



## Transcript of CC Conversation on Election 2020: What's at Stake?

*Our panel of scholars and specialists focus on the 2020 election season, each bringing his or her own academic expertise to the conversation. From the future of the Supreme Court to the ongoing issues of voter suppression and political representation, join these five faculty members for an informative, engaging, and thought-provoking discussion. This webinar was moderated by Elizabeth Coggins on October 22, 2020.*

Elizabeth Coggins: Good afternoon from Colorado College. We are so pleased to be here to welcome you to the next installment of CC Conversations. In this particular conversation, we will be focusing on the 2020 election. We've chosen to ask what's at stake from a variety of vantage points. With us today, we have four CC professors and well-regarded scholars who will bring to bear their own areas of expertise in considering this question in this moment.

Elizabeth Coggins: Hi. My name is Elizabeth Coggins. I'm an associate professor of political science here at CC, and I'll be moderating the conversation. Thank you for being here. If I've had the pleasure of meeting you, you know that I am deeply passionate about this college, and I am deeply passionate about facilitating an environment where democratic and civil dialogue prevails. We hope you will join us today in opening our minds and thinking outside of ourselves, and in catalyzing civil discourse.

Elizabeth Coggins: We will leave the last 15 minutes or so to answer questions that come in during the talk. We may not get to them all, but we hope this conversation sparks dialogue among your friends and your family in this important season, and of course, in the many years to follow. Now, I'd like to ask each of our panelists to introduce themselves, and to tell us a little bit about their research and their focus. Dr. Wolfe, will you please start us off?

Dana Wolfe: Sure. Thank you for having me, Elizabeth, and thank you for moderating today. I am Dana Wolfe. I am an associate professor of political science. I study US politics broadly construed, and my research and teaching interests mostly surround gender in politics and political psychology.

Mike Angstandt: Hi, everyone. My name is Mike Angstandt. I'm an assistant professor in the Environmental Studies program here at CC, and I research the relationship between

environmental politics and environmental law both at the global and the domestic levels. I'm thrilled to be with you all today.

Doug Edlin: Hi, everyone, and thank you, Elizabeth for doing all of this. My name is Doug Edlin. I am the McHugh Professor of American Institutions and Leadership at Colorado College and most of my research focuses on comparative Constitutional law and Constitutional theory primarily involving the United States and the United Kingdom and I am really looking forward to this discussion today.

Michael Sawyer: All right and, as echoing everyone else, thank you again, Elizabeth for the invitation. I'm really looking forward to this. My name is Michael Sawyer. I'm an assistant professor of Race, Ethnicity, & Migration Studies and the Department of English. My work is primarily on Africana or Black diasporic political thought and revolutionary ideology.

Elizabeth Coggins: Thanks everyone. I'm really looking forward to this and Professor Wolfe, if it's okay, I'd like to get started with you. And forgive me, dear audience, but I can hardly open my mouth these days without referencing the Constitution or The Federalist Papers.

Elizabeth Coggins: Professor Wolfe, in Federalist No. 10, James Madison wrote about his fear of the power of faction, by which he meant strong partisanship or group interest that inflamed men with mutual animosity and made them forget about the common good. Madison presumed that factious or divisive leaders may kindle a flame within their particular states, but will be unable to spread that general larger fire throughout the other states.

Elizabeth Coggins: We know that, by design, the Constitution includes mechanisms to slow things down, let passions cool, and encourage reflection and deliberation. There has been a lot of talk, though, among journalists, political scientists, and just everyday Americans about how divided we are and feel as a country right now. Can you speak to whether this is really true and, if so, how did we get here?

Dana Wolfe: Sure. Well, why don't you start with a small question, Elizabeth? I always appreciate a reference to The Federalist Papers, so thank you for that.

Dana Wolfe: So, long story short, yes, that is true. But before digging into maybe what the current polarization looks like, I think it might be useful to back up a little bit and talk about the basics of group psychology, so particularly something called social identity theory.

Dana Wolfe: So, what is social identity theory? So, a psychologist named Tajfel wanted to figure out why people formed in groups and out groups. And specifically, he wanted to figure out what was the most minimal amount of division that would create groups in discrimination. So, his plan was to start with a baseline and then add conditions until he got to the tipping point, till he could create discrimination.

Dana Wolfe: And, for his baseline, he thought that he would have two meaningless groups and those meaningless groups would create no competition. So, and there's been lots of iterations of this, but in one iteration, he had people look at a picture of dots and guess how many dots were on the page. And some people were called overestimators and some people

were called underestimators, but what he found was that, even in these completely meaningless scenarios, people tended to prefer their in group.

Dana Wolfe: So, without ever seeing other members of their group. So, if I'm an overestimator with never, ever meeting the other overestimators, knowing you never will meet the other overestimators, just found out and I just found out I was part of this group, people were biased to the out group, for example, the underestimators.

Dana Wolfe: So, in one example of this, he asked people to choose between a scenario in which everyone in both groups got \$10 or a scenario in which their group got seven and the other group got five.

Dana Wolfe: Now, even though 10 is best for everyone, most people chose the seven/five scenario. And here's the key, and I think this is key to understanding the polarization in today's environment, is that people wanted to win and Tajfel summed this up really nicely, sort of quizzically saying, "It was the winning that seemed most important to them."

Dana Wolfe: So, I think this theory really gives us three stepping stones for understanding the current polarization. One, we form easily into groups. Two, we identify with those groups. And then three, we want to win.

Dana Wolfe: So, to use this as a backdrop, there's this new, I think, very compelling theory in political science to understand the current polarization and it's called the mega-identity theory and it's by a political scientist called Lilliana Mason.

Dana Wolfe: Now, what she says is that most of us used to be cross-pressured, and by used to, I mean decades ago. So, we used to be cross-pressured. So, we had a lot of non-overlapping identities. So, people were and knew and loved and understood people from a number of different groups. So, whether that's based on my religion, my race, my ethnicity, my gender, my area of town. We can think of numerous identities here.

Dana Wolfe: Cross-pressured voters, she explains, are sort of a buffer against polarization, because, like I said, we know and care and love about people who might be of a different partisan affiliation. So, long story short, what this theory proposes is that there's been a major decrease in cross-pressure to voters and the fancy political science term for this is that there has been a social sorting that has occurred, where multiple forms of identity now overlap.

