes, he would have been found guilty.

N. Rodgers: Can I ask you a question about impeachment that has nothing to do with this particular impeachment?

J. Aughenbaugh: Sure.

N. Rodgers: I've been rolling around in my head the idea that do you think there's some resistance to impeaching a president because then what the heck do we do?

J. Aughenbaugh: Well, that is the ultimate sanction.

N. Rodgers: I mean, like the process at that point is it known? Like what happened? Let's just pretend for just a moment that Nixon's trial had gone and that they had found him guilty of I'm sure the impeachment articles were things like impeding justice and blah, blah, similar to what President Trump's would have been. So let's say they found him guilty, Senate finds him guilty and they say, you go now, is that what they say?

J. Aughenbaugh: Yeah.

N. Rodgers: Then the president says, "No."

J. Aughenbaugh: Well, that's actually been posed to me by a couple of my colleagues who were wondering what happens this November if President Trump loses the election.

N. Rodgers: Refuses to vacate the White House.

J. Aughenbaugh: Argues that the reason why he lost was because of voter fraud.

N. Rodgers: Right, or some other intervention by another country, something. Because there is doubt about our election process currently, you have to look at Iowa in order to see that even a simple thing can be turned into and after [inaudible] call an election into question.

J. Aughenbaugh: At that point, we're in uncharted territory.

N. Rodgers: Is that your answer?

J. Aughenbaugh: Well yeah, because it's not happened before.

N. Rodgers: I don't like that answer.

J. Aughenbaugh: None of my colleagues have liked that answer.

N. Rodgers: Oh good, well then I'm in good company because I know your colleagues and I like them.

J. Aughenbaugh: Okay, but my response has been this. Typically, what we would see is the United States Congress would. So let's go with the scenario that the 2020 presidential election, the result is the Democratic nominee wins, and President Trump says, "I refuse to turn over the office because I believe I did not lose due to a voter fraud."

N. Rodgers: Right.

J. Aughenbaugh: Now, because of the Electoral College. Electoral College voters come to DC in December, and they cast their votes. At that point, then Congress certifies the Electoral College results. If a president then says, "I'm not stepping down because I don't believe I lost." Then the United States Congress would have to act institutionally before they could file a lawsuit in Federal court. What I'm talking about here is just because certain members of Congress believe that the President should step down or that the president lost, know the courts are going to want Congress to speak as an institution, which means either or both the House of Representatives and the Senate will have to pass a resolution saying, "We have certified the Electoral College results." The winner of the 2020 presidential election is the Democratic Party nominee, and if at that point.

N. Rodgers: Or me.

J. Aughenbaugh: Okay.

N. Rodgers: Is near.

J. Aughenbaugh: Yeah. The president refuses to step down, then they could file a federal lawsuit. Yes, then it would go into the federal courts. As I've told my colleagues, this is where rules of justiciability, where the federal courts tried to answer the question, should we take a case? Unless Congress acts institutionally, the federal courts could punt the case. They could just avoid the case by saying, "Congress has not yet acted institutionally, so we're not going to take the case." They could do so because they could argue that the case is not ripe, meaning there is not actually a conflict. There are other avenues that could be taken, or they could go ahead and say it's a political question that is best decided by the political branches. They are less likely to say it is not ripe or that it's a political question, if Congress goes ahead and says, "In an institutional resolution, we believe the results of the 2020 presidential election is X, and we have the incumbent president refusing to legally acknowledge the results."

N. Rodgers: Okay, wait. Do you think that it's possible that the house would say one thing and the Senate would say another?

J. Aughenbaugh: That's completely possible in the current hyperpolarized time that we live.

N. Rodgers: So then there wouldn't be a universal resolution of some kind?

J. Aughenbaugh: No but there would be at least one house of Congress that institutionally spoke, which would allow at least for some federal judges, hey, at least one house of Congress has accepted the Electoral College results. We now have to step in. But even if it goes to the Supreme Court, the Supreme Court says "President Donald Trump, you lost the 2020 presidential election. You must now step down so that Neil Rogers can be the next president." Again, it's not like the Supreme Court has an implementation units.

N. Rodgers: I was going to say they don't have any enforcement power beyond, we are telling you to do this.

J. Aughenbaugh: That's right.

N. Rodgers: Don't make us come over with our black robes and lace collars and sit on your lawn.

J. Aughenbaugh: Yeah

N. Rodgers: Because that's what we'd have to do since we don't have an army. I mean, I think they have one guy. Don't they have one guy who stands at the back of the court basically keep you from leaping at people? Right, security force but they are probably not commandos that can go over to the White House and take down the President.

J. Aughenbaugh: Its only defensive. It's to avoid cracked pots like me showing up during oral arguments and yelling.

N. Rodgers: "You can't do that. Okay, drag him out now."

J. Aughenbaugh: Okay

N. Rodgers: So what absolute worst-case scenario, which I don't believe is going to happen? But absolute worst-case scenario is, we have this election I win.

J. Aughenbaugh: That's not the worst-case part of the hypothetical.

N. Rodgers: Well, it depends on who you ask, and President Trump refuses to step down, and then Congress says, "No Neil won, you have to go now," and he says, "I'm sorry, I can't hear you over the sound of me not listening," and then the Congress sues him.

