

MMITM Ep 013 - A Politics Hot Topic Episode - The Democrats present their impeachment case.

Announcer: From Curtco Media.

theme: What's cha gonna do about it?

Bill Curtis: Today, we're gonna touch on a few hot topics, one that's near and dear to our producer, Mike Thomas' heart. That would be my thread throughout this show is tactics versus strategy. Governance is like a three dimensional chess game. Research. Analysis. Decision. Decision tree. Plan. Action. Re-Research. Re-strategize. Next plan. Next action. I think every subject should be measured against this yardstick. Welcome to Politics. Meet me in the Middle. I'm Bill Curtis. It wouldn't be the middle without my co-host, our Pulitzer Prize winning historian, author, worldwide lecturer and walking not so digital database of everything written or discussed regarding our Constitution and the implementation thereof, Professor Ed Larson. How you doing, Ed?

Ed Larson: Thank you very much. Great to see you again.

Bill Curtis: Jane Albrecht is an international trade attorney who represented U.S. interests in Washington, D.C., Europe, Russia and then some. She's worked with high level government officials in many countries on major international trade disputes. So she's got a rare perspective that we are again honored to have in our studio. Jane's also been involved with several U.S. presidential campaigns. She's a busy woman. She's often invited to join us here on Meet Me in the Middle because she offers us a wonderful in-depth understanding of domestic and international politics, policy, economic systems and international relations. And in full disclosure, Jane, while not speaking for them, is also president of her local Democratic club. Welcome back, Jane. Nice to have you.

Jane Albrecht: Nice to be here.

Bill Curtis: So being that this is one of our hot topic shows today, we're going to touch on some very simple issues, really simple ones like the status of the impeachment. Let's talk just for a minute about Schiff's address. No matter what your party affiliation, you

have to admit that his last five minutes was compelling. So let's listen to a minute of Adam Schiff.

Adam Schiff recording: The American people deserve a president they can count on to put their interests first. To put their interests first. Colonel Veltman said. Here right matters. Here right matters. Well, let me tell you something. If right doesn't matter, If right doesn't matter. It doesn't matter how good the constitution is. It doesn't matter how brilliant the framers were. It doesn't matter how good or bad our advocacy in this trial is. Doesn't matter how well-written the oath of impartiality is, if right doesn't matter we're lost.

Bill Curtis: What his point was a president should put the country's interest before their own. And I believe that he made a good case that in this case, even if we are affiliated with the Republican Party, deep down, it's hard for us to go to sleep thinking that this is a president that has all of our best interests at heart, above and beyond their own interests.

Jane Albrecht: Integrity. When you think about it, where does strength come from? Whether it be a building, an individual, an athlete, a company or a country. It comes from integrity. And integrity is grounded in the truth. If you have an athlete that says they're the greatest in the world, but they eat junk food and they never exercise, I can guarantee you that he's going to get pounced in an Olympic competition. If you have a building made by engineers and they cut corners, bridges fall, buildings collapse.

Bill Curtis: I like the way you said like in a building because an architectural design this is going to get back to our thread, is planned out by someone who has done a lot of research, is well educated, makes a plan, tests that plan and then executes the design. So the question I've got here is on all levels of this impeachment, do we have a plan? Is there a strategy?

Jane Albrecht: Well, the strategy is simple. If the American people want integrity in their government, you can vote this guy out of office. I think this is so vitally important to the health, vitality and future of our democracy, of our economy and every American that's enjoyed that. Up until now.

Bill Curtis: Nobody in the Republican Party is willing to stand up and even say that what Trump is doing or how he says it or what he says or what he lies about is wrong. So why are they that way? Because it's self-interest.

Jane Albrecht: It is self-interest. They're also cowards. Losing your job as a senator doesn't take courage. You may like your job. But most people who leave the Senate have plenty of employment opportunities. It has to do with their ego interests to to keep that particular job. It doesn't take real courage. Real courage means putting your life and your family's life and your and your all your finances totally on the line. That is not what's being asked for them to vote in favor of integrity in government.

Bill Curtis: Jane, do you think that there is a chance that with witnesses you could have enough Republicans decide they're not going to vote their jobs, they're going to convict Trump and they're going to throw him out of office?