Dana Wolfe: So, in many ways now, let's say I'm a Democrat. That also now becomes synonymous with my religion, my race, my gender, my profession, my region and all of those identity characteristics are now wrapped up under the partisan label.

Dana Wolfe: So, what she finds is that liberals, people of color, those that are less religious, those living in urban centers all now identify as Democrats whereas those that are more conservative, white, religious, rural all now identify as Republicans.

- Dana Wolfe: So, partisan affiliation now implies all of these other things that it didn't use to. And so what that means is that we now have this sense of a distance from and a competition with those are that are of the opposing parties.
- Dana Wolfe: So, I think it's beyond the scope of this panel probably to get in all of the reasons why this happened, but just to give you a couple so that you can sort of see what she means. The Democratic Party staking out a position on civil rights in the 1960s and the Republican Party embracing the Christian Coalition are all sort of examples of different mechanisms of how this social sorting occurred, but now we have become so neatly sorted that every part of my identity feels under threat when there's an election and every part of my identity feels like it's winning or losing.
- Dana Wolfe: So, long story short, we now have what she called affective polarization. And I think that's really important for your question is we often talk about polarization as policy polarization and I would argue that's actually not that important for thinking about the story of polarization. It's about the way we feel about each other and that's what affect of polarization means. It's really that I have a set of negative feelings towards those of the opposing party and those negative feelings that affective polarization is increasing way faster than our policy agreements are.
- Dana Wolfe: So, our conflicts now and that polarization is about who we think we are rather than about a difference of opinion. And I'll stop talking now in a second, but just to give you a little glimpse of this Pew data, which my students on here will know that I love and I try to have them read as much as possible, shows that Democrats and Republicans now are fearful of one another, feel anger toward one another, and I think this is sort of most important, feel like the other party is a threat to the nation's well-being.
- Dana Wolfe: So, 45% of Republicans view Democratic policies as a threat to the nation's well-being, whereas 41% feel the same of Democrats. And I think just the last thing I'll say about this is that probably most important for everybody on this Zoom call today, those that are the most politically active, knowledgeable, and engaged are the most likely to feel afraid and angry. So, long story short, yes. We do have, I think, a new and important moment of polarization in this country.
- Elizabeth Coggins: Thank you, Dana. I think recognizing that too is very helpful in sort of attenuating or trying to think outside of ourselves some, as well, which I encourage everyone to do at the beginning of this panel. So, knowing those data, that information can really help us open our minds as well.
- Elizabeth Coggins: You mentioned, I think that this phenomenon is sort of happening faster and faster in recent years. Could you speak for a moment about maybe how the presidency of Barack Obama or even the presidency of Donald Trump has enhanced those trends or the pace of those trends?
- Dana Wolfe: Yeah. I think that's such an important question, Elizabeth, so thank you. And a lot of the data that I will use to answer that question comes from a book that I think everybody should read called Identity Crisis and it's by Vavreck, Sides, and Tesler. They look at the

2016 election and basically try to situate it in history about what was happening. And I think this quote from that book sums up the answer to your question.

Dana Wolfe: "The Obama administration was not only eight years of a Democratic president, which meant that polarization would inevitably grow, but also eight years of a Black president. Once Obama was elected, American's racial identity and racial attitudes became even more potent political factors."

Dana Wolfe: And I think this data that I'm just going to give you from Pew tells the most important story here and I think it's just astounding. I had to go back and double check that I had the right numbers here. "In 2007, whites were just as likely to call themselves Democrats or Republicans. So, about 44% to 44%, but whites quickly fled the Democratic Party during Obama's presidency. By 2010, whites were 12 points more likely to be Republican than Democrat and by 2016 the gap had widened to 15 percentage points."

Dana Wolfe: So, for those of you that aren't political scientists, this is a jaw-dropping statistic. So, over nine years there's a 15-point shift in Democratic affiliation among white voters and importantly, this white flight was concentrated at the bottom of the education ladder. So among whites who did not attend college, they were evenly split between the two parties and Pew surveys from 1992 to 2008.

Dana Wolfe: So, this wasn't just a pre-2008 phenomenon. For decades, they were evenly split. By 2015, white voters who had just a high school degree or less were 24 points more likely to call themselves Republican than Democrat. So, that 24 point shift over just a number of years.

Dana Wolfe: Now, it may seem odd to those of you who are attendants during this Zoom call because you're some of sort of the most politically astute, but what the theory here is is that, before the Obama presidency, voters didn't really understand where the two parties stood on racial issues, so they didn't have like super strong cues. And again, I know this is hard for everybody in here to understand, but most voters didn't have strong cues about where the parties stood on racial issues.

Dana Wolfe: But Obama, because of who he was, became a very clear signal to voters where the Democrats are on issues. And Trump and Clinton's contest in 2016 only strengthened those signals, because much of what they talked about and obviously we know much of what Trump stood for was about race and issues surrounding race. So, identity became primed in new ways by who the candidates were and what they were talking about. And research on this is just astounding, so it shows that opinions about race began to affect pretty much everything that politics touched. So, from opinions about Obama's dog to Obamacare to the economy, everything became racialized.

Dana Wolfe: So, this is just an example, prior to Obama, measures of racial resentment didn't predict views on the economy. After Obama, they did. So, the more racially resentment you had, the worse you thought the economy was doing under Obama, and after Trump was elected, the more racial resentment you had, the more economically optimistic you became.

