You Might Be Right - Term Limits - Transcript

Marianne Wanamker: Welcome to "You Might Be Right," a place for civil conversations about tough topics brought to you by the Baker School of Public Policy and Public Affairs at the University of Tennessee. As U.S. president, George Washington famously set the precedent that presidents should not be elected to more than two consecutive terms. This limitation was not officially ratified as part of the U.S. Constitution until the 22nd Amendment in 1951. But Congress has no such limits and our federal judicial branch consist entirely of lifetime appointments. In this episode, the Governors and their guests discuss term limits, weighing experience and seniority versus renewal and broader participation across the branches of government. This episode was recorded live at George Washington's Mount Vernon home outside of Washington, D.C., in May, 2023.

Bill Haslam: Thank you so much. Governor Bredesen and I are both official history nerds, so it is a thrill to be here. And thank you to the Mount Vernon Ladies Association for allowing us to be here and to our guests. The purpose of this is to try to wrestle through some of the most difficult issues that we have in today's politics and to think about some of the answers. One of those answers that a lot of people prescribe is this idea of term limits. And so that's what we want to dive into today. And we're particularly grateful to our guests, we have a great panel.

First, I want to introduce Dr. Lindsay, I think I'm saying this right, Chervinsky? Close enough. Okay, great. And Lindsay has written, she's actually the– She's written the book, "The Cabinet, George Washington and the Creation of an American Institution". And she also is the co-editor of "Mourning the President's Loss and Legacy in American Culture." She's a senior fellow at Southern Methodist University Center for Presidential History. And she's also working on a book now about John Adams. She's so into that book that she named her dog John Quincy Adams. That's being devoted to your subject. She got her BA in history and political science right down the road from here at George Washington University and her Ph.D. in history from the University of California at Davis. Lindsay, thank you for being with us.

Lindsay Chervinsky: Thanks so much for having me. I'm delighted to be here.

Phil Bredesen: And I'd like to continue and introduce our other two guests this morning. First of all, Lee Drutman. Lee is a senior fellow at the New America Think Tank in the area. He's the author of "Breaking the Two-Party Doom Loop, The Case for Multiparty Democracy in America." Something I told him earlier that I would not have even wanted to talk about five years ago, and suddenly I'm open enough to want to go ahead and read the book. He holds a Ph.D. in political science from the University of California at Berkeley and he went also to Brown University as an undergraduate. He co-hosts the podcast "Politics in Question." So I Bill, I kind of feel you and I are here like we're trying out our guitar riffs in front of Chet Atkins or something, but certainly interested in his thoughts.

Second of all, wanted to introduce Jerry Seib, who is executive Washington editor for the Wall

Street Journal. Prior to being named executive editor, he was the Wall Street Journal's Washington bureau chief. Joined the staff of The Journal in 1978 and penned a column I'm sure all of us have read at various times from 1993 to 2022, Capital Journal. He's the recipient of numerous awards including the Loeb Lifetime Achievement Award for Contributions to Business and Financial Journalism. Part of the team at The Journal that won the 2001 Pulitzer Prize in the Breaking News category for his coverage of the September 11th terrorist attacks. Has a bachelor's degree from the University of Kansas, and I don't know what his dog's name is.

Lee Drutman: She's beautiful and she's named Chica because she's from Puerto Rico. So.

Bill Haslam: There we go.

All right, Lindsay, we're going to start with you. Of the things that people give Washington, a lot of the things, so many things that Washington did that he deserves credit for, maybe the foremost is voluntarily giving up the presidency after two terms. So in the words of George III from the play Hamilton, who said, "I wasn't aware that was something a man could do." What possessed Washington to do that?

Lindsay Chervinsky: Well, I think there were a couple of reasons for this decision. And you're right, it's an absolutely monumental one, and I think really shaped the course of not only American history but global history. So the first was he was really tired and he was not loving the presidency by the time he got to 1796. He was convinced that he was going to die any day because all of the men in his family had died pretty young and he had already survived a couple of really intense illnesses in his first term. So he had a little bit of sort of hypochondria going on with when his moment would come.

Bill Haslam: A male politician had hypochondria. That's amazing.

Lindsay Chervinsky: I know. Gasp!