J. Aughenbaugh: Yeah, files a lawsuit.

N. Rodgers: Says, "Make him go away." The courts works its way up to the Supreme Court because it has to start at the district level, you can't just leap to the Supreme Court level. The Supreme take it because there's no way they're not going to take it. If they took Bush v. Gore, they're going to take this because this is a whole different, this is potentially country-ending stuff.

J. Aughenbaugh: Well, if the logic of Bush versus Gore is applied here, they have to take the case because the reason why they talk Bush versus Gore is that.

N. Rodgers: The termination.

J. Aughenbaugh: Because many of the justices were just like, "Hey, we're into December and we got the Electoral College vote coming up and Florida is still down there looking at hanging chads."

N. Rodgers: That's right, I got to knock that off. So then the supreme say, "You go now to the President." The President says, "I still can't hear you because I have earbuds in where I'm not listening. I'm not listening to what you say." We don't have a mechanism as a country for what to do with that point.

J. Aughenbaugh: No because the armies get actually controlled.

N. Rodgers: Works for him.

J. Aughenbaugh: That's right. So does the FBI.

N. Rodgers: Now, the question is but when you take your oath, you specifically say that you will uphold the Constitution.

J. Aughenbaugh: Yeah.

N. Rodgers: So if a president stays beyond his election, there becomes a question about whether that's constitutional or not. If the Supreme's rule is unconstitutional, they may not back his play. We don't know because we don't know what they would do, but we would be in completely uncharted. Well, actually, no, we would be in a coup.

J. Aughenbaugh: Well, I mean, potentially.

N. Rodgers: If everybody in the nation agreed that I won but Donald Trump wouldn't leave, is that not a coup?

J. Aughenbaugh: Well.

N. Rodgers: Isn't it like what happened in Venezuela?

J. Aughenbaugh: No. But potentially, yeah. But also too in your hypothetical. Okay, the Department of Defense. Every member of the military takes an oath to uphold the Constitution, right? Okay, fine. But what part of the Constitution?

N. Rodgers: Right.

J. Aughenbaugh: Okay. In Article II of the Constitution, the president is commander in chief. If your commander gives you an order, you're supposed to follow, right?

N. Rodgers: Right. Except unless it's an unlawful order.

J. Aughenbaugh: Okay, unlawful. But how about this?

N. Rodgers: Which is the whole question about the Nuremberg trials they made me do it.

J. Aughenbaugh: Okay. But also the president needs to take care to faithfully execute the law. If Donald Trump is saying, "I am faithfully executing the law," and the law is we need to have a free and fair election and I'm arguing that it wasn't either free or fair, which part of the Constitution do you uphold?

N. Rodgers: Yeah, it's complicated.

J. Aughenbaugh: Sure it is.

N. Rodgers: Now, we're doing this whole hypothetical hyperbolic sort of thing. I don't think that would happen because I honestly don't believe. I do not believe in his heart of hearts that Donald Trump wants to destroy the United States. That would have such a deleterious effect on the United States, on the markets, on people's day-to-day lives. That roiling drama, it's not the drama that we've had with the impeachment, it would be times eight trillion. It would just be.

J. Aughenbaugh: Sure.

N. Rodgers: Horrific.

J. Aughenbaugh: On the other hand.

N. Rodgers: I think he is a reasoned adult, and I think he has reasoned people around him, who would say, "Your legacy is going to be destroying the United States. Is that what you want?"

J. Aughenbaugh: You say all that, and that's what I hope for. On the other hand, there are political scientists and there's a book I'm using right now in my Crisis of Democracy's class: How Democracies Die, to where Donald Trump goes ahead and fits pretty much all the variables or all the characteristics of a populous demagogue. Who goes.

N. Rodgers: He would see himself as a savior figure.

J. Aughenbaugh: Sure.

N. Rodgers: He would see himself as saying, "This election was unfair, and this is not the will of the people."

J. Aughenbaugh: The system's not working.

N. Rodgers: The system is rigged, and so I need to stay here and fix it. Which is how you get the second term, then how you get the third term is, we need to change.

J. Aughenbaugh: The constitution.

N. Rodgers: The constitution, which is what our young Mr. Putin on his horseback,

J. Aughenbaugh: There are.

N. Rodgers: Shirtless horseback riding moments says.

J. Aughenbaugh: There are a number of demagogues of allegedly democratic regimes currently in the world.

N. Rodgers: They are on their 18th term because.

J. Aughenbaugh: They've come in and gone ahead and said that the constitution currently doesn't serve the public, we need to make changes to it. If there are people in the national legislature, the equivalent of our Congress who don't agree, then we need to replace them with people who actually do agree that the system no longer works. Then once you get the new people in, you change the constitution. If the judges disagree,

N. Rodgers: then you remove the judges.

J. Aughenbaugh: Or you pack the courts.

N. Rodgers: Very Rooseveltian of you.

J. Aughenbaugh: That's why even liberal constitutional law scholars have pushed back against some of the democratic party nominees for president who'd been talking about packing the courts.