Jane Albrecht: I think there's always a chance.

Bill Curtis: No, I need you to answer this one.

Jane Albrecht: There's a high bar. I don't think that it's more likely than not. There is a possibility. Do I think it's more probable than not? No, unfortunately.

Ed Larson: I agree with Jane on that.

Bill Curtis: Is it greater than 1 percent possibility?

Ed Larson: No it's greater than one percent, with witnesses?

Bill Curtis: Why do you think

Jane Albrecht: It's not just witnesses. Its what else comes out in the meantime.

Bill Curtis: You think anybody thinks that he didn't do this?

Jane Albrecht: No, I think they probably most of them know he did it.

Bill Curtis: So the question is, is self-dealing impeachable?

Jane Albrecht: Self-dealing is impeachable when you put your personal interests over the interests of the country.

Bill Curtis: Show me where. Ed, is it written - you are our compendium non-digital, can you tell me where is it written that self-dealing as a president is an impeachable offense?

Ed Larson: It's not. It's absolutely not, because most people assume that every president does a little bit of self-dealing. The question is, what does that self-dealing do to the national interest? And that's what somebody like John Bolton or a Mulvany would have to lay out in excruciating detail.

Bill Curtis: So that is a big giant gray area, is what you're saying. There is a VU meter on this. How if it's self-dealing at 7, not impeachable at 8, maybe.

Ed Larson: Well it depends on whether the self-dealing injures the country.

Jane Albrecht: Correct.

Bill Curtis: So it's fair to say that self-dealing that lines your bank account would be, would reach an impeachable level.

Ed Larson: Self-dealing that undermines the public interest. That's the key.

Bill Curtis: Well, in a real trial, if Trump was sitting there, if he admits, yes, I was self-dealing. So what? That's not really new. It's the level of self-dealing that we're talking about. So my whole goal here was I was going to hold up this money for, oh, I don't know, 15, 20 days. I was not going to affect the public interest here in America. I just wanted to get this guy's attention. So now tell me, does it rise to the level of throwing him out of office?

Jane Albrecht: Yes. And I think there's been several constitutional experts who have testified to that effect. And among other things, he's not just self-dealing, he's self-dealing, putting his own personal interest in contravention of the national security interests of the United States. And that's very real. It's not just a hypothetical interest. And yes, that's exactly what the problem is here. And as Adam Schiff said, his inclination is that he's going to continue doing it. He's a president who in many different contexts has shown that he thinks he's above the law. He said he gets to do anything he wants. He doesn't observe even the minimum respect for the separation of powers. Frankly, Mitch McConnell and the and the GOP senators are behaving like his lapdog right now. And he tried to claim that the impeachment was illegitimate. It's totally legitimate. It's got a solid base. It's within their power to do it.

Bill Curtis: Some of our opinions. Other of our opinions here, especially our listeners who are in the middle, is that it's a show. It's a show to affect the next election because there's not going to be a real impeachment and throw out of office. There's just going to be a whole lot more noise and then we're going to have an election in November. And the Democratic hope is that we will say something during this trial that will affect enough voters so that it'll change the outcome of the election.

Jane Albrecht: I think that's part of what the president would like people to believe. You know, with this impeachment and as I've listened to the actual evidence, I realized this is not just a political show. This really is about the integrity of our government. And the integrity of our government is really critically important to whether honest people can earn a living. Because if we allow this kind of corruption, which will then translate into corruption into laws and the way things operate, eventually everybody will have to be a little corrupt to get ahead. And right now, we at least we have been when I represented U.S. interests overseas. What I've learned and I wasn't looking for it, is that the U.S. really was the shining city on the hill that that Europe and others looked to because of that integrity that we insisted on,

Bill Curtis: Boy I wish that was an impeachable offense, because I think that some of the shine has been dulled. And I think that leadership is important from a president. And frankly, you know, I would love it if it was an impeachable offense to pick up your phone and tweet idiotic statements that in fact condemn, call names, create almost a level of

prejudice and angst in the country that makes everybody walk around with a pain in their stomach. I wish that was an impeachable offense, but it's not.