He was really tired of the criticism. He had had this unbelievably sterling reputation, the kind that we cannot fathom today when we think about politics. And every day he stayed in office, the more and more he was criticized and he did not particularly like being criticized. So he was genuinely ready to go home, and when he said he didn't want the second term, he didn't want the presidency, he meant it. So that was quite genuine. But I think more importantly, he understood that he could have stayed in office until he died had he wanted to. Even in 1796 when he announced his retirement, people like Jefferson, who at this point had very few good things to say about Washington, wanted him to stay. So he could have stayed. But he knew that the American people didn't know how to elect a president.

His two elections had been unanimous, there had never been a contest, there had never been a contested process. There had never been a transition, there had never been a peaceful transfer of power, certainly not in the United States. And there were very few in history books, generally.

And that process had to be learned. And he understood that it would go better if it happened while he was alive. Because he could be there as sort of a guiding force, he could be there to give his stamp of approval to that process, he could be there kind of to keep things in check if it went badly. And so he was determined that that election, that that peaceful transfer of power happen on intentional terms, not by accident.

Bill Haslam: Well, one more question. Give us some historical context. What are the big arguments, pro and con, that have been made over time for term limits?

Lindsay Chervinsky: Yeah, so there's sort of the pro camp, which is that you want to have new faces, you want to have an automatic sort of check on corruption. This was something that Mercy Otis Warren was saying from the very beginning when she was reading the Constitution, saying "There aren't term limits. That's kind of a problem because it's going to encourage people to maybe corrupt the system or stay in office for too long." And the alternative argument, which was articulated as early as the Federalist 53, was that you need people who are in office who can build knowledge and expertise, who can build relationships and who become so, for lack of a better word, entrenched or important to the institution that they can get things done in a way that new people can't.

So just to give sort of a historical example to sort of get our conversation going, John Quincy Adams was famous for this after his presidency. He was able to take stances against slavery that no one else was able to take because he had been in office for a really long time and was so protected by that status. And more recently in the 20th century, I know we're going to talk a little bit more about Bob Dole, but Bob Dole was able to make a number of bipartisan compromises on legislation. And all of them happened after he had been in office for at least 15 years. So some of the really big bipartisan moments of legislation happened between people who've been there for a really long time. Whether it's civil rights, environmental protection, healthcare, it happens from people who know each other, who can make those relationships and who also are almost untouchable.

Phil Bredesen: I like to ask, maybe, Lee, I might start with you. I mean we're talking about term limits as a single concept and yet I think it's quite a different concept applied to executive branch and legislative branch and even judicial branch, now that's being talked about. And I can understand the arguments for it at the executive branch level and what George Washington accomplished. When you come to legislative offices for a moment and so on, is there a rationale for it? There certainly are a lot of people out there, people still call me and I'm sure they call Bill, about wanting to come to some nonprofit and support them, who are trying to put term limits in place somewhere or another. Talk to us a little bit about that as an expert.

Lee Drutman: So we're talking about term limits for Congress. Now, note that there are either 15 or 16 states. Wait, we were debating before–

Lindsay Chervinsky: We'll say 15 and a half.

Lee Drutman: We'll say 15 and a half. Between 15 and 16. A third of states that have term limits for their legislatures. And generally the political science on state-level term limits suggests that states that have term limits wind up with weaker legislatures, which maybe if you're an executive you like that because people are constantly rotating in and out of power. Stronger lobbyists, because those are the people who are there year after year after year after year and they're the keeper of the relationship. So maybe you like that. Generally, states that have term limits have had faster hyperpartisan polarization because one of the ways in which polarization has accelerated is through turnover in office, that new people who come in tend to be more extreme and more partisan than the people they replace.

That's largely because the parties have changed and who can get elected has changed. Now, I think one argument for term limits, and this might also be an argument for age limits, which is separate but related to term limits, is – I was pulling this data this morning because I was curious – the US among OECD countries has the highest share of legislators who are over 60. It's something like 40%. It's far and above other countries, Japan being the next closest. So we have a lot of people who are very old. Now there's a lot of wisdom in old age, but there is also a dearth of younger people who represent the future and are tremendously underrepresented. So how do you balance across generations? How do you bring new thinking in? I think there are other ways to get to that than having term limits. I generally think term limits for legislatures are a bad idea, although I would support them for executives and for judges. But for legislators, I think there are other ways that we can cycle people through politics, through more electoral competition, which I'm happy to talk more about.

