Tanya Domi:
Hi, this is Tanya Domi, welcome to The Thought Project recorded at The Graduate Center at the City University of New York, fostering groundbreaking research and scholarship in the arts, social sciences and sciences. In this space we talk with faculty and doctoral students about the big thinking and big ideas generating cutting edge research, informing New Yorkers and the world.

Tanya Domi:
Heath Brown is associate professor of public policy at John Jay College and the Graduate Center, CUNY. He studies policy process, interest groups, presidential transitions and education policy. He is the author of five books, including the forthcoming Homeschooling the Right: How Conservative Education Activism Erodes the State, which will be published by Columbia University Press in early 2021. He is also the host of the co-authored New Books Network podcast.

Tanya Domi:
Welcome back to The Thought Project, Heath Brown.

Heath Brown:
Thanks for having me back on.

Tanya Domi:
It’s great to have you back. So much has happened since we last spoke, a pandemic ensued, a Democratic nominee was selected and a woman of color has joined the Democratic ticket for the first time in American History. This has been against a whirlwind of activity against the backdrop of unprecedented numbers of the President’s campaign staff from 2016 have been indicted and convicted and the country is facing the greatest number of demonstrations and protests against racial injustice. All of this is taking place in the middle of a campaign for the president.

Heath Brown:
There are just so many world changing things going that it’s hard to even know where to begin. Part of what I think that is important is to figure out where are the institutions that have always guided things forward and how strong are those institutions? Those institutions and their strength that make possible surviving tumultuous times.

Heath Brown:
And I think that is one of the things that is most worrisome about the time period we’re in is on top of all of these things, hurricanes, pandemics and so forth is whether the institutions we have are strong enough to withstand this period or whether they’ve been eroded to a point at which withstanding this period is really in question.

Heath Brown:
So I think that’s one of things and one of the points that we’re at as a country, as a world, as a society, is really looking to those institutions and having great concerns that they’re not what we hope or expect they will be and we won’t be well served by them.

Tanya Domi:
I share your concern and as a scholar I look at eastern Europe and southeastern Europe and actually I can honestly say that my study and experience of the Balkans shows that they went through this 25 years ago and that there is a corrosive effect. The battering of our institutions by this administration has certainly degraded the democracy in this country.

Tanya Domi:
The state of democracy has been unfortunately weakened and so you’re right. I agree with you and how do we get across this finish line on November 3rd and will we get across the finish line? I think a lot of Americans right now are deeply worried about the period that’s before us, the next 61 days until November 3rd and what happens on November 3rd and the days after?

Heath Brown:
What has always been the glue, the support system during campaigns, which are always fraught with the potential and risks of changes of power, whether this is in the United States or elsewhere, is the long serving career bureaucrats. The vast numbers of them in the United States that remain in place whatever happens on election day and those people that are in charge of everything from the military to the healthcare system, overseeing the safe transitions of power has been where a lot of people have sought confidence that even an election whose outcome is uncertain will at least be protected by the committed bureaucracy.

Heath Brown:
They’re going to make sure that things continue. That has been the long tradition in the United States. That transitions of power have been peaceful, have been, even though the campaigns may have been fraught and ugly and fought over some terrible issues, the actual transition of power has always happened in quite peaceful and organized and predictable ways.

Heath Brown:
What’s going to happen in 2020? Whether or not Biden or Trump wins I think is the big, big question mark and that’s a big question mark that we really have never asked before. Who’s going to win on election day is always a question but what’s going to happen the next day, if one person wins or the other, I think is something that no one has ever lost a lot of sleep over. Now, the next 61 odd days I think it is then something that people are losing sleep over. It’s why the preparations that are going on right now in Washington for a potential transition of power are so incredibly important and so understudied and largely misunderstood.

Tanya Domi:
That was going to be my next question of you. I mean, you recently were quoted in a New Republic piece “Joe Biden’s Great Reclamation” about a potential presidential transition and this is supposed to be activated six months out. Can you tell us has that calendar been adhered to? It is a law, correct?