Jane Albrecht: I would agree and it's not.

Bill Curtis: And I think the problem with a democracy is that everybody gets to vote. And a lot of people in this country don't feel that self-dealing with Ukraine is an impeachable offense.

Jane Albrecht: If they don't feel that way, they need to look into it further, because it really is a very serious matter in terms of protecting the United States national interests. And the irony of the whole thing is that the United States has worked for a long time to get Ukraine where they are now. Ukraine has been a horribly corrupt country. It's been run by mafia-organized crime organizations and it's taken years to get this president elected, one that was really about reform. And no sooner do they do that than our president calls them and not only asks them, but pressures them to do a corrupt act.

Bill Curtis: Ed, you wanted to say something there.

Ed Larson: As a historian, I'd comment that, as we know, there have been, what, three actual and parchment trials, but the one that was really serious about getting rid of the president was Andrew Johnson. I don't think that back in the Clinton impeachment that the Republicans who controlled the House of Representatives, Newt Gingrich and company, ever thought they were actually going to get rid of Bill Clinton. They could count the Senate. They knew how it was going to come out. But what they wanted to do was political.

Bill Curtis: Of course,.

Ed Larson: And it worked. We know that it worked. Al Gore lost. And it was in part because of the impeachment trial of Clinton that Al Gore was weakened. He says that, every analyst says that, it worked. And so the Democrats, knowing they're not going to get a removal, but also sincerely believing what he's done is impeachable, they run this trial with the hopes that it will influence the upcoming election.

Bill Curtis: Was the concept of impeachment injected into the system by the forefathers designed to be political, or was it designed to be a tool when something passed the so what test. Let me talk about the so-what test for a minute. Andrew Johnson passed the so-what test. His actions deserved to be impeached. Frankly, I think Nixon passed the so what test. You break into the Watergate and you steal files? I think you passed the so-what test. You deserve to be impeached. Clinton didn't pass the so-what test. I'm afraid I didn't like what he did. I had young daughters at the time. I didn't want them to watch TV because I didn't want them to hear about it. Depends on what your definition of is is. I just thought that it didn't pass the test. And this one, I think is really sensitive because it doesn't necessarily pass the so what test.

Jane Albrecht: Oh, I think it totally passes the so what test.

Bill Curtis: I figured you did.

Jane Albrecht: I think this is probably the most serious case of presidential corruption and misbehavior that's been in any of the things. Certainly as serious as Nixon. In Nixon's case, it was the break in to the opposite party to try to improperly affect the elections. In Trump's case, he's done that and more. I mean, today they wouldn't have had to break into the Watergate offices. They would have just broken into the computers. And that's, that was done. And people aren't as shocked by that because they didn't physically.

Bill Curtis: Well, he didn't do it. He didn't order it.

Jane Albrecht: Well, neither did Nixon. But Nixon did the cover up. Nixon had the people, his his slimy people doing his work for his.

Bill Curtis: and his cover up was a little more extreme. Don't you think?

Jane Albrecht: No, I think it was not any more extreme at all.

Bill Curtis: Firing everybody who was anywhere near it so that they could not remotely affect the outcome of his adjudication.

Ed Larson: Think of how much stronger Donald Trump is with respect to the Republican senators than Nixon was. Nixon had never played the game. He didn't have a loyal following of a majority of the Republicans in virtually every state. People didn't really like Nixon. They never did. But they went along with him. Trump's got this base of 30, 40 percent of the electorate that is loyal to him. Its different. It's not the Republican Party of our youth. It's a separate thing that involves a lot of former Democrats, a lot of working class people, and they're loyal to him. So the result is in Nixon, their political self-interest was to dump this guy. Their political self-interest is to stay with Trump. And that's what the House managers of this impeachment know. That's what makes this a fixed jury.

Jane Albrecht: Nancy Pelosi and others have to think about the political ramifications. I think people maybe don't want to believe it, but there are a lot of Democrats out there and in including in Congress who really didn't relish the fact of going forward with an impeachment. But when they saw all this evidence, there just came a point where you win or lose at the election box. This had to be stopped.