Phil Bredesen: Well, you pulled that out very nicely by talking about the wisdom of the older executives, but appreciate it. And Jerry, is this something that in the years that you've been observing Washington and writing about, is this something you have written about and had observations?

Gerald Seib: I have, because it comes up in cycles, I think. When people are frustrated with the political system and certainly we're in a period of peak frustration with our political system right now. People cast about for answers and one of the answers they come up with is term limits. And I understand that, but it tends to be more of a crutch, I think, than a viable answer in some cases. Look, the case for term limits right now is at least in part that it might help attack the idea that's very prevalent right now, that there's some kind of shadowy political establishment class that's running everything and that helps fuel the populist sentiments that are afoot across the country right now. You return to something more of a citizen legislature, which is probably what the founders had in mind.

So that's, I think, the case for it and it's one of the reasons that people find it appealing right now because they think all the system is corrupt and the people who are running it are corrupt because they've been around too long and they're pulling one over on us. So that's the case for it right now.

I think the case against it is, and I think Lee suggested this in his remarks, one of the things that term limits have done in states that have tried them out is it empowers staff and lobbyists who are unelected and unaccountable. That's not necessarily what people who want to attack the deep state have in mind. That's kind of the opposite of what they have in mind. They just don't really think about that. The other problem that I have with the idea, conceptually, is there's the flip side of term limits is that there's an anti-democratic element to the exercise, which is to say, maybe I like the person who represents me and you're telling me now because of some artificial deadline, I can't have that person representing me in Congress anymore?

Well, that's not a democratic impulse. And I think that that's true. And I would also echo what Lindsay said, which is that in my experience of covering issues at the federal level, and I spent most of my career writing about things at the federal level, the people who got the big things done were people who were around. I spent the fall semester at the Dole Institute of Politics at the University of Kansas, my alma mater. So I spent a lot of time thinking about Bob Dole in the last six to nine months. I don't think Bob Dole was a great master legislator until he'd been in Congress for 20 years. He became a master legislator over time. I mean, Howard Baker is somebody I think I would also cite in that category.

Ted Kennedy. There's a fascinating piece of memorabilia in the Dole Institute in Kansas. It's down in the basement, it's not on public display, but it's the desk that Bob Dole used when he was Senate Majority Leader. And on that desk is a phone that still has the rapid dial buttons that he used when he was in the Senate. And the first button is Elizabeth Dole, which is what you'd expect. Second one is his parents, which is nice. Third one is Ted Kennedy. Bob Dole and Ted Kennedy were on a rapid dial relationship and that's because they'd both been around for a long time and I think had mellowed. So to me that's an argument that suggests staying around for a while isn't all bad.

Phil Bredesen: Let me just follow up for a moment, if I might. You obviously have probably observed the Congress firsthand more than anyone else sitting here today. If there were term limits in place for Congress and I were a newly-elected congressman and showed up in the Congress, how does that change my incentives and how I look at the office if I come in with that, with the certainty of my moving on in three terms or four terms or whatever?

Gerald Seib: Well, in an idealistic sense, it changes your incentive because you want to get things done as opposed to simply pontificate and score political points. And that is a powerful argument. If you have a limited amount of time, let's say six years, to get something done in your house career, you better get on with it and not just spend all your time arguing with other people. So I think that's a legitimate argument and that incentive might be real. I think the flip side, though, that's not looked at as much, is that one of your incentives is to essentially spend maybe more time worrying about the people who can get you reelected twice because you only have six years and you better make sure that the people who helped get you in, and those are often muddied interests, are there with you. And so I don't think it reduces the power of money

and politics as much as some people might like. It could possibly even increase it.

Bill Haslam: Well, let me ask any of you, one of the arguments, and Lee I think you referred to this, and Jerry you did too. The idea that, well, if you put term limits in place, it just gives the staff and the permanent class more power. But most of the employees in the government – federal, state – are in the executive branch. And we've already done that. I mean, one of the things I saw as governor, you come in and you appoint new people to be your cabinet commissioners or secretaries and you're asking them to make changes, but they're having to ask the people who are there, "How does this work?" before they can do anything. So I guess we've already, for the bulk of government, we've already put these term limits in place of people that Lee, I think you refer to them as the folks who say, "Well, I was here before you got here and I'll be here after you left." Which is real, but we've already done that with 90% of the government, so why would we not do it with the other 10%?