Heath Brown:
It absolutely is and it’s a law that has, over time, really since 1960, become clearer and clearer and more and more specific, better stipulations for how a sitting administration prepares to leave, even if the President is running for re-election. So the outlines of that law are that at several intervals, including a year before the election, six months before the election and then three months before the election, the
President is required to organize the government to leave and that includes preparing the White House to leave, preparing the federal government for what it would mean to have new cabinet officials, new appointees across the federal government.

Heath Brown:
The President’s team has delivered those reports at the six month and three month intervals but the problem with how this works is we’re getting just the bits and pieces, the limited outlines of what the actual planning is right now. Those reports that are available, that are made public, that are submitted to Congress give us a sense that they are following the letter of the law but it’s unclear if they’re doing much more than that. And this is a situation where more than just the letter of the law needs to be adhered to.

Heath Brown:
There’s such a large potential for grave ethical problems. There’s such a potential for underplanning and underpreparation and sharing too little information between the existing administration and a potential Biden administration that it’s worrisome, is that we don’t know whether the pre-election transition and all that entails is happening in the best possible way. I think it’s something that we, as the public, should know more about.

Heath Brown:
Unfortunately, neither the Trump administration nor the Biden campaign has all that strong an incentive to share what’s going on, for very different reasons. They share a motivation to keep this relatively quiet and I think the public suffers as a consequence of that. So something that I have always pushed for in my scholarship but also my public work as well, this is a time period where we should know much more about what’s going on, rather than what we typically get, which is just the little bits and pieces and we get so much about the campaign. The [inaudible 00:09:23] talk of every day of the candidate’s life we hear about but we don’t hear about whether or not the vast bureaucracy is going to be ready to transition if Biden wins and so on. It’s something I think we should know a lot more about.

Tanya Domi:
I mean, I think your concerns are absolutely warranted and I would add another layer of anxiety to this, is because when the President of the United States says publicly that he’s going to send law enforcement into election polls and has taken actions under this current Postmaster General to basically close off mailing ballots as an option during the pandemic. It’s like it leads one to believe that he’s not a good actor. He’s not necessarily acting in good faith and what does that yield to a transition process? There’s so many questions about his intent.

Heath Brown:
Yeah, and in the past sitting presidents have never been enthusiastically getting ready to lose an election but what you have often seen and what the federal law now requires is that despite the fact that the candidate is going to insist that they are going to win and do everything they have to do to win, that they also always reassured the country that they would accept the outcome of the election without contest vote counts in ways that would be detrimental to getting a fair count of the electorate.

Heath Brown:
That's not the message we're getting from the President right now and it doesn't endear a whole lot of confidence or trust that what happens on election day is going to be as clear and unambiguous as we would like. It's fairly likely for all the reasons that you mentioned and more that it'll be a number of weeks before we know one way or the other the outcome of the presidential election and the period between the election and the inauguration, which is fixed, doesn't leave a whole lot of slippage for careful planning.

Heath Brown:
If the process drags out as it did in 2000 into December it makes the transition, if Biden wins, very difficult and there's too much that has to go on to try to squeeze full transition period into shorter than the 11 weeks that is the typical. That's something that I think is also concerning.

Tanya Domi:
Yeah, because it's 11 weeks. I mean, you're thinking about transitioning an entire administration, 11 weeks really isn't all that long. I want to just digress for a second and just really talk about the politics of this situation. What we have is a situation where the President was just in Kenosha, Wisconsin.

Tanya Domi:
Mr. Blake was shot last Sunday, seven times in the back by a police officer and not only that, but then protests after curfew continued and a young, 17-year-old white supremacist from Illinois came to Kenosha and killed two people. He visited Kenosha against the wishes of the governor or of the State of Wisconsin and he aligned himself and met with law enforcement. There's never been any express concerns for people of color who have been killed and/or shot and actually said that this white supremacist was protecting himself and probably would have been killed himself if he hadn't shot in self defense. This is just remarkable, is it not?

Heath Brown:
It absolutely is. It's pretty clear that Wisconsin remains one of the most contentious, most critical, most interesting political places in the country. The absolutely tragic shooting of Jacob Blake and then what transpired afterwards illustrates so many of the most painful aspects of our current moment.