N. Rodgers: That way lies madness.

J. Aughenbaugh: That's step one or two out of the demagogue playbook.

N. Rodgers: Is there a book? Demagogues 101, where you open and be like, "First, win an election. Second, never have another election. Third, get rid of the judges."

J. Aughenbaugh: Demagogues for dummies, right?

N. Rodgers: You know what? Can I just stop you for a second? I got my HSEC degree while you were the chair of that department.

J. Aughenbaugh: Sure you.

N. Rodgers: I think I have told you on multiple occasions, that for those two and a little bit years, I did not sleep at night because you taught me to be afraid of things that I had never even considered being afraid. You and your colleagues, it wasn't just you.

J. Aughenbaugh: Yeah.

N. Rodgers: All of a sudden I

J. Aughenbaugh: By constitution.

N. Rodgers: Was worried about EMPs, and grid down, and solar flares, and then I was worried about hurricanes, and Katrina, and people die.

J. Aughenbaugh: Gaps in the constitution.

N. Rodgers: I was worried about all kinds of stuff. Then the questions about you in your law class, we talked about Guantanamo in two different cases.

J. Aughenbaugh: Yes.

N. Rodgers: How do we deal with prisoners of war? What do we do with that sort of thing? Who gets rights and who don't? I didn't sleep. For two-and-a-half years I didn't sleep and all my friends were like, "What is wrong with you?" I'm like, "No, I'm fine. I'm just getting this degree." What you're laying out here is my terrified scenario of, "Woman I just can't ever sleep again." The idea that any president, not Donald Trump but any president would say, "I'm not going, and you can't make me"

J. Aughenbaugh: Is terrifying.

N. Rodgers: We've just always assumed that people would be gentlemanly or a gentle-womanly or whatever recently, and have the peaceful transition of powers. It scares me to think that there might not be that in our future.

J. Aughenbaugh: In his book, *How Democracies Die*, they talk about two behavioral norms that are so important for democracies to continue to be viable. One is mutual toleration, meaning that you tolerate the opposition, you acknowledge that they are legitimate, that when they win elections, they get to occupy the authority of those positions.

N. Rodgers: We were low on that.

J. Aughenbaugh: We're low on that, and then the other one is forbearance. It's the idea that just because you have the authority, you shouldn't necessarily use it.

N. Rodgers: Holy cow, we're low on that too. We're doomed. Great. Thank you, I didn't want to sleep tonight anyway or ever again [inaudible].

J. Aughenbaugh: This is going to make it worse in regards to you not sleeping. My colleague, Judy Twig, in her series, it's pretty remarkable how we are recording this podcast episode the morning after she sent me a flurry of text messages.

N. Rodgers: I love Doctor Twig.

J. Aughenbaugh: Okay.

N. Rodgers: She's awesome.

J. Aughenbaugh: She goes, "Well, from a public law perspective, how would this play out? Basically in response to this scenario you and I've been discussing for the last 10 minutes. Then she said, "What's your level of confidence that we will have a peaceful transition?" I said, "Judy, I'm an institutionalist. I study institutions, and whether or not they have the capacity to act, or if you will, forethought, the forbearance to occasionally not act." I said, "This is what troubles me." Because right now, the United States Congress does not have the capacity to work as a singular institution to push back like James Madison constructed in the constitution. This goes back to, why do you have separate but shared powers? Madison's assumption was that, ambitious people in each branches of the government would push back against the other branches if they went too far. You could say, impeachment, was at least one house of Congress pushing back, but they didn't act in concert. As far as Trump is concerned, he was found not guilty so he's emboldened to go ahead and act. What if Congress doesn't act as a singular voice in this election scenario that we've laid out, right? As I told Dr. Judy Twig, I said, "Judy, what concerns me is, right now Congress does not have the capacity to push back." We have a federal court branch, but in particular, the United States Supreme Court, where a majority of the justices are conservatives. I said, "My only hope, is that justices like John Roberts or Neil Gorsuch say, hey, wait a minute here." Not only is this bad for our institution, if we don't go ahead and say, "Incumbent president, you have to turn over the office", but they also recognize it would be bad for their institution if they don't. I said, "I'm not entirely sure that the courts are institutionally capable." That's what concerns me, it's the damage to the institutions. Even if we get through this, even if we got through this nightmare scenario, I'm not entirely sure that our institutions right now would be able to recover as quickly as we would hope that they would, so that the nation goes back to governing. That's always the downside. I laid this out in my crisis class. I said, "Okay, guys", I asked, "For a show of hands, how many of you are supporting Bernie Sanders in the Democratic primary?" A whole bunch raised their hand and I said, "You guys recognize that potentially this election we will have two major party candidates who within this decade or earlier in this decade, weren't even members of those parties."

N. Rodgers: Right. Because Bernie Sanders was independent.

J. Aughenbaugh: That's right.

N. Rodgers: Decided to run as a Democrat and Donald Trump for a long time.

J. Aughenbaugh: Was a Democrat.

N. Rodgers: Was more or less a Democrat, although I don't know if he was ever declared.

J. Aughenbaugh: Declared? No. But he was supportive of certain, if you will, policy positions of the Democratic party.

N. Rodgers: Acts in many ways as libertarian.

J. Aughenbaugh: Sure.

N. Rodgers: Currently. He's across the board.

J. Aughenbaugh: I said, "What we know historically is that when political parties don't act as gatekeepers for who actually runs or they don't do a really good job, weeding out populous demagogues, that's when in other countries the democracies have failed."