Lee Drutman: Right. So that that's like Truman's line when after Ike got elected, he said, "Poor Ike, it won't be like the military. He'll say, do this, do that, and nothing will happen." Because there's this permanent bureaucratic class even then, and this is what Trump rails against when he talks about the deep state. Now, I happen to have some sympathies to the deep state, I'll give that, my wife is a government bureaucrat.

Bill Haslam: Anybody else have anything they want to disclose?

Lee Drutman: And she's also somebody who tells me that I'm right, that I'm wrong, and I learned what actually is the right thing on the theme of this podcast. But there is a permanent bureaucracy, but at the same time, the point of having a legislature and having elected offices is that there's some ability for the public to say, "Hey, we want to change direction." And at some high level you can change direction on some of the big issues. Now, I mean, I do think if we're backing up further, and I always do like to increase the aperture and the view, is a question of, what are our expectations of representation and elections?

I think Jerry pointed to this idea that people think that just by getting the people in government out of government and getting different people in, we will somehow clean up the system or have something like a citizen legislature. And the world that we're living in 2023 is very, very different than the world of George Washington and the framers. Elections were, think about elections to Congress in the first Congress. It was like two or 3000 people voting. Think about what government did. Very, very limited. So the idea of a citizen legislature of people who have no experience, are coming in fresh, it takes more and more time to learn.

Now, maybe there's some way in which you have to triangulate between the people who are in the permanent class, who are the bureaucrats and the experts and the people who can come in fresh and give things a fresh look. Also, think about who's being represented, does, to take John Adams quote, "Does the legislature look like a portrait of the people in miniature?" I'm not sure it does. So maybe that's an argument for bringing in some new people. But at the same time, the

things that people are concerned about are not necessarily going to be solved by bringing in a bunch of people with no experience.

Lindsay Chervinsky: So I would take a slightly different tact, which is that if one job is for the legislature to represent the people, another job is actually to practice oversight of the executive. And especially if we have this big executive, which has grown hugely in size in the last 250 years and does have a lot more responsibility, it requires a legislature that knows something about what they're doing in order to be able to exercise oversight. And one of the downsides with term limits is that you don't have congressmen, especially senators or ranking members, house committee members, that can serve for really long time and build up expertise on their particular areas of interest.

And so therefore, they're not able to practice the same sort of oversight. And I don't think, even if you have the most powerful staff member, of which I know that there are many, they still can't exercise that oversight because it still requires the votes, the presence, the participation in committees when they're intended to be useful and not just sort of the showmanship that you referenced. It requires people who know something about something. And so that takes time because it takes time to build up that expertise and that knowledge.

Gerald Seib: I just add one point here, which we haven't touched on. It's a subtle one, but I think you two, as former chief executives might appreciate this more than most, which is one of the things that happens in a legislative body and between the legislative and the executive branch is that relationships build up and they matter. And one of the problems in Washington right now is there aren't really relationships. People fly into Washington on Tuesday, they work for two and a half days and then they fly out and they never get to know each other. That problem is probably on steroids under term limits because people don't build up relationships. I referred to Bob Dole and Ted Kennedy, they built up a relationship over time. And if you don't have relationships, it's very easy to demonize the other person when you don't know that other person. It's a lot harder to demonize the other person when you actually know them as a human being. And I worry a little bit of then in a term limited environment, there's even less relationship building than there is now, and there's precious little of it right now anyway.

Phil Bredesen: We've talked, touched on the executive branch and legislative issues. I've heard a great deal more relatively recently also about term limits and the judiciary. And I'm curious of your thoughts as any of you as to whether that solves any of the issues that we're considering? It seems like a different set of circumstances.

Gerald Seib: Yeah, I'll start by saying I think this is a really important point. The distinction between term limits for the executive and the legislature and the judiciary are quite different. I think the case for term limits for the executive, for the president, is much stronger because there is a real danger, and we see this in our world today of elected chief executives becoming dictators or acting like kings. And that's what America decidedly is not about. So let's set that aside.

I'm much more conflicted about the judiciary personally, I don't know the answer to that question. I think it's probably a dangerous idea to term limit judges because you start creating limits on their impartiality. But I also see some cases where I think the public's confidence in the courts might be enhanced, if that were the case. I have a very hard time with that one.