- Dana Wolfe: So, I think just to sum this up, it fits in really well with what I was talking about before with the mega-identity theory. So, even though these patterns had been increasing for a couple of decades, it was the explicit racialization of politics through the Obama and Trump eras that seem to add such a new dimension and more potent dimension to this sorting. This is I think one of the many reasons why people feel like there's so much at stake in this election.
- Elizabeth Coggins: Thank you, Dana. Somewhat relatedly, Dr. Sawyer, you and other scholars have argued that we are in a particular moment of post-truth in the United States right now. Perhaps relatedly, some other scholars have called it like an end to the expertise or the trust of the expertise in this country.
- Elizabeth Coggins: First, can you explain what these scholars, including you, mean by this broadly speaking and what might this mean in the context of this particular moment or this particular election cycle? What's at stake, if you will, in a post-truth United States?
- Michael Sawyer: So, and I think this will dovetail nicely with what Dana was proposing, particularly when you think of we'll go back to Federalists in a certain way, this notion that the reliance and thinking about something like post-truth relies heavily upon technological innovation, as far as I can tell. So, the ability to limit in the 18th century when Madison or whomever were thinking about the inability of certain types of fervor to transport themselves rapidly and become the type of problem that we can see now is simply because communication was slow. Information only move as fast as a person basically on horseback. Well, now information moves at the speed of light.
- Michael Sawyer: So, the Constitution could not have contemplated the situation whereby an unmediated fashion, a person, whatever their political predilections could be, could expose their ideas to millions of people without any limitation. So, the Constitution cannot accommodate that. So, in Federalist, I think, 68, where this notion of the electoral college is meant to slow things down to make sure that people can deliberate and think carefully about what has to happen, it presupposes the existence of a common set of facts.
- Michael Sawyer: So, now with the internet and what I think is the destruction of something like the archive, just to think about Derrida's notion of archive fever, when he's contemplating what the archive means and, in many ways, misses the point of the durability of email. He doesn't understand that email is permanent in a certain way, but what we now understand is that there's a possibility of creating an entire set of self-referentially true archival statements.
- Michael Sawyer: So, I can literally create a community at the speed of light that believes whatever the case. They believe something as wild as Hillary Clinton is running a child pornography ring out of a pizza parlor in Northwest DC, and I can then have reference points and then hundreds of people who agree with that statement that was simply not something that Madison at all could have contemplated in the 18th century, because he had things like libraries. You had publishers, mediation. Even up until recently we were, and I've said this before, I've been aware of the president roughly since my grandmother told me to watch Nixon resign and now. There was never any point up until the last four years

where I knew every single day what the president was doing. The ability to create a situation where you're preoccupied with a person's subjectivity in that way and also to append that to the possibility of an archive that's only self-referentially true that's not checked against anything creates the possibility of an era of post-truth that then throws into crisis everything that Madison was trying to propose with the notion of slowing down the Constitution, having the possibility of slow deliberation by, almost in thinking about Plato's Republic by these kind of august people who can think carefully about situations. We no longer have that luxury, I don't think.

Elizabeth Coggins: Thinking about the role of social media in particular, Dr. Sawyer, I recently read an account actually from a book chapter you recently published with an interview in 2017 with the CEO of Cambridge Analytica, Alexander Nix. He was filmed saying, quote, "Our job is to drop the bucket further down the well than anybody else to understand what are those really deep-seated underlying fears and concerns." He goes on to say that, "It's no good fighting an election campaign on the facts, because actually it's all about the feeling, the emotion."

Elizabeth Coggins: Another Pew report in 2017 I'm like, Dana, we love the data, found that post on Facebook that exhibited what they call fervent disagreement received nearly twice as much engagement, such as likes and shares, as other types of content on Facebook. So, I'm wondering if you can talk a little bit more about social media, this comment by Mr. Nix, the finding from this study, and what they actually illuminate about the role of social media in this particular election and thinking that you might have something to say about divisiveness, I wonder if you have any thoughts on combating that divisiveness.

Michael Sawyer: Yeah. I mean, I think, again, it's related in really important ways to Dana's point about how polarization happens.

Michael Sawyer: So, now at literally the speed of light I can create the type of polarization that didn't seem possible before. They can also be appended to a set of facts. And so what these analysts are doing is trying to identify those kind of deep-seated concerns, like racial animosity, gender bias, homophobia, whatever the case. These are the hot buttons that, also when we think about the way social media functions or the way even reality television functions. And now we begin to see the kind of perfect storm that we find ourselves in now, where you take reality television depends upon dysfunction. No one tunes in to watch something work perfectly. I don't tune in to want to watch someone's family run the way it's supposed to. I want to see the kind of things that make me say, "Oh, man. I'm not so bad because these people are so screwed up."

Michael Sawyer: So, when you take what we proposed about the notion of the supercharging of bias and its political implication on the presence of social media, the speed of light communications, and what I think of the real instabilities of Madison's document, and I'm thinking now with the book by Waldstreicher, Slavery's Constitution that shows how dependent upon racial bias that's expressed in its most extreme form, slavery, is to the Constitution's function.

Michael Sawyer: So, now we're back to Federalist 54 that then skews, literally determines that certain residents, black residents are three-fifths human in order to create the computations,

computations then create the House of Representatives and then do something like auger how the electoral college will function.

Michael Sawyer: So, this is where it's embedded and what I'm in some ways arguing is that and cynically, in some sense, is that Madison's been hoisted on his own petard in a certain sense, because the racial bias that was embedded in the Constitution that is explicit in the manner in which it's written then becomes literally the mechanism to destabilize the system that he thought would be so stable because he was excluding certain people. So, if you think that only landholders who own slaves and have a certain amount of wealth are going to be the people who would decide, when you start expanding that system and then it kind of proposed, then it throws into crisis the entire system from top to bottom.

Michael Sawyer: So, the presence of Obama, who, if you can imagine the conversation I would like to watch is Madison at dinner with Barack Obama,-

Elizabeth Coggins: Me, too.

Michael Sawyer: ... like this confrontation of these people who, and this is everything that Madison could never have imagined, this person that he thought was sub-human becomes exactly who he thought was the preeminent member of this republic that he's trying to form to see where this begins to shake itself apart.

Michael Sawyer: So, I think that what these analytic companies are doing and where this division shows up is actually to jump up and down on the weak kind of floorboards of the way in which the government was assembled from a perspective of race where the notion of division is literally embedded as one of the foundational components of our Constitutional experiment.

Elizabeth Coggins: I hope you'll let me buy you dinner someday soon and we can try to have that conversation between Barack Obama and James Madison. Imagine that. We'll report back to you, dear friends on the panel.

Elizabeth Coggins: Changing gears a little bit, I'd like to ask you, Dr. Edlin, another topic making daily headlines and indisputably linked to our theme of what's at stake is the nomination, the confirmation hearings and the impending vote any minute now maybe on Mr. Trump's nominee to the United States Supreme Court Amy Coney Barrett. Why was Amy Coney Barrett chosen, in your legal opinion, and how, if at all, is she a unique nominee to the high court?