N. Rodgers: You have to stop doing this to me.

J. Aughenbaugh: I'm just reporting what the political science scholarship and research points out.

N. Rodgers: No, you're making me sad and you're going to make me have big black circles under my eyes. Wait, but I want to ask you about that, I mean, because you said something and you triggered something that made me think. So I think Mitch McConnell, I think his nirvana would be a Republican president forever.

J. Aughenbaugh: Sure.

N. Rodgers: But I'm not sure his nirvana is Donald Trump as president forever?

J. Aughenbaugh: No. If I had to venture a guess, Mitch McConnell is said to go ahead and make the equivalent of a deal with the devil.

N. Rodgers: Right. So I'm not entirely certain that Mitch McConnell would support an eternal presidency from Donald Trump because I do think that he, like many politicians, really prefers the status quo. He prefers recognizable plays within the playbook. This is how we run a Republican election. This is how we run a democratic election. I think he prefers that. I don't know that he would make the choice to say, "I'm going to get behind Donald Trump forever." I could see him making some bargain with Pelosi about, we're going to come out as you have to accept the election because we believe that elections are important and because we are not certain that we want this president to be ongoing forever.

J. Aughenbaugh: So in the hypothetical, we laid out. You have an incumbent president who refuses to accept the outcome of a presidential election.

N. Rodgers: Right. Do they just punt since this is a first term president?

J. Aughenbaugh: The speaker is still Nancy Pelosi, a democrat and the Senate majority leader is still Mitch McConnell. I could see Mitch McConnell making a deal with Pelosi that basically goes ahead and says something along the lines of the following, "Okay. Fine. I will instruct the Republican Party caucus in the Senate to accept a resolution," saying that there should be a peaceful transition of authority from the current president to the, let's say, Democratic nominee who won the election. But you have to go head and promise me the following in regards to pay back.

N. Rodgers: A deal?

J. Aughenbaugh: Yeah, he would make.

N. Rodgers: An old-school deal?

J. Aughenbaugh: He would, you know, an old-school deal.

N. Rodgers: I'll back your play for going to the courts, but the next nominee for something or the next whatever, you do without.

J. Aughenbaugh: Yeah, you can't go ahead and punish us. Okay?

N. Rodgers: Yeah.

N. Rodgers: You have to instruct your folks not to use this in the next election is some leverage because that's not cool.

J. Aughenbaugh: Pelosi made that deal, and by the way.

N. Rodgers: Which she would.

J. Aughenbaugh: Well.

N. Rodgers: Maybe. Well, maybe. She's wildly.

J. Aughenbaugh: She is but Pelosi would have to go ahead and rain in the more progressive part of her caucus.

N. Rodgers: That's true. She's got some young ladies up there who have definite opinions.

J. Aughenbaugh: Yes, whose approach to the Republican Party.

N. Rodgers: Slash and burn.

J. Aughenbaugh: Okay. Is slash and burn. Not mutual tolerance.

N. Rodgers: Right.

J. Aughenbaugh: That's what the truly scary thing is, in both political parties right now.

N. Rodgers: You have some pretty intense people who are not interested in working with the other side at all.

J. Aughenbaugh: The notion of forbearance also talks about how you accept short-term losses for long-term benefits and gains.

N. Rodgers: Right.

J. Aughenbaugh: So the Republican party, in my estimation, very correctly, has been castigated in the media for jumping on board with the current president because it led to short-term gains. They went to president and they regained control and maintained control of the Senate.

N. Rodgers: For now.

J. Aughenbaugh: For now. But what does that do to the party long-term?

N. Rodgers: Right. Because the Republican Party is in disarray.

J. Aughenbaugh: In a disarray.

N. Rodgers: When you can say with a straight face, Mitt Romney is not a Republican.

J. Aughenbaugh: I'm sorry.

N. Rodgers: What are you talking about? Your face should be doing weird things when you say that.

J. Aughenbaugh: Your nose should be like Pinocchio's.

N. Rodgers: Right. I mean, come on. Every other vote he's taken has been clearly in the Republican category. He's not some Centaurus funky weirdo.

J. Aughenbaugh: No

N. Rodgers: I mean, come on. This is Mitt Romney were talking about.

J. Aughenbaugh: He's an establishment Republican who got elected to the Senate from the State of Utah.

N. Rodgers: Well, and from a place where he didn't even live until about 10 minutes before that. But Utah, right? If it were any more conservative.

J. Aughenbaugh: Yeah. I mean, we're talking rock-ribbed, straight down the line of Republican. I'm listening to members of the Republican Party who was like

N. Rodgers: He's not really a Republican, who are you talking about?

J. Aughenbaugh: On what planet is he not.

N. Rodgers: Exactly.

J. Aughenbaugh: Is he not a Republican?

N. Rodgers: If we're living in that world where he's not a Republican, then we may be living in the world where the president just digs in and says, "I don't care what the election is, I'm not leaving."