Lindsay Chervinsky: Yeah, I feel more strongly in favor of it for the judiciary than I do for– I'm much more divided on some of the other branches. But I think historically, it provides an interesting observation as well. So initially when the Supreme Court was created, of course there was a lifetime appointment inclusion in the description of the position. A, people were living a lot less, they were living much shorter lives, so they tended to be on the court for far fewer years, but they also were much less interested in spending 50 years on the court.

So the average tenure was between six and 10 years for the first, I think maybe a hundred years. Now, of course there are exceptions. So John Marshall is a bit of an exception and is a defining figure on the court. But most Supreme Court justices went on for a couple of years, went through a couple of circuits, and then went and did something else. So John Jay was the first chief justice. He decided he didn't like the job very much, it was very onerous to ride circuit at the time. And so he decided he wanted something which was more prestigious, which was to then run for governor of New York.

Bill Haslam: Well, we would agree. I mean, is there an argument.

Phil Bredesen: Makes sense to me.

Lindsay Chervinsky: But so–

Lee Drutman: Yeah. Although Taft, what he really wanted more than being president was being on the court. So yeah.

Lindsay Chervinsky: Yeah. I think that historic, that angle is important because the sort of power that we see with the court now, the expectations of the court now were so beyond I think what the expectations were when the institution was initially crafted. So we have to be really careful, I think, about applying those expectations to the institution that we have today.

Lee Drutman: So the U.S. is the only country in the world that has neither term limits currently.

Bill Haslam: Literally no other country has it.

Lee Drutman: No other country in the world gives appointments to its judiciary that can only be ended by a flat line in a hospital. So the U.S. is a tremendous outlier. And I think one argument for term limits is that, given how few seats there are on the court, that each seat is so important and you wind up with the vagaries of actuarial tables determining the direction of policy for the

country, which seems sort of insane. I mean, I think there are a lot of interesting proposals out there about the Supreme Court, including, I like a proposal that just expands it dramatically to like 27 or 51 and has people circle in and out of riding state courts and district courts.

And then each term is a different selection of justices that come in and then you wind up just having a lot less of this political gamesmanship, both in terms of appointments and also in terms of people bringing cases with particular judges in mind, knowing exactly what they think they're going to get. I think it would tremendously improve the role of the judiciary. What I mean, thinking of things that the framers never intended for, they never intended for the courts to have this much power.

Gerald Seib: Yeah. And maybe if there were more confirmation hearings more frequently, every one wouldn't seem to be such a giant, cataclysmic event, and that wouldn't be a bad thing either.

Lindsay Chervinsky: Yeah. Some of the other proposals that keep the same size but make, for example, give a term of 18 years and every two years new justice cycles out and a new justice is appointed, the ones that cycle out serve sort of on an emeritus board to help adjudicate if there are ethics questions, if there are jurisdictional questions. And so that way there is still is technically lifetime appointment. There would be a body to decide whether or not a justice should recuse themselves, and it would be very explicit about when appointments happen because we've all seen how political these appointments have become. So let's be honest about that process and say that every two years a president appoints one and then people know the stakes and the terms of the election.

Bill Haslam: It also would address the issue – we do have age discrimination in the selection of justices, because you want to select somebody that's young enough to be there for a long time after you're gone.

Phil Bredesen: What about age limits?

Lee Drutman: For justices or legislators?

Phil Bredesen: Well, anything but governors.

Lee Drutman: Anything but governors, yes.

Gerald Seib: Or podcast hosts.

Lee Drutman: Podcast hosts.

I mean, at what age? There's pretty clear evidence that when you get into your eighties there there's some serious cognitive decline for most people. But I think age limits of 80, you can't be

in public office once you're past 80. I think that that would be reasonable. I mean, I think that gives people a long career to build up those relationships. But Ted Kennedy did a lot of great things, but then he should probably should have retired rather than stay on as he was– We would've had a very different healthcare outcome on the Affordable Care Act, probably. Diane Feinstein.

There are a lot of people who just stay on too long, and so there's got to be some balance. I think there are other ways to get more competition so that voters can turn people out. We have elections in which most seats are safe for one party or the other. Most states are safe for one party or the other. So to kick somebody out at a high age is to put the other party in power, which is perhaps even worse. So it's an idea I'm definitely entertaining more than I had previously.

Bill Haslam: Did you have something to add?