Doug Edlin: I think there's a series of reasons she was chosen. She has been considered as a possible nominee even since before Donald Trump was elected. One reason for that is the enormous influence of an organization called the Federalist Society and an individual specifically named Leonard Leo on the nominations of all federal court judges including Supreme Court justices under the Trump administration.

Doug Edlin: So, first and foremost Judge Barrett has declared herself for many years to be an originalist, which means she believes the Constitution should be interpreted in accordance with the way the language of the document was understood at the time that



it was written. She's written about that in her scholarship, she's spoken about it publicly, and she has avowed herself to be an originalist judge since she joined the bench on the United States Court of Appeals for the Seventh Circuit. In addition, I think effectively and attitudinally, she is very reassuring to what Donald Trump perceives to be his core base of political support.

Doug Edlin: She is a white, educated, upper middle class woman. She is deeply religious and devout. She has a large family. We all probably are familiar with the story. She has five natural children. She has two adopted children from Haiti. She also has a son with Down syndrome. All of this I think contributes to a public perception of her as a caring person who is deeply committed to a principled life.

Doug Edlin: She also presents an almost unique profile as a judicial nominee, particularly a Supreme Court nominee, because her views on the issues that voters care about most are very clear without being absolutely certain, and this gives her the ability, as we all watched, if you endured her Senate Judiciary Committee debacle, she of course is not going to answer questions because nominees don't answer questions since Robert Bork was railroaded by Democrats in 1987.

Doug Edlin: But what she can do is plausibly claim, as she did, that she does not have an agenda where Roe versus Wade is concerned, even though in 2018 and 2019, she dissented from a decision of her court, the Court of Appeals for the Seventh Circuit, from a decision not to review abortion legislation in Indiana, she has been harshly critical of the Affordable Care Act in published work, and she has said in her published work that she believes Chief Justice Roberts' opinion in the Sebelius case, the case which upheld the Affordable Care Act, was incorrect legal reasoning.

Doug Edlin: And she clerked for Justice Scalia. She went to and taught as a professor at Notre Dame Law School. She is connected to a very powerful religious conservative group of academics beginning with a man named John Garvey, who is now the president of Catholic University of America, and she was a member of Faculty for Life as a Notre Dame faculty member.

Doug Edlin: So, in her total presentation as a nominee, she allows Donald Trump to appeal to a base of supporters. She allows herself to plausibly describe herself as open-minded, where the issues that matter most to voters, particularly abortion of course, are discussed before senators in the Judiciary Committee and she is perceived to be willing to and probably likely to vote in ways that Donald Trump supporters would like to see her vote. So, for all of these reasons, she is an extraordinarily appealing candidate for the court.

Elizabeth Coggins: Somewhat related to that, President Trump has commented numerous times that he wanted to get his Supreme Court nominee confirmed before the election in a couple of weeks, so that the high court could handle any challenges which he indicated he may bring forth in the event of a loss. First, what's the pathway for this type of, that the vote really to come to the hands of the high court? And then, secondly, what might her appointment mean in relation to the outcome of the Trump versus Biden election?

Doug Edlin: The inclination, understandably, I think is for people to imagine what the Trump v. Biden lawsuit would look like in relation to the Bush v. Gore lawsuit from 2000. In fact, it's unlikely that the same legal issue would be presented to the court. From what I can see, there are five categories of voting rights litigation that are currently actively being litigated around the country. One involves the issue of mail-in ballots, in particular in states where cause to request a mail-in ballot had been the prior practice and states because of Covid, as we're all aware, have been expanding the use of mail-in ballots so that people can vote more safely and so that people can ensure that their votes will be cast and counted.

Doug Edlin: The problem is, first of all, some of these states used to require a witness sometimes before a notary. So, the litigation in these cases involves the shift from an in-person voting tradition to a ballot. A second category of case involves situations where a possible defect on the ballot could be cured. So, for example, someone forgets to sign the ballot or the signature on the ballot does not seem to match the signature that's on file. A third type of case involves voting deadlines. This was the case you guys probably have all seen from Pennsylvania a couple of days ago where the Supreme Court, in a four to four decision, was then unable to reach an outcome. So, the decision of the Pennsylvania Supreme Court was upheld, which essentially allowed votes to be counted even if they are received after election day.

Doug Edlin: A fourth category involves voter assistance in education. There's a case pending in Arizona about this right now. And a fifth category involves disabled voters and, in particular, curbside voting. This was the case that some of you I'm sure saw from Alabama yesterday where the court actually has precluded the State of Alabama from allowing disabled people to vote from curbside, so that they could be protected from exposure to Covid and so that the ability to vote would be accessible to them, even though they might not be able to enter the polling place.

Doug Edlin: In answer, Professor Coggins, to your question how the court is likely to resolve that issue and how Judge Barrett or soon-to-be Justice Barrett would vote is going to depend on the specific legal issue that's presented. In one of these cases, for example, the case that I think many people are aware of in Texas where the governor had required only one drop box per county and a state trial court in Texas and a federal trial court in Texas had enjoined that, which means temporarily prohibited it. The appeals court, the Fifth Circuit Court of Appeals has overturned the injunction.

Doug Edlin: So, we're at a situation now in Texas, for example, and most of litigation not surprisingly is occurring in states that are perceived to be battleground states for the outcome of the election. So, Arizona, Texas, Alabama is not one but Pennsylvania certainly is.

Doug Edlin: So, what we see as a trend is one political party actively engaged in trying to increase accessibility of voting rights and the ability of voters to cast ballots. One political party in most of these cases attempting, for a variety of reasons, to forestall that. I'm not saying the reasons are illegitimate. That's just how the cases are going to be presented.

Doug Edlin: So, when the case is presented to the Supreme Court, the specific legal issue and actually the procedural details of it will matter. For example, did the lower courts issue

an injunction in relation to something that is about to happen because this is the situation in Pennsylvania. And if it turns out that the election comes down to the outcome in Pennsylvania, the Supreme Court will revisit it and Justice Barrett will have to decide whether she believes she should and can hear that case.