J. Aughenbaugh: Yeah.

N. Rodgers: I mean, we may actually be living in that world because those guys, I don't understand. I guess my first part of my frustration with the impeachment is, impeaching a president is a big deal, I get it, and voting against your party's president is a huge deal. For some some people, that means you won't be in office anymore.

J. Aughenbaugh: Yeah.

N. Rodgers: Because you'll get voted out, you'll get primaried. I get that, and I get that some of that was self-protection. But there's another part of me that says, where's your line? Where's your line, if the president releases emails that say, "I did this criminal thing, right? I told them to hold the money, blah, blah, blah." They did, they released those emails, and you can still vote to not impeach. Where's your line? What does the president have to do to be impeached? I'm a little worried about that. I'm a little worried that we're setting that bar to a place where so does the president have to be an active shooter at an elementary school in order to be impeached, like where's the line? I mean, it shouldn't just be, it's casual. That should never be in question.

J. Aughenbaugh: I was going to say that is a question that some neutral observers have wanted to ask the Democratic House Managers of the articles of impeachment during the trial. So if this was abuse of power and obstruction of justice, is that now the line in regards to presidents being impeached?

N. Rodgers: Yes. I'm not sure I agree with that.

J. Aughenbaugh: Okay.

N. Rodgers: Because that comes down to a really subjective definition of what you think.

J. Aughenbaugh: Yeah, because as I told my students, I said, "I'm old enough to remember when Bill Clinton got impeached." I said, "I was a little shocked when he wasn't found guilty in the Senate because he lied under oath. He broke the law."

N. Rodgers: Right. An obstruction of justice is breaking the law, like I'm not so sure I think about the first article. It's the second article that I was like, okay, but if you have obstructed justice, if you have not released things you should have or you didn't, or you told people not to talk when they'd been subpoenaed. There are some serious questions there about your upholding the law.

J. Aughenbaugh: With that particular charge, obstruction of justice. The argument that the house was making is, the President ordered all of his subordinates and all of the agencies within the realm of the executive branch to not comply with house subpoenas.

N. Rodgers: Right.

J. Aughenbaugh: Okay. Now, as other constitutional law scholars have pointed out, that's happened before. But typically, what has happened before is both sides, the Congress and the president, negotiated back channels behind closed doors and worked out deals to where some information got released and other information was kept private or confidential. But neither side right now is willing to go ahead and compromise.

N. Rodgers: Right.

J. Aughenbaugh: Nancy Pelosi could not go head and say to the progressive wing of her party, "Hey guys, we're getting this information, but we're not getting this because I've made a deal." Likewise, Donald Trump, clearly drew a line in the sand and said, "I can't believe they're investigating me. I can't believe they're even challenging me."

N. Rodgers: "I'm not giving them anything."

J. Aughenbaugh: "I'm not giving them anything." That's where we're at right now.

N. Rodgers: Right

J. Aughenbaugh: I don't know if the President obstructed justice per se. A legal definition is, oh, hell, yes he did. But in terms of the history of this country, what usually happens, and numerous scholars have pointed this out. As far back as the first President, George Washington was asked by the Congress to give information in regards to a number of different scenarios. Washington didn't push back and said, "No, in effect, executive privilege." What they did was they worked behind the scenes and they came to

an agreement and Washington released some information, but not all of it, which allowed both parties to save face publicly. But they made a deal. They made a deal.

N. Rodgers: Yeah, I think we're post-deal politics at this point.

J. Aughenbaugh: Well, I mean, think about this.

N. Rodgers: It's really scary.

J. Aughenbaugh: It is truly scary, right?

N. Rodgers: We can't get basic deals on basic, I mean, this is more complex and maybe we couldn't have gotten this deal, but we've gotten to the point now where, and I'm not.

J. Aughenbaugh: You can make the criticism of both sides of the President.

N. Rodgers: Nancy Pelosi should have drawn up those articles of impeachment, and then walked them right over to Mitch McConnell's house.

J. Aughenbaugh: But sat on them for what? Three weeks?

N. Rodgers: Right. Don't make drama where there doesn't need to be drama. If you think this is the right thing to do, do it. Do it and be done with it so that the country can get into it, get over it, and move on or whatever.

J. Aughenbaugh: Her argument was, I want a guarantee from the Senate that they will actually hold a meaningful trial. I was just like, okay.

N. Rodgers: But you're not going to get that.

J. Aughenbaugh: You're not going to get that, right?

N. Rodgers: What a thing to say to the Senate. "I don't believe you're going to hold a meaningful trial."

J. Aughenbaugh: So then why did you go ahead and vote on articles of impeachment?

N. Rodgers: Because now you've put some of your people in a position of being in trouble in their districts because they're from more conservative districts. So now, they're having to answer for a question that didn't need to be asked if you didn't think there was going to be a fair trial. Yeah. I'm annoyed by all of it. I'm annoyed by all of it because I think all of it was theater.

J. Aughenbaugh: Oh, it's political symbolism.

N. Rodgers: I think it was bad theater.

J. Aughenbaugh: Oh, yes.

N. Rodgers: It was like off, off, off, off Broadway community theater, but not even that good because community theater, those people are at least have voted and they learn their lines.