Lindsay Chervinsky: Yeah, I guess, the only thing that I would say is that age is such a individual determinant. So politics completely aside, the previous Speaker of the House was one of the most effective Speakers we've seen in American history, and that was largely at an older age. So I think, I guess I'm just really– Because some people have that cognitive decline far below 80. And so I guess, I'm very uncomfortable saying one sort of medical experience is the same for all people.

Bill Haslam: I'm going to jump and change a little. Jerry, about a year ago you wrote your last column at the Wall Street Journal and you were talking about the state of today's politics and you wrote about four things that might help address it. An outbreak of political courage, number one. Number two, actual steps to revive the political center, starting with dramatic actions to curtail gerrymandering. Third, a bipartisan agreement on the rules for casting and counting votes that we've seen in numerous spheres. And then a decision by voters across the spectrum to reward rather than punish responsible behavior and compromise. I'd love for us just to A, year later, do you see more reasons for hope? And then maybe for us to use the balance of the time for all of us to discuss that? What are the things that are giving you cause for hope and things you'd like to push toward a more hopeful place?

Gerald Seib: Well, I still remain hopeful, and partly, I'm hopeful because democracies are not static, they adjust. The U.S. has adjusted, it went from slave holding nation to abolitionist nation and made the transition from agricultural economy to an industrial economy, went from isolationist to internationalists. Those are all difficult transitions and they're messy and we're in a messy transition right now. I'm not sure from what to what, exactly, but I do think that the most important thing that's happened, and I think this is more important now even than when I wrote it before, institutions have held. The institutions have held, they still work, the judiciary still works, the Senate did its job in 2020. All the things that we know, those all really do matter. And I think that you saw in 2020 in the elections, some signs that voters are trying to reward non-extremism.

And I don't mean that as a partisan comment, that's true in both sides. There needs to be a lot of work done on gerrymandering, I think. What I'm most discouraged about was I thought in the wake of the 2020 election that there might actually be a bipartisan movement to agree on some best practices for conducting elections and counting the vote to take that issue off the table. Both parties, everybody's got a stake in the integrity of the system, that's how they got the office in the first place. That hasn't really happened. I will just add that the Carter Center in Atlanta put out a statement of candidate principles that I hope people will start to agree to to begin to take election integrity off the table as a partisan issue.

Phil Bredesen: Just a quick just point of information there, does the federal government have the constitutional power to determine how these things operate in the states?

Gerald Seib: No, but that's why I referred to best practices. I think what can happen is people can sort of hold up and say, "This is how it ought to be done in a way that is non-controversial. And maybe you'll adapt it in your state, maybe you won't, but there's a good housekeeping steal of approval if you do." That's what I'm talking about.

Bill Haslam: Yeah, I mean the ultimate gerrymandering has worked for the people who were there.

Gerald Seib: Right, exactly.

Bill Haslam: So it's hard to see people voting against what got them there. I mean, is there a way beyond that very practical problem?

Gerald Seib: Well, I think voters have a say in this.

Bill Haslam: Okay.

Gerald Seib: I mean, I think that there's a reluctance to say, "Voters, they get what they ask for" in some cases. And I think people are going to have to get together and stand up in some cases, say "No, that's actually not what we're going to do." And that those movements develop slowly and over time.

Bill Haslam: Okay, Lindsey?

Lindsay Chervinsky: I swing back and forth between wild pessimism and optimism depending on the day. But I think there are two things that cause me to be optimistic in the long term. So the first is tangentially related to the 2020 election. Not only did, and I would say the 2020 elections, 2022 election and the 2023 elections thus far, that voters have rejected extremism, but they have also explicitly rejected candidates who do not uphold electoral integrity. And that is essential because, especially with state elections, it's up to local candidates, district

candidates, state level candidates. And so those are so important. And I think because of what has happened in the last 10 years, people are recognizing their importance and therefore running for those at higher levels. And so that is a cause for optimism.

The second thing that I think we can do that gets at gerrymandering in sort of a backdoor sort of way, there are efforts going on in a lot of different states. They've seen success in places like Alaska, in certain cities, in certain areas of Virginia, to have voter reform, whether it's top five voting, whether it's rank choice voting, there are a lot of different, you know, pick your poison. I think all of them do a couple of things that are really important. They tend to bring down the vigor in our political discourse because if you're trying to build alliances with other candidates, you can't be seen as a total jerk, otherwise their voters are not going to pick you as their second choice. It prioritizes candidates who are willing to be more moderate, who are willing to compromise. And I think that will lead long term to things like gerrymandering reform and other types of reform. So I think that sort of reform, whether it's at a local level, a city level, a state level, it could have a really big impact on our political system.