Heath Brown:
The conflict between law enforcement and protestors in Wisconsin but also elsewhere, including even New York City, and the way in which that has become so critical to the framing of this President's campaign makes Wisconsin and makes the question of whose freedoms matter, who has the liberty to act on their political interests. I think it's pretty clear that the President views what happened in Wisconsin as potentially beneficial to his campaign.

Heath Brown:
I think that it illustrates to his campaign team the exact framing that they would like people to look at this thing through. I think that they would prefer that people who are going out to vote would view this as a conflict between those that are charged to protect you and those that aren't and I think that's why that they are so eager to position the President in this way. The consequence of that is the rights and voice of protestors, those that protest in the street and those that protest in other ways, are largely
discounted and their rights, their voice, their political and other rights are sacrificed as a consequence of that.

Heath Brown:
The Biden campaign has a very different view of this but will be focusing on that very same issue. This is really what it's going to come down to on election day, is how do you interpret what has happened over the last four years but also over the last six months? And really that's what every election fundamentally is about. We just happen to be in a environment, especially an information environment, where it's hard to know how people are going to evaluate that evidence and there's such contentiousness over the information and evidence of what has happened over the last four years and over the last six months.

Heath Brown:
I think there's high, high levels of mistrust and misunderstanding even to what the terms of the election are and I think Donald Trump has been at the center of making sure that that continues to happen. I think he and his campaign team view misinformation and the confusion around the truth as an asset to the campaign.

Tanya Domi:
I agree. If Donald Trump has any legacy, whether he is reelected or not, he has created an environment of distrust between citizens, distrust by Americans of institutions. Just this week it's more than 185,000 people have died in this country from the COVID-19 pandemic and he has effectively smeared the reputation of the Centers for Disease Control, which was once considered the top public health agency in the world.

Tanya Domi:
So the politics of Trump appears to be spread enough rumors, conspiracy theories, attack people who are part of institutions. Just like you were talking about the bureaucrats, well the bureaucrats, in Trump vernacular, is the deep state and he's been attacking civil servants consistently since he's joined the political leadership of this country.

Tanya Domi:
So it's just remarkable that people are just so concerned and there's so much anxiety among Americans, least of which, they're facing a pandemic and on top of it, they're facing a political environment where people don't know what to trust. However, I will say this, according to the latest polls from the battlegrounds and it's very interesting.

Tanya Domi:
It appears that Trump did not get any bounce out of the RNC. These polls were taken after the RNC and these were reported last night on MSNBC and it appears that in the battlegrounds Biden is by and large leading in almost every battleground state, except for Texas, where he's down one point. In Arizona, Arizona is now competitive. Biden is up by eight or nine. He's up by three in Georgia and when you look at those kinds of numbers that have been fairly stable the entire time it's very surprising that these numbers have essentially been holding up pretty much. What are your thoughts about that?

Heath Brown:
I'm not terribly surprised there wasn't a post-convention bump. I don't think very many people watched either one of the conventions. Conventions have historically, have never, though bumps may have resulted, they tend to be short lived and not ultimately determine very much about the ultimate direction of the support for one candidate over the other. The peculiar way that the conventions happened this year would seem to only reinforce that.

Heath Brown:
In addition, I think that the pool of truly undecided voters is very, very small. Pool of undecided voters that tuned in to watch either of the conventions I think is exceedingly small. It seems to me they've done everything that I have seen. I've seen the same stuff you have seen. This is really a turn out election and that's why so much of this is being fought out over disagreements over policy between the two candidates, of which there are many, but being fought out over things like voting machines, mail-in voting versus other forms of voting.

Heath Brown:
I think that both candidates and both campaigns have conceded that the terms of the debate, the policy disagreements are widely known and not terribly well disputed. I think both campaigns recognize that this election is going to turn over whether the rights of those people who want turn out and vote are respected, whether people who want to turn out to vote will be motivated to turn out, will be able to turn out and vote. I think that this is, there is ... every election has a degree of this but it seems to me that this is going to be an even greater example of that because the President's record on so many key issues is so clear and so polarizing that you'd be hard pressed to find somebody who's truly unconvinced about the views of the President as well as Joe Biden who's widely known.