Ed Larson: I think she decided that we're in the same box as these Republicans. If we don't impeach, these guys our people are going to lose because our base so wants this impeachment. And so they get the impeachment, they retain the House. But overall, just like the Clinton impeachment, which overall backfired on this on the Republicans. In the end, it really helped the Republicans because it helped defeat Al Gore.

Jane Albrecht: In terms of Al Gore in 2000. I agree with you that the Republicans did the Clinton investigation and they went on and on and on with the independent counsel investigation to just look for dirt. It was all about politically damaging Clinton's coattails. He was very popular. And they knew that. Al Gore fell into every strategic trap that the Republicans laid for him. Clinton still had tremendous coattails, but Gore was too afraid and fell into that trap.

Bill Curtis: Actually, I'd like to hear more about that when we come back. So we'll be right back in a few seconds. Let me just summarize what I was saying before with all of these folks in Washington. We're seeing good politics over good governance. We'll be right back.

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Bill Curtis: Hi, we're back. OK. Jane? Yeah. Al Gore falling into every trap. Mr. Environment himself. What happened?

Jane Albrecht: Well, let me clarify that I think very highly of Al Gore. And I think he would've made a great president. I think we made a fantastic president and move this country forward on many issues that we wouldn't be struggling with today from the environment to mental health. But Gore is not what I call a natural born politician. He's, by instinct, he's more of a journalist. And the Republicans in their impeachment of Clinton, it was all about trying to damage this incredibly popular, incredibly successful president. To defeat him in his second term, which they didn't succeed in then, if not to be sure, he didn't have coattails. But the truth is, after it was all over with, Clinton remained incredibly popular, including among independents and some Republicans. As one Republican friend of mine said, leave him alone, he is doing a great job. No, when I'm talking about the trap is I'm talking about not using Clinton to help him get reelected. There was a a show or a panel afterwards where Karl Rove admitted this. The thing that scared the most was for Gore to put Clinton on the road for him, and he was too afraid to let that happen. That was why the Republicans did what they did and they admitted it afterwards. And he just unfortunately fall into that trap and it cost him the election.

Bill Curtis: So going back to this impeachment process, as I'm going to call it, a tactic, not a strategy, because I believe a strategy takes into account a number of different fronts that you're fighting on. And let's talk about the Democrats and their strategy or lack thereof on other fronts. Would you be willing to admit that that Wisconsin, Michigan and Pennsylvania are important in the next election?

Jane Albrecht: I think that's the conventional wisdom. OK. For people who count electoral votes.

Bill Curtis: Yeah. So I listened to a pretty remarkable podcast by The New York Times last night. And they featured John Fetterman, the lieutenant governor of Pennsylvania,

who stated simply, people vote their jobs. They lobby their hobby. So regardless of what your opinion is on the environment versus jobs and the economy, if you buy into the idea that people vote their jobs, you have to look at Bernie Sanders and Elizabeth Warren's statement of immediate bans on fracking, which currently employs 60000 people in Pennsylvania, while Biden and Bloomberg promote a slower process of moving to alternative energy sources. They, Biden and Bloomberg, clearly recognize that jobs are important to getting elected. Where Bernie and Elizabeth really should have taken a different tact if they want to win Pennsylvania.

Jane Albrecht: I agree with you. I do think that people will vote their own economic interests. And I think, in fact, I wish they would, because oftentimes the Republicans have convinced them to vote against their own economic interests with cultural, with culture wars.

Bill Curtis: So where's the strategy here? I understand the strategy of the impeachment. I understand the strategy of witnesses. I understand the strategy of being, you know, really melodramatic and wonderful in delivering a message that what Trump did with the Ukraine is not only inappropriate, but constitutionally inappropriate, and he should be impeached. But they know he's not going to be impeached. So let's talk about the overall strategy. And I'd have to say that the strategy is lacking when on the other side of the war you allow your candidates to have positions that will ensure their failure in Pennsylvania.

Jane Albrecht: But if you view impeachment simply as a strategy to win an election, I think you're never going to get your answer, because it's not entirely, it's not all the factors, but we're not at the point where party bosses determine who's going to take what position and who's going to be their nominee. It's not quite that clean and clear.