Lee Drutman: Well, I also count myself among the optimists, at least in the long term, short term, high level of uncertainty. I also wrote a piece about a year ago on the case for optimism. It wasn't published in the Wall Street Journal, so probably fewer people read it. But it was published at the Niskanen Center, which is a center-right think tank. It was called "How Democracies Revive." And one thing that I noted in that piece is that the moments in which people are most pessimistic about the future of democracy are the moments in which people start doing all the things that we are seeing people do. They start coming together and trying to find solutions.

Phil Bredesen: Bill. We've had – been, I guess, very fortunate to have three very accomplished and intelligent people with us this time around. That's not to say previous times–

Bill Haslam: As opposed to prior guests or the hosts?

Phil Bredesen: Yeah, I want to keep my email traffic down low as a result of that. But this podcast takes its name from Senator Baker's famous quote about listening and keeping an open mind because sometimes the other person might be right. I kind of like, just as we close maybe to ask each of them, is there a time in your intellectual development or the way you thought about things when simply listening to someone else or hearing someone else's opinion has actually convinced you to change an opinion about something important?

Gerald Seib: This is not a person, this is a whole bunch of people, but I wrote a book after the 2016 election and the title of it became, "We Should Have Seen it Coming," because I wanted to understand why did Donald Trump come into existence? How did the Republican party make this journey from Ronald Reagan to Donald Trump? Because it felt to me it was a total bolt out of the blue, irrational decision by voters. And in talking to a lot of people about what happened over those 40 years, there was a lot more rationality to the Trump movement and a lot more

precedence to it than I realized. And that only occurred to me by spending a lot of time talking to a lot of people and understanding why Trump was shocking but not irrational.

Lindsay Chervinsky: I've rethought the concept of party affiliation and identity as a core marker of our identity. I grew up in a long line of a certain party and was very proud of that identity. And as I began to engage more with certain issues, I felt that there was a departure, my values had sort of stayed the same, and there was a departure from those values. And it forced me to think about, "Okay, well who are people who are supporting those values?" And at the moment, it felt unfortunately that it was not actually the party that I had been so supportive of for such a long time.

And so I think that that's something that a lot of people are going through right now, I think it's one of the real challenges of our political world, is if you have spent 40 years supporting a particular party and then all of a sudden– I was explaining this to my niece and I said, we are a die hard San Francisco Giants baseball family. I said, "Imagine I was now telling you you must be a Dodgers fan." And that's really hard for people. But I think that that is something we have to push back on, that someone can be from a different party and you can find areas of agreement with them. Obviously, I know I'm kind of preaching to the choir here, but that was something that I think was a reckoning for me that I still have to think about.

Lee Drutman: On the subject of political parties, I think I've come to appreciate the importance of political parties, and I think there should be a party that represents people like you. And you shouldn't have to become– There shouldn't be only two choices being a Giants fan or a Dodgers fan, you should have more choices so that you can actually root for a team that you feel good about, if you don't like the Giants anymore. I don't know, maybe you could root for the Padres or something.

Lindsay Chervinsky: Uhhh, no!

Lee Drutman: But, oh, maybe, I don't know. No, maybe you can root for the Oakland A's or the-

Lindsay Chervinsky: Las Vegas A's?

Lee Drutman: But one thing on the issue of institutional reform that I have changed my mind on, this actually something that you raised before, ranked choice voting. Now in 2016, I was like the biggest enthusiast of ranked choice voting, and you can find pieces that I've written, "One Reform to Save America" kind of pieces, and people who said, "It's not going to change all that much and it's going to be kind of hard for voters. It's not really going to be that transformative." I said, "Oh, no, no, it will be." And one thing that we did at New America, the think tank where I work is, we commissioned all these scholars to look at ranked choice voting and what its effect was. And I've changed my mind. I think ranked choice voting is positive. I think it's particularly in primaries where you have crowded primaries, local municipal elections without parties.