J. Aughenbaugh: Okay, yeah, it's like sitting through a play where midway through the second act and you know, there's going to be a third act. You start questioning, one, who wrote this? Two, who designed the, if you will, the stage and all the decorations, etc, you start wondering, is there any direction going on here?

N. Rodgers: Right. You start asking yourself questions that have nothing to do with the play, at that point. You're like, "Oh, I wonder where she got that purse. That's a really nice purse." I mean, you've lost the thread.

J. Aughenbaugh: Then when your mind comes back. You start thinking about the actors, and this badly written, badly directed play and wonder who thought that this person could play this role, and then you're like, "Oh, and there's one more act. Okay, can I feign illness?"

N. Rodgers: Right. Is it impossible for me to call in sick for the third act?

J. Aughenbaugh: You feel terrible because you know that some of these people are truly committed, etc, but you're like, this has been a fiasco from the onset.

N. Rodgers: Yes. We thought we would do Romeo and Juliet through interpretive dance. Okay, I hung in as long as I could, right. I'm not, actually there probably is a really good production of interpretive dance for Romeo and Juliet. But anyway, I haven't seen it if there is one, but it frustrates me and angers me that we are at the point where political theater is more important to us than actually doing the people's business. I don't believe it's just one side or the other, I believe it is both sides.

J. Aughenbaugh: Yes.

N. Rodgers: I think they're both guilty and I think the President is guilty of this.

J. Aughenbaugh: My goodness, yes.

N. Rodgers: If the president is guilty of grandstanding when he could just be doing the work of the presidency, and I think he imperils the work of other people by dragging them into stuff they didn't, like I'm not a huge fan of William Barr, but I think William Barr is a competent attorney. I think he's a competent bureaucrat and I think he woke up one day and thought to himself, "Why am I in this play and how can I get out of it?" You know what I mean?

J. Aughenbaugh: At what point did William Barr look around to his family and friends and say, "Why did you guys not hold me down, lock me in my basement until I said, 'No, I don't think that this is a position or an offer I should entertain.'"

N. Rodgers: Exactly. "It's been an honor to be asked, Mr. President, but I'm going to have to say no." Do you know, John Kelly is thinking that too, "Man, I should have just said, no."

J. Aughenbaugh: Yeah.

N. Rodgers: I mean, President Trump is, there's lots of people who've been embroiled in that thing who probably would not have been embroiled in it otherwise.

J. Aughenbaugh: Yeah.

N. Rodgers: Then there are other people who've been quite successful, in part because they are doing things the president cares nothing about. Part of it is that if you get on his radar, it's a bad thing, because now he wants to get involved. But if you can stay off his radar, you can go about doing things the way people have been doing things for dozens of years. I'm not sure that he's the only president that that has been true of, because I think other people have run afoul of presidents who were like, "What are you going to the Middle East for?" You're like, "Nothing." Then they want to know and then you're like, "Well, I was just going to see if I could negotiate a treaty," and your voice drifts off and they say, "What?" All of a sudden, now you're in the spotlight. I'm sure that actually happens with a lot of presidents. But this particular president is so used to veto power in his personal life and in his business life, that it doesn't occur to him to get out of the way of people who may know more about something than he does and let them do that thing, which I think is probably enormously frustrating. It's got to be enormously frustrating for Nancy Pelosi and Mitch McConnell. We've been doing this for a 1,000 years. Well, not a 1,000. But we've been doing this for quite a few years, get out of our way and let us negotiate the Congress for you, and that just doesn't seem to be happening.

J. Aughenbaugh: Yeah, because I don't think right now, Nancy Pelosi or Mitch McConnell, one, are all that pleased having to interact with President Trump. I don't think they're all that pleased with the more radical members of their caucuses.

N. Rodgers: You know what I think? I think that they would, if they could. They would say to everybody, hush. They just say it to every single person who is within their realm of influence, "Hush, let me do the talking. Let's move it back to the middle, let everybody calm down. Stop going on off on tensions."

J. Aughenbaugh: So in one of our previous discussions where we went ahead and advocated that all future presidents should not be on social media, I'm thinking that both Nancy Pelosi and Mitch McConnell would like to have all of their members.

N. Rodgers: Not on social media. No Facebook, no Twitter.

J. Aughenbaugh: No Instagram.

N. Rodgers: No Instagram. No Tinder account. I don't care if you're single, you're going to stay single, nothing. Nobody talks to anybody. Oh my God, they probably would love that. But this is way beyond that as a generation.

J. Aughenbaugh: My goodness, yeah.

N. Rodgers: In fairness to the younger folks that are coming up, they're like, "Your geezerly ways have not worked, so we got to try something else, because this isn't working."

J. Aughenbaugh: Yeah. Are we in a transition period in the lifespan of our democracy?

N. Rodgers: Right, and how we perform our demand.

J. Aughenbaugh: Because that's the question, in particular, I have asked my students in my Crisis of Democracy class. I said, "Is this just a transitionally period?" They said, "Is this akin to the Civil War, the Great Depression in the New Deal?" Because I said, particularly with the latter of those two examples, not only did we have a paradigm shift in regards to which level of government would dominate the federal government instead of state local governments, but we also threw off the coat of isolationism with our involvement in World War II.

