

Duke Law Goes to Washington, DC 10202020

LOREN WEIL: Everybody. My name is Loren Weil. I'm a member of the class of 1985. And on behalf of the class of 1985, I want to welcome you to today's panel, Duke Law Goes to DC.

I think we can't always all agree on everything about the political season, but we can agree that it's been a very fascinating year. So we've convened this panel of Duke Law grads, all of whom have significant experience in government, to help us make sense of it all. So we have a great panel, and I'm going to just give a brief introduction of the panel and our moderator, and then let them jump in.

First, our moderator. Professor Walter Dellinger is the Douglas B. Maggs Professor Emeritus of Law at Duke University. He was a resident faculty member at Duke continuously from 1969 until 1993.

He served as acting Solicitor General for the 1996-'97 term of the Supreme Court and argued nine cases before the court as Solicitor General. A leading authority on appellate and Supreme Court decisions, he's a partner in the Supreme Court and appellate litigation practice at O'Melveny & Myers.

MARTINA BRADFORD: Martina Bradford, Duke Law class of 1975, has served many positions in the federal government as corporate officer for two Fortune 50 corporations, partner at Akin Gump, and most recently as Senate Deputy Sergeant at Arms. She is recognized for her expertise in areas of telecommunications, information technologies, mergers and acquisitions, and trade. And in 2015, launched Palladian Hill Strategies, a DC-based boutique government relations, strategic planning, and advocacy firm.

Next, we have Waverly Gordon, Duke Law class of 2020, who is Deputy Chief Counsel for the Committee on Energy and Commerce for the US House of Representatives, providing counsel to the committee members and staff on procedural, jurisdictional, and legal issues. She previously served as Health Counsel for the Committee, and was named a 2017 40 Under 40 Leader of Minority Health by the National Minority Equality Forum.

Congressman