But I don't think it's strong enough medicine to deal with the forces that we're dealing with. I don't think it builds parties, which is one reason I've become really enthusiastic about fusion voting as a way to build more parties, particularly what's happening in New Jersey with the rise of the Moderate Party of New Jersey and a lawsuit to try to re-legalize fusion so that there can be a moderate centrist party in New Jersey. But I've cooled a little bit after seeing a lot of research. And I'm constantly trying to challenge what I think by looking. I'm a political scientist, so I read a lot of political science and trying to constantly interrogate what is the latest scholarship? What does the latest research say about the effect of these things? Because there are a lot of reforms that could be effective, but there are more reforms that are just not going to make a difference, and it's really important to understand what the research says.

Bill Haslam: Well, thank you. We appreciate your time. We appreciate the insights. I think we're all looking for a better path for our democracy, and one of Senator Baker's other famous quotes besides, "The other person might be right," is, "The Republic will survive." And having lived through one of the darker moments of the Republic, he could say that with some conviction. But I think what we're looking for, and we're so grateful to you all for being a part of this, is what are those conversations that we can have that will pull toward the better angels instead of the darker angels.

Phil Bredesen: I want to just add my thanks to Mount Vernon. I had never been here before for some inexplicable reason and having a chance to be here with you, Bill, and with these guests and talk about this. I mean, it's in the presence of the ghost of George Washington. It's almost a, not to be blasphemous, but it's a religious experience. It really is, it really has struck me. Thank you all very much.

Bill Haslam: Thanks so much.

Lee Drutman: Thank you.

Lindsay Chervinsky: Thank you.

Gerald Seib: Thank you.

Bill Haslam: Phil, I actually found that interesting. All three guests brought some good perspective and insight, so you get to be ruler of the world and you actually get to decide the policy on term limits. What would you do?

Phil Bredesen: There's some things I'd like to do before that, if that's okay.

Bill Haslam: You only get to be it for 10 minutes. So okay.

Phil Bredesen: It was interesting to me, I think you, in my mind, clearly breaking out the differences between executive and legislative and judicial branches was important here, and I

really hadn't given that much thought to the judicial side, but I think there's some really good reasons to put age or term limitations on that side. I kind of came away with the, you might be right about that.

Bill Haslam: And listen, I've always believed in executive term limits. Having been a mayor and governor, after eight years I'm not going to say I'd gotten everything done I wanted, but by that point in time, if you hadn't got it done, it was probably time to let somebody else take a swing at it. So I believe that. I actually think that with legislative too. I know the argument is, "Well, if you do that, then the staff and the lobbyists are going to be the ones with the institutional memory and their control will grow." That's just not been my experience. I mean, listen, as a brand new executive, the staff, 90% of staff in government are in the executive branch. And to say that somehow we should not do that in the legislative because the staff will control things in a way that they don't, I just don't think is a fair argument.

Phil Bredesen: Yeah, I think a lot depends on the, I think the personality of the legislator who's elected.

Bill Haslam: Right, yeah.

Phil Bredesen: I mean, you have people who are just going to follow the crowd and others who've got very distinctive, individual views. I don't happen to think it makes a lot of sense on the legislative side.

Bill Haslam: You don't think having term limits make sense?

Phil Bredesen: No, I don't think so. In Nashville, in the city council, we have term limits in place now since, I guess for 20 years. I think it really has damaged the council. There's a lot of sort of elder statesmen who were very helpful to me from really both sides, all sides of the political spectrum. And those don't exist anymore. And I think that's a disadvantage.

Bill Haslam: I would put term limits, they it would be longer. So in the Senate, I'd let it be 18 years and maybe the same thing in Congress. Let it be longer. I will say this, the argument against, I think the best argument against it is in Colorado, the state house and senate does have term limits, and so I think it's eight years. And what they've said is, it really just means you're guaranteed to be in office for eight years because everyone just waits to run against or run for an open seat. And so it's worked against yourself.

Phil Bredesen: Interesting.

Bill Haslam: The third on judiciary, I actually agree with you. I think there should be a age limit. I know that means that there will be some people that we will age out before it's their time. I think Dr. Chervinsky said, that was kind of her point, is everybody ages different. But I think that's the downside risk, I'll take the upside of.

Phil Bredesen: Well, I mean, pilots have to retire after a certain age, and most public corporations have got age limitations on their CEOs and their board.

Bill Haslam: Most surgeon groups say, "Hey, after 65, you can't operate." Or some age you can't operate. So I just think it's worth it to put that guardrail in place.

Phil Bredesen: Good session though.

Bill Haslam: Thanks

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