N. Rodgers: Right. Then we ended up in Korea, and Vietnam, and Afghanistan, and Iraq.

J. Aughenbaugh: That was a huge transition in regards to US Foreign Policy. Think about the Cold War. When the Cold War ended, for a short period of time, we were the world's dominant power. We were the hegemon in the language of international relations, and you could make the argument, we didn't respond all that well. We didn't. We now live in a post-terrorist world. As you and I have discussed, we still haven't dealt with fundamental questions about how to retrofit the Constitution in a post 9/11 world.

N. Rodgers: War zone things and not on states.

J. Aughenbaugh: That's right.

N. Rodgers: Because in the time of the Revolution, they didn't really have war zone ideas. We're throwing off monarchy, they didn't throw off monarchy.

J. Aughenbaugh: No.

N. Rodgers: They threw off Great Britain.

J. Aughenbaugh: Yes.

N. Rodgers: Right, they weren't. Because if they were throwing off monarchy, they wouldn't have immediately turned around and said to Washington, "You want to be king?" He was like, "No, thanks. I've got few other things to do." So in the whole scenario of-

J. Aughenbaugh: I have some Moonshine to go ahead and produce.

N. Rodgers: Exactly. I have to go get another set of teeth made. I know it's not. His teeth were not made of wood.

J. Aughenbaugh: But he was a Moonshiner.

N. Rodgers: Was he?

J. Aughenbaugh: Yes, he was.

N. Rodgers: Good for him. Weren't they all at that point? It's not like it was illegal.

J. Aughenbaugh: That is a very good point. But a number of our, "Founding Fathers" like many wealthy Americans at that time. By the way, great book, wholly unrelated to this discussion. Daniel Okrent, who was a former editor, publisher of the New York Times, wrote a book called Last Call: The Rise and Fall of Prohibition in the United States. In the first three or four chapters of the book, he talk about how we were a nation that was basically founded on alcohol, because so many of our Founding Fathers made a whole bunch of money producing alcohol. That's what's even more remarkable about the fact that we actually pass the prohibition Amendment was that, this was a nation that to a large extent was founded on alcohol. But then we went ahead and said, "You can no longer traffic in alcohol." What were we thinking?

N. Rodgers: Well, it didn't last.

J. Aughenbaugh: Yeah, true, it didn't last. But nevertheless.

N. Rodgers: What it showed us is that, sometimes amendments.

J. Aughenbaugh: The democratic process, it screws up.

N. Rodgers: Yeah. Is occasionally a complete mistake.

J. Aughenbaugh: Oh my God, yeah.

N. Rodgers: Well, and sunset clauses come into play once you get the 27th, which is 200 years old.

J. Aughenbaugh: Yes.

N. Rodgers: Because somebody said, we ought to start putting the sunset clauses on these things. Because otherwise, they could just hang on here forever.

J. Aughenbaugh: Then a college student writes a paper.

N. Rodgers: The next thing you know.

J. Aughenbaugh: We're off to the races. But anyways, I digress. But never thought.

N. Rodgers: So in the scenario, just let's go back to our worst-case horrible scenario. I know we were going to wrap up here in just a couple of minutes. So let's pretend, Donald Trump digs in.

J. Aughenbaugh: So you really don't want to get to sleep any time soon?

N. Rodgers: I don't.

J. Aughenbaugh: Okay.

N. Rodgers: No, not now. Because it's morning when we're recording this, and that seems like not a good thing to do at work.

J. Aughenbaugh: But I just want to make it very clear to the listeners, despite my best efforts to move away from you these nightmares.

N. Rodgers: It's true, I've come back to the scenario. My earrings keep falling out, that's how bad it is.

J. Aughenbaugh: It's hypothetical.

N. Rodgers: So Donald Trump is dug in and he's got those guys, snipers on the rooftop and all of this staff to protect him, and he's like, "I'm not going anywhere."

J. Aughenbaugh: You watched White House Down way too many times.

N. Rodgers: I've not seen that movie, but I'm going to. Do you think that the American people are organized enough to march/rebel? Because I've always wondered about that and I know it's a separate question and I'm going to ask you that question on another episode.

J. Aughenbaugh: Yeah.

N. Rodgers: So save your bigger answer for, how is it that these things actually happen? Because it's not like the people don't notice, when somebody wipes out their government and then installs themselves as dictator for life. It's not like the Philippines did not notice that Duterte has not gone away, right?

J. Aughenbaugh: Yeah.

N. Rodgers: Or Hugo Chavez or whoever you want, look at Putin, whoever you want to look at. So are we as Americans complacent? Will we be just like, "Oh, I do that but I got other stuff to do on Saturday, so I'm just going to stick around here," or would be just all mass go to DC and physically force the confrontation?