Bill Curtis: And I'm curious, when you look at the Democratic field, do you think that we have someone there that is truly electable in those four states?

Jane Albrecht: First of all, I think getting Donald Trump out of office and I've said this for a long time is gonna be an uphill battle. With or without the impeachment, one is he has the incumbent advantage, which is formidable. Second. Plenty of money. Third.

We've seen for four years or almost four years now that they will play dirty if they have to. So beating him,.

Bill Curtis: They will all play dirty if they have to.

Jane Albrecht: That's the relativism that doesn't work here. Not every politician is dirty and not every politician will stoop to that. And this comes back to the integrity in government thing. There are good, honest politicians out there.

Bill Curtis: There are politicians where if someone were to contact their office during an election and say, I have dirt on your opponent, that will change the course of this election.

Jane Albrecht: That's not what I'm talking about.

Bill Curtis: I'm just asking you whether there are politicians universally out there that will deny knowing that information.

Jane Albrecht: I don't think there's anything wrong if there is legitimate bad information about the opponent, in taking that information and getting it out, because I think that's part of what a campaign is. It's how you get it and who you get it from. And, you know, to go to a foreign power, which is actually illegal in this country and say, help me out. Furthermore, doing really dirty things, breaking into people's, you know, e-mail systems and things like that. That is not right. And there are politicians that won't do that. So the bottom line is that I think beating Trump is an uphill battle. And I think the general odds are in favor of him winning right now. I hate to say that as a Democrat. I don't want that to happen. But is it a foregone conclusion? No, it's not. It's a battle worth fighting.

Bill Curtis: Yeah, I'm not suggesting that that's a foregone conclusion. I'm suggesting that having a complete strategy is important. A partial strategy is dangerous. So, Ed, I've got to ask you, Biden, Warren, Sanders, Buttigieg and maybe Amy and Bloomberg. Which of them do you think has the tenacity and position that can actually win against a Donald Trump?

Ed Larson: Well, as you know, I'm a historian, not a prophet. And I'm all I can do is look back and see what happened in prior elections and try to see how they play forward. Biden may be the Democrats Jerry Ford. You'd never think Jerry Ford would make a president, but after Nixon, he was the person the country needed. So you have to think about what does the country need right now and if they need to come together, I think he might be the person who draws people together. Personally, in my own view, I have the same respect for Elizabeth Warren that Jane has. I do think her presidency, if she was president or Sander's presidency, would be very divisive. Nixon was divisive. In contrast, Jerry Ford did tend to bring people together. The question is, do we need another divisive president?

Bill Curtis: We're going to take this program to a close by playing you another 30 seconds of Schiff's conversation yesterday in the Senate when he clearly laid out the thought process of can you honestly say that if a decision came down to what would benefit the country versus what would benefit Trump, would Trump make the decision that you expect?

Adam Schiff recording: Can any of us really have the confidence that Donald Trump will put his personal interests ahead of the national interest, is there really any evidence in this presidency that should give us the iron clad confidence that he would do so? You know, you can't count on him to do that. That's the sad truth. You know, you can't count on him to do that. The American people deserve a president they can count on to put their interests first, to put their interests first.

Bill Curtis: And we all want someone in the office who's actually going to create a balance, who's gonna reasonably understand that maybe over the course of the next 40 or 50 years we need to phase out of fossil fuels, but will embrace the need to have healthy companies give us fossil fuels until we don't need them anymore. And we're going to need to have a long term strategy that takes into account everybody's needs. And make these decisions from the middle because one side or the other cannot possibly survive. And with that, I'm going to thank you both for coming here. Jane, thank you so much. I hope you'll come back again. And Ed, as usual, a wonderful co-host. Thank you for coming.

Ed Larson: Thank you for having me again.

Bill Curtis: Take it easy, everybody. Come back again. If you like what you hear. Please tell your friends and let us know how we're doing by leaving a comment. It really helps if you give us a five star rating and we really appreciate it. You can also subscribe to the show on Apple podcasts, Stitcher or wherever you listen to your favorite podcast. This episode was produced and edited by Mike Thomas. Audio Engineering by Michael Kennedy. And the theme music was composed and performed by Celeste and Eric Dick. Thanks for listening.

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