Elizabeth Coggins: Thank you. It's hard to narrow down all the follow-up questions I have to all these great comments by our panelists, but, Dr. Angstadt, I want to expand the conversation on the court a little bit and note that, in the Supreme Court confirmation hearings a couple of weeks ago, Judge Barrett said that climate change was, quote, "Controversial." She went on later to say that, quote, "I don't think my views on climate change are relevant to the job."

Elizabeth Coggins: I'm wondering if you can share your scientific response to this and talk a little bit about what's at stake in having a soon-to-be, we all agree I think, newly confirmed Supreme Court justice call climate science controversial.

Mike Angstadt: Yes. Absolutely. Thanks for the great question. There's a lot to be said here. First, scientifically speaking, there's virtually no controversy surrounding climate change among those who research the subject. So, 97 to 98% of peer-reviewed studies examining the climate system find that there is a link between human activities and climate change.

Mike Angstadt: I think things get really interesting, though, when we try to figure out how controversial climate change actually is among we, the people. And so there's a fascinating study that demonstrates that every major demographic group in the US underestimates the percentage of other groups in the US that believe in climate change. So, conservatives underestimate how many liberals believe in climate change. Liberals underestimate how many conservatives, and so on and so forth. This is also broadly true, and on general, we find that most would expect that about 54% of Americans believe in climate change, when in fact almost 70% do.

Mike Angstadt: This reality has all sorts of implications for perverse outcomes. Teachers might avoid the subject in their classrooms because they believe it's a controversial topic. Actually, an NPR study recently found that nearly 80% of parents think the topic should be taught in classrooms. And there's some variation in how many Americans believe that climate change is human-caused, but any perception of controversy here is obviously magnified when that perception is held, either genuinely or otherwise, by those in positions of power like on the Supreme Court.

Mike Angstadt: And so, this is particularly important here because historically, some of our key environmental decisions in this country have been the court system, and Supreme Court in particular, interpreting environmental laws that are already on the books. And so, this historical engagement raises a couple related questions that I think are really important and signal what's at stake in this election.

Mike Angstadt: So, first, I think it causes us to ask whether we want the courts, including the Supreme Court, to really be the organs of our government that are driving environmental policy at all. And there's a lot to be said here, Professor Edlin's comment got me thinking about

the fact that, in large measure, courts in the US only hear the questions that are brought before them. And we can think about whether this is an appropriate way to deal with really broad environmental questions simply by latching onto narrow questions that are presented to the courts.

- Mike Angstandt: And then second and relatedly, do we want courts that are primarily staffed by individuals who have legal education and background rather than scientific training to be setting policy in really complex scientific issue areas? I think it's fair to feel that there really is something at stake with regard to the environment and climate in this election and with the potential confirmation of Justice Barrett.
- Elizabeth Coggins: Your comment in particular about the types of decision-makers making decisions around very sort of intricate policy also makes me think back to Dr. Sawyer's comments about post-truth and the end of expertise. And so I think there's really a connection there between that as well.
- Elizabeth Coggins: Relatedly, I wanted to ask you about our current political climate and that it, in some and for many, seems to demonstrate that our government might not always be capable of effectively collaborating to craft lasting policies whether for the environment or across lots of other issues as well. What happens when our government can't meaningfully adopt policy to address pressing topics and issues?
- Mike Angstandt: Yeah. I think that's a really fascinating question that raises some opportunities for hope, cause for optimism.
- Elizabeth Coggins: Thank you.
- Mike Angstandt: And there's a lot of space here to think about ways that we can make our voices heard beyond government. There are lots of opportunities to drive corporate engagement with the environment, just thinking of the environment as one example. If we can nudge corporations to take it in small actions, then corporations with huge valuations can really move the needle on environmental issues.
- Mike Angstandt: Similarly, if we can nudge corporations to adhere to codes of conduct, then they in turn can drive the dialogue on these issues. And I think that we've seen a lot of movement towards giving voice to citizens both within the environmental arena and elsewhere to really shape discourse outside of their vote on key issues.
- Mike Angstandt: Obviously, there's a flip side to this, which is what happens when our government can't agree on what to do in these issue areas? And I think that we've seen in recent years, we get a lot of executive policy on key questions. And so, the past four years have really given us a lot of indicia of what this might look like. We've had efforts to craft executive rules that roll back protections on methane emissions, for example.
- Mike Angstandt: A lot of this was in response to actions taken by the Obama administration executive actions, which in turn were in response to actions taken by the previous Bush administration. And a lot of what this does is it leaves us lacking in terms of durable policy responses, to broad issues like the environment, which span generations and

decades, very incrementalist policies that are subject to being reversed, may not give us what we're looking for. So, I think there's cause for optimism. I think there's also cause for the reverse.

Elizabeth Coggins: Thank you. Dr. Wolfe, I want to switch gears a little bit and think about the role of certain sectors of the electorate, specifically in one of the things that you study and bring to the classroom with such grace and eloquence is the study of the role of women in politics.

Elizabeth Coggins: A recent national newspaper headline read, quote, "'Please like me,' Trump begged," but for many women, it's way too late. Can you comment a bit about the role that women could play in this particular presidential election?

Dana Wolfe: Sure. Thanks. So, as you know, I think this is a really important question and I think the short answer is that yes, I think they could play and they always play a significant role. So, the most recent polls of the presidential election and competitive Senate races show that we may see unprecedented gender gaps in this election.

Dana Wolfe: So, for the presidency, the gender gap has been polled obviously a number of different times and based on the organization polling, we see some variation, but my guess is it's going to be around 11 points, but it could be up to 20. Biden leads, in particular, suburban women, which I'll talk a little bit more about in a second, but by 23 points in battleground states, which is a pretty striking statistic.

Dana Wolfe: In the Senate, I'll just give you a couple of examples. In Arizona, women are preferring the Democrat by a margin of two to one. In North Carolina, women prefer the Democrat by a 22 point margin. In Iowa, it's another 20 point margin. So, we are seeing the potential for some pretty unprecedented gender gaps. And this is all exacerbated by the fact that women just turn out in higher proportions than men.

Dana Wolfe: Now, this gender gap is not something that's new in this era. It's been there since about 1980. We've seen it particularly too for presidential elections, but pretty much across the board, women are more likely to vote for the Democrat on the ticket.