J. Aughenbaugh: Yeah, that's a good question, and unfortunately, on one hand I could see a whole bunch of people, particularly those who are not rabid partisans. Who would say, "This is unacceptable, and I now get to step up." On the other hand the American democratic regime has been labeled by very very bright scholars, historians, as being somewhat complacent at times. So while I acknowledge and appreciate the rich history of protest movements in the United States, I'm not entirely sure. This is one of those situations to where it would require not only those who oppose Donald Trump and all the Republican Party, but it would also require moderate conservatives to go ahead and say, "Even if this means that the person who I voted for in my political party needs to be removed from office."

N. Rodgers: Right. They would have to be willing to say country before party.

J. Aughenbaugh: Yeah, country before president.

N. Rodgers: Which will be be complicated.

J. Aughenbaugh: It would be complicated, because we know there's about those who voted for Donald Trump in 2016, and have remained faithful to him. Their support has not budged. It doesn't matter if he screws up, what he says of an inflammatory nature, whether or not he goes after [inaudible].

N. Rodgers: The truth in his office.

J. Aughenbaugh: Yeah, they have remained very very faithful.

N. Rodgers: I think that that's in part because they believe they are putting country first.

J. Aughenbaugh: Yeah perhaps.

N. Rodgers: I think they are seeing an existential threat to the American life, and the American way of life, and the American dream.

J. Aughenbaugh: Or at least their version of it.

N. Rodgers: Right.

J. Aughenbaugh: Yeah.

N. Rodgers: They think that he can fix that, or at least that he can prevent anymore deterioration of it.

J. Aughenbaugh: Sure.

N. Rodgers: I think very few people vote for somebody that they hate because they don't think there's a greater purpose being served. I have voted for people I wasn't totally thrilled with, but I thought that their purpose was in line with my purpose-

J. Aughenbaugh: Sure.

N. Rodgers: - and that their service, was the service that I would want.

J. Aughenbaugh: Yeah. Because you and I talked about it before. You and I are of a class of American voter who generally leans towards, "We want stability in government."

N. Rodgers: Right.

J. Aughenbaugh: I don't know if our numbers have shrunk so much that we have become a very distinct minority, but like you, I've actually cast votes for candidates who I'm like, personally, maybe even policy wise, they haven't rocked my world, they haven't made me really really happy, but I didn't think they would do all that much damage.

N. Rodgers: Right.

J. Aughenbaugh: Or that they were perfectly acceptable and would make sure that the bureaucracy does what it's supposed to, that the Congress occasionally gets checked, and that our foreign policy would not necessarily lead to World War III.

N. Rodgers: Yeah. That's has exactly been my calculus. I'm not in love with this person, I don't even particularly like them, but I believe them to be stable and intelligent. So I believe that they're going to make rational decisions. That's a huge thing for me. If I read about a candidate, I'm like, "Oh, you left rationality along time ago." Then it's like, I love the rats too damn high guy, right?

J. Aughenbaugh: Yeah.

N. Rodgers: I love him on a personal level, I could not vote for him-

J. Aughenbaugh: Oh, no

N. Rodgers: - he had been a national candidate. Because one, he's a one issue dude which is not good anyway. But also I'm not entirely certain how rationally what seem like, didn't Theresa May have a vote off against a guy with a bucket on its head? So bucket or something?

J. Aughenbaugh: Yeah, what was his name?

N. Rodgers: I can't even remember what his name was, but yeah, he wore a bucket on his head and she had to stand there in photographs with him, and not smack him. Well, she wouldn't smack him in the head because she'd hit her hand on that bucket. But she had to treat him as a real candidate because the people treated him as a real candidate. Well, you know what?

J. Aughenbaugh: I don't know.

N. Rodgers: I am just going to plan on not sleeping till late November. No, I guess late December because I have to see what happens with the Electoral College.

J. Aughenbaugh: The other thing is, what if the results are so overwhelming one way or the other? At that point then, even if there was voter fraud, it would still not affect the outcome.

N. Rodgers: Right. If it was 58 to 42, that's not a margin of error that's probably fraud.

J. Aughenbaugh: Yeah.

N. Rodgers: That's a speaking of the people.

J. Aughenbaugh: Yeah. If there was an Electoral College outcome, there's 540 of those votes, right? What if it was terrible mass. So please forgive me listeners but let's say one candidate gets 350, okay?

N. Rodgers: Right.

J. Aughenbaugh: The other one gets-

N. Rodgers: two-twenty, that's not a contest.

J. Aughenbaugh: Yeah.

N. Rodgers: It's sad, is what it is.

J. Aughenbaugh: Yeah.

N. Rodgers: But it's not a contest.

J. Aughenbaugh: But it would be considered a landslide and it wouldn't matter how much fraud occurred? You've got your buck kicked.

N. Rodgers: Yeah.

J. Aughenbaugh: Okay.

N. Rodgers: Was the President Obama said, "You've got shellac."

J. Aughenbaugh: Shellac.

N. Rodgers: You've got shellac.

J. Aughenbaugh: Right.

N. Rodgers: When she got to admire, that's a great word.

J. Aughenbaugh: While in the former painter and me, and I was just like, "Hey, I know that word."

N. Rodgers: Mean Obama have the [inaudible] .

J. Aughenbaugh: How about that shellacking? Anyways.

N. Rodgers: All right, so we'll talk to you again next week.

J. Aughenbaugh: Have a good day.

N. Rodgers: Thanks.

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