Heath Brown:
You'd be hard pressed to find somebody who doesn't know Joe Biden's stance. So I think this is one that's going to come down to things, old fashioned turnout and the roadblocks that are placed in front of many voters, those that are pandemic related but also those that are not pandemic related.

Tanya Domi:
I think you're right. Joe Biden's been in American politics almost 50 years. Everybody knows him or knows his name. And yes, I think you're very right now, it's very clear that people have very strong feelings about the President either pro or con. Our country truly is the most polarized I've ever seen it in my lifetime.

Tanya Domi:
I do recall 1968 and of course, the assassination of Robert Kennedy. Hubert Humphrey got the nomination and lost after LBJ pulled out but I have to say that even at that time our country was very different. It was more optimistic and it actually believed that things could change and people participated in that change.

Tanya Domi:
And I think now what we are witnessing is a lot of fear. Also, for people of color this has to be a really deeply disturbing time. As a white person, I'm disturbed. It seems the killing of black men by impunity in this country, it's very disturbing and if I was observing an election somewhere else in the world, and I've
observed about 12 international elections, I would be writing up the head of the country, the head of state of the United States of America was engaged in foul play, an attempt to dissuade people and prevent people from voting.

Tanya Domi:
This speaks to our opening comments about what is our democracy now? What is the state of our democracy and will this election really be able to go forth and really be carried out in a free and fair manner? But it does seem that yesterday Democrats who are supporting Biden are enthusiastic when the campaign announced that over $300 million was raised in the month of August, shattering any previous records in existence, including that of Obama, who at point raised $193 million, I believe in 2012. That does bode well, doesn't it, about some kind of engagement by supporters of the Biden campaign?

Heath Brown:
There is money at play on both sides and I think that what we're going to see is plenty of money to be spent, especially because of some of the ways that money is spent in the past is not being spent right now and so I think both candidates are going to have all the money they want to buy all the ads they want, whether it's on TV, radio, in all of the other digital ways that one might place ads and so this is not one, an election that going to be won over who was able to put together the most money.

Heath Brown:
I suspect that at the end of the day they're both going all the money they need and I think they're going to be coming up with clever ways to spend even more money because what they've typically spent money on in the past they may not be able to spend on because of the pandemic. So I imagine both campaigns are not worrying too much about having enough money. It's the other stuff I think they're worried about more.

Tanya Domi:
Fair enough, but I will say this, the DLCC has been outraising the Republicans in the Senate races and that is a departure from the past. Usually Republicans are outraising the Democrats and it seems in this cycle Democrats really are stepping up at the money plate, for what it's worth.

Heath Brown:
The Congressional level, I think the money makes a bigger difference and there's a greater chance that their candidates with too little money to spend. I think that you're exactly right about that. The money and the fundraising within the Congressional races is something that's notable. That works differently than the presidential race, in that there is enthusiasm for Democratic congressional candidates, that's being supported with money could have an effect on whether the Democrats hold the House, which it looks like they are likely to do but the presidential dynamic related to money is different than the Congressional race dynamic.

Tanya Domi:
Sure. Well, our podcast will be published probably with 57, 56 days to go next week. I can't even imagine what will transpire between now and then even, let alone on November 3rd. Any final thoughts?
Heath Brown:
I'd love to come back on election day or the day after to talk about what happens. If we have the chance to do that then everything they do will be okay.

Tanya Domi:
Oh, I agree. We'd love to have you back and thanks again for joining us today, Heath.

Heath Brown:
Thank you.

Tanya Domi:
Thanks for tuning in to The Thought Project and thanks to our guest, Professor Heath Brown, of John Jay College and The Graduate Center, CUNY.

Tanya Domi:
The Thought Project is brought to you with production, engineering and technical assistance by Kevin Wolfe of CUNY TV. I'm Tanya Domi. Tune in next week.