Dana Wolfe: In 2016, the gender gap was 11 percentage points with 42% of women and 53% of men voting for Trump, but I also think it's important here just to pause for a second and obviously all of these numbers are more complicated than they seem right off the bat and I could go into a hundred of different ways we could disaggregate this, but I think most importantly, we want to think about how we could maybe disaggregate this by race, because the voting behavior of women of color actually really drives this gap and I think that's important to note. The majority of white women actually voted or most often vote Republican. So, in every contest in the modern era, except for 1964 and 1996, did we see white women voting for the Republican candidate.

Dana Wolfe: Now, we may be up for the 2020 may be the third moment but it's going to be quite close. But women of color, in contrast, vote very solidly Democratic. So, over 90% of black women vote Democratic pretty much across the board. Latina and Asian-

American women have leaned Democratic and are becoming more clear Democratic majorities.

Dana Wolfe: And so, we can definitely see how, depending on how we look at this data, there's definitely a gender gap, but we want to be a little bit more specific, I think, in terms of what we're expecting.

Dana Wolfe: And just, on a similar note, I think this may have more to do with the gender of the person at the ballot than the gender of the voter, but there seems to be a fair number of reports coming out lately that Democratic voters and independent voters who sat out in 2016 are looking to get back into the election cycle in 2020.

Dana Wolfe: So, Biden leads Trump 49% to 19% among likely voters who backed third-party candidates in 2016 and many say that Biden is more acceptable to them than was Clinton, and obviously that's quite complicated, and I think there's some pretty serious gender undertones there. But since 2019 Biden has held an advantage of four to eight points among those who sat out and I think this is most notably older voters, white voters, and suburbanites. And I think this gets to Trump's comment about suburban women, but Biden's advantage is particularly stark among those voters in 2016 who backed third-party candidates. So, long story short, yes. I think the role could be quite significant.

Elizabeth Coggins: Interesting. We've had a number of people ask for us to share some of the data points that we're using. We'll happily compile the reports that each of us have referenced so you can read them as well.

Elizabeth Coggins: But I want to continue our conversation about this particular election in moment with you, Dr. Sawyer, and note that, earlier this month, as noted by Dr. Edlin, Governor of Texas Greg Abbott issued a decree allowing one drop box per county in Texas. The situation is still up in the air, as Dr. Edlin noted, but if the decree holds, this means that a place like Harris County, for example, home to more than two million Texan voters, will have one drop box for voters who want to hand deliver their absentee ballots.

Elizabeth Coggins: Perhaps for some context for those who are not as familiar with the use of drop boxes as we are here in Colorado, here in El Paso County, home to Colorado College and about 475,000 residents, we have 35 drop boxes scattered across the county. I'm wondering, Dr. Sawyer, if you can talk a little bit about the potential effects of this decree both broadly speaking, but perhaps especially on the psyche of voters.

Michael Sawyer: Yeah. I think this is, in really lurid fashion, speaks to exactly what I think we've been talking about. The kind of instability that seems to be cropping up. Voter suppression is as American as democracy in a certain kind of way. I tell students to not be surprised. I was born in 1967, so I was literally the first person in my family born with the expectation to vote without it being somehow truncated or subordinated.

Michael Sawyer: So, my father is from Hale County, Alabama. And when he was 18 years old, he was denied the right to vote, but very quickly got a draft notice in the mail. So, you can kind of see just how this kind of instability perpetuates itself.

- Michael Sawyer: And so, when you start thinking of ways in which that the technologies to limit the franchise in order to keep power held in a particular kind of way becomes exactly the process that had been instituted by the framers in the first place. So, it's more of the same. Only the technology has, in some ways, changed. So, that's even assuming that we're not just going to be dealing with militia or other members of opposition parties who are going to obstruct people's right to vote, try to intimidate them from voting, render voting more difficult. All these kinds of things are not only voter suppression but also the citizenship suppressing. So, it renders you to be a marginalized type of citizen.
- Michael Sawyer: But then, I think, to get to your question, Dr. Coggins, is then situates a person to not believe that it's worthwhile, like, "What is the point?" So, I think that's part of the most insidious element of voter suppression to me is just the hopelessness that's included. It's like, because without the ability to vote, you can't affect any of these kinds of things, like the manner in which the Supreme Court is conducted. All these kinds of things ultimately refer back to the question of having the franchise and the broader that's distributed, the more possibility there is for volatility with respect to how we can change an 18th century document to reflect the kind of realities of the 21st century.
- Michael Sawyer: I think that it's when you think about one voter box or this notion that was raised about denying people during a pandemic the ability to vote on curbside. It just speaks to what I think is a very difficult to defend position of the right with respect to limiting the franchise.
- Elizabeth Coggins: Some folks might respond to that by saying that European countries take similar measures to those that we're seeing supported by, for instance the governor of Texas and Mr. Trump and saying that he might bring in local law enforcement and sheriffs and US attorneys and that these measures are necessary to protect the validity, the integrity of our elections, and to prevent election fraud. Could you talk maybe just really briefly about how these measures might be similar to those in those other countries and how, if at all, they might be distinct?
- Michael Sawyer: Yeah. I mean, I think we have a historical legacy to deal with and the erosion of the Voters Rights Act over the last couple of years directly speaks to this kind of question.
- Michael Sawyer: So, and we're talking about generally. If I'm a person who's living in, let's take Norway, for instance, that is oftentimes situated as particularly an exemplar for a particular type of system of governance where education, all these things seem to function perfectly. Everyone seems to be happy. It also happens to be a very, very homogenous country.
- Michael Sawyer: So, the homogeneity of a particular political enterprise or a nation-state in post-Westphalian fashion, I think, speaks to the amount of concern that systems of power had for limiting or expanding the franchise.
- Michael Sawyer: So, I think that to consider, and, in many ways, the right to vote becomes the most important of the rights you can possibly have, because everything else flows from that. You can't make decisions about anything like the governor of Texas might not be the governor of Texas if more people had been able to vote and then he wouldn't be able to decide if there's only one machine or one drop box in some place.

- Michael Sawyer: So, all these things kind of always head back to the franchise. And so, to start limiting that, particularly in our system of governance, where I just exhibited the fact that we didn't become a relative democracy till roughly 1965 or so. And 1789 seems in the very distant future when you're talking about a democratic experiment, when it actually becomes something defensible in the 1960s in the span of my lifetime literally. I think to compare that to kind of the European experiment and the particularity of our situation requires that we deal with these situations differently. And I think this, to me, is fundamental to that question.
- Elizabeth Coggins: Thank you. I want to take some time to address some really interesting questions we've gotten from the audience and a couple are related to some of the things I wanted to ask, so even better. But I want to turn to you, Dr. Edlin, and think about the court a little bit more. We've heard a lot of dialogue lately about expanding the Supreme Court. I'm wondering if you can talk about public opinion and court packing vis-à-vis the court's institutional legitimacy in decision-making.
- Elizabeth Coggins: Why do some advocate for expanding the court in this particular moment and what are the arguments against it?
- Doug Edlin: Well, as far as public opinion goes, the most recent Gallup poll where the court's approval is concerned was in September of 2020. At least the most recent one I could find. And 53% of people polled approved of the court as an institution and its work. In comparison, the numbers are 17% for Congress, 43% for the president. So [crosstalk 00:52:26]-
- Elizabeth Coggins: We like to say, if I could just add in this great tidbit, we like to say that houseflies are more popular than Congress, when we ask people questions about things they approve of. People approve of houseflies and field mice more than they do Congress. So, sorry to interrupt, but I just have to get that point in every time I can.
- Doug Edlin: No, and it's relevant, because houseflies and field mice might actually try to do something if they were elected. So, in relation to the court, I think it's important where the legitimacy of the court is concerned to think about this in two ways, and I am going to try to be brief, because I know there are a lot of questions and I would really like us to be able to talk about it as much as we can. But I think it's useful to think about this in institutional terms and political terms.
- Doug Edlin: Manipulating the number of justices on the court is not unprecedented. During the Civil War period, the number of justices fluctuated from 10 in 1863 to allow Abraham Lincoln to maintain an anti-slavery majority on the court, to seven in 1866 to constrain an anti-constitutional president in Andrew Johnson, to the number nine where it is today in 1869, which was actually in response to the fact that the court had just ruled paper money unconstitutional.
- Doug Edlin: So, this is not new, but the reference point that most people use is 1937 and Franklin Roosevelt. And it's useful because of the political motivation behind what he intended to do. Packing the court for Roosevelt meant adding enough justices to get enough votes to ensure that the New Deal legislation would be approved by the court.



Doug Edlin: And as it turned out, that didn't need to happen because Owen Roberts switched his vote. It's a familiar story. West Coast hotel versus parish upholds New Deal legislation and the threat to the court goes away.

Doug Edlin: So, this gets us down to the current moment politically. It's entirely understandable, I think, in response to the perceived irresponsibility and hypocrisy of members of the Senate in relation to Merrick Garland four years ago, Judge Barrett right now. It's understandable that Democrats and Democratic voters want to seek some form of retribution for that.

Doug Edlin: So, the question I think then becomes is packing the court or adding justices the right way to go about that? There are different ways of looking at it if the goal is to affect outcomes in the FDR sense. Let's assume Justice Barrett's confirmed. Four more justices are going to have to be added, so now there will be a seven to six majority in favor of, let's say, the Democratic point of view, even though, as my students who may be here know, I deeply regret and have great reticence about talking about the court in purely political terms because justices don't [crosstalk 00:55:28].

Elizabeth Coggins: Yes.

Doug Edlin: But leaving that aside, there is also a proposal to do something called court packing light, which would mean adding one seat to replace Justice Garland possibly for Judge Garland himself or adding two seats because Judge Garland should be on the court and purely in the terms I'm talking about, Justice Gorsuch should not, but in relation to what the court can do and what's at stake in this election, I think it's worth, and this will be the last thing I say for now unless people want to follow up. I think it's worth thinking about the whole political context and the environment in which the court functions. We have just witnessed the utter failure of the federal government to respond to the most significant public health crisis in a century. We are seeing more sustained political unrest in public spaces than we've seen in 50 years and we are witnessing the most uplifting civil rights movement in 60 years.

Doug Edlin: In the midst of all of this, the federal government is suing to deny health care to even more Americans and the government just recently foiled the plot to kidnap the governor of Michigan because she was repeatedly the political target of the President of the United States. And in response to this, the Democrats are saying, "Pack the court."

Doug Edlin: What I think we might think about is whether the interest in doing that is for the purpose of increasing the institutional legitimacy of the court which, unlike Congress and the president, is not suffering and perhaps should not be and what are the long-term consequences of this for the United States as a nation?

Doug Edlin: So, instead of that or in connection or conjunction with it, we also might try to imagine a functional United States Congress, which we haven't seen for at least eight years. All of the things that people are concerned about the court doing, Congress can do easily or undo, for that matter.

- Doug Edlin: So, if it does turn out that Biden is elected. If it does turn out that the Senate returns back to Democratic majority control and the Democrats maintain control of the House of Representatives, Congress can do much more to affect the lives of people than the court ever will.
- Doug Edlin: And I would say we should think about the proposals to pack the court in that context.
- Elizabeth Coggins: Thank you. I think that's related also to what Dr. Angstadt was saying earlier about that, and this is sort of something we would learn in your classes, Doug. The courts can only answer the questions that are brought before them and oftentimes they're quite limited and quite small and can often be seen as solutions to large policy problems, but policy problems are meant to be handled by the Congress. And we found that in different times throughout history. We've relied on different institutions and arms of government to do that, but your point is well-taken.
- Elizabeth Coggins: This one is going to be again for you, Doug, from one of our students asking about how long could disputes in courts take regarding mail-in ballots assuming that we have some. Do these legal disputes, coupled with a potential outcome of the election where we have two people trying to move into the White House in January, one stay, one new one move in. How long will these disputes take to resolve, in your legal opinion?
- Doug Edlin: So, this time, I really will be brief. I promise. The short answer to the last question that you asked, Professor Coggins, is if it appears that Vice President Biden wins this election, Donald Trump's term ends on January 20th, 2021. I don't believe he will do this, but if we imagine this as a worst-case scenario, federal marshals will remove him from the building on that day.
- Doug Edlin: So, on the one hand, that's an end date that we can all recognize constitutionally. How we get from here to there I know is the substance of this question. It will depend, as I mentioned a little while ago, on the issue that's presented, but in relation to a question on the chat, we are not going to have an election day this year. We're going to have something more like an election week because we are not going to know the outcome and going back to what Professor Wolfe was mentioning about likely voters and voter turnout, it may be the case that there's a relatively clear winner relatively quickly, but I think we should prepare ourselves for the very real likelihood that we won't know the outcome of this election for weeks and if it does wind up coming before the court, we may not know the outcome of the election for something like a month or even six weeks.
- Elizabeth Coggins: Thank you. We're running out of time, but we have one question from a student that I would like to ask. He notes an article today written by Mr. Klein written today. Said that American democracy is at stake in this election. Do you think that's an accurate evaluation of this particular election? And what I'd like for whoever the brave soul is that takes on this question chooses to say, I would like for them to consider it from that someone who believes very differently from Mr. Klein, who made this comment, might say the very same thing. And I'm wondering if you could talk a little bit about if you think really American democracy is at stake in this election and why we might see that comment coming from people of all different types of political leanings. And Dana, Dr. Wolfe, I'm going to point right at you since you were our expert on organization.

Dana Wolfe: I was trying to evade your eye contact.

Elizabeth Coggins: I saw that. Yeah.

Dana Wolfe: Yeah. So, I have to say and I just taught US politics and I'm teaching elections. I'm forcing all my students to be in here. The last substantive day for both of those courses, I end with this question, for what is the future of democracy? And I just want to say, first of all, is I do not have an answer to this.

Dana Wolfe: I tell my students that I think a successful block is one in which we leave with more questions than we started with. And I think that you can't be a critical consumer of political information right now without having an increasing number of questions. So, I will just start off by saying that.

Dana Wolfe: As a follow-up, I would say that if you are not concerned about the state of democracy right now, you are not paying attention. And I don't mean that as an alarmist, but I think that Dr. Sawyer said a number of, I think, quite important things. And I forget the phrasing he used, but we are on shaky ground right now. We've never seen threats to election integrity like this. If you are watching the first debate and the sort of the constant rhetoric coming out of the Trump administration about delegitimizing ballots, whether there is going to be a peaceful transfer of power. I think that that should give us all pause.

Dana Wolfe: And one thing that I try to reiterate to my students is that there's always two things going on. There are the institutional constraints and there are the words of the Constitution and obviously the courts that all make up democracy.

Dana Wolfe: But one of the more important things about democracy is the myth that we all believe in. So, when the Supreme Court hands down a decision, nine people, we believe it as a country. And if we don't believe that or if we don't believe that our ballot is going to count, like Dr. Sawyer was saying, that is potentially way more dangerous, because it's the myth of democracy and the norms of democracy that I think keep us all together. A democracy is fragile and I try to reiterate that point as often as I can when I teach, because I think we've all, myself included, have been socialized in a moment where we believe that nothing can shake this democratic moment, but we are, like I said, I think if you are paying attention, you should be shaken right now.

Dana Wolfe: And the article that I end my course with is about sort of I'm going to try to tie it back to the first thing that I said is about the political polarization in which we live. This article uses a series of experiments to show that at what point are citizens willing to trade off democratic norms for partisan gain and the story is not optimistic. So, most voters are willing to overlook things that their parties are doing that go against democratic norms if the party will win.

Dana Wolfe: And so I think this again goes back to, like I said before, this affect of polarization and if we can't find a way to stop hating each other so much and stop being fearful of the other side, I'm not sure what the next steps for democracy may be.

- Dana Wolfe: But I'm going to end on a positive note here and then I hope that another panelist will step in here because I think that they all have really important perspectives on this as well is that, in these dark moments, again, I'm sorry to bring in all these things that I say in the classroom, but I keep going back to this question of where do we go from here, because sometimes I think we need to understand what's truly happening on the ground before we can make the world a better place.
- Dana Wolfe: And I think that the social mobilization that we are seeing from groups that have been historically disenfranchised and left out of the political process is that's what allows me to sleep at night is that I think that there's a lot of power on the ground and I think that there are a lot of people that want to make democracy work for the most amount of people. And I think that that can be a really strong social force if we all come together.
- Dana Wolfe: So, I will try to end on that optimistic note, but I hope to hear from our other panelists and potentially you as well, Dr. Coggins, because I know that you have a lot of insights on this as well.
- Elizabeth Coggins: Dr. Angstandt, do you think you might want to add any of your expertise here and thinking and creating, trying to respond to this question in the context of the other comments you offered us today? I'd love to hear your thinking here.
- Mike Angstandt: Yeah. Thank you for the opportunity. I think Professor Wolfe and the other panelists have really gotten at this question eloquently already and really thoughtfully. The one thing that I'll add is a lot of my teaching is at the international level, thinking about the ways that we deal with environmental issues specifically as a global community. And something that I really emphasize repeatedly in many of my courses is the fact that global politics is local politics. Things that happen within domestic contexts amplify and ramify globally.
- Mike Angstandt: And so the environment and the issue of the environment provides me a useful lens to really emphasize this concept, but I think the reality that I would just want to insert here very briefly is that the world is really watching and that actions that we take domestically in this election are going to resonate around the world. The world is very interested in whether we can project a unified front and engage in sort of perpetuating this belief in American democracy, because the reality is that, in many issue areas around the world, we are a voice of leadership, a voice of inclusion, and an opportunity to promote equity in many different issue areas around the world.
- Mike Angstandt: And so I think there will be many people not just within the United States and not just within the environmental issue but within many issue areas that are watching very closely to see the currency that we put in upholding our democratic practices in this election.
- Elizabeth Coggins: Thank you for saying that. I want to extend a sincere thank you to our panelists and all who took time to join in today. We hope this serves as a jumping-off point for many more engaging conversations in your lives. As a final note, we want to bring to your attention just a handful of programming that our very own CC Votes is doing around the election. We know that when our young people establish voting habits early on, they

are much more likely to vote for the rest of their lives. We're going to post a slide here for just a small taste of the work that they have done and have been doing for many months to educate and to motivate all of us to be better citizens. Thank you all so much for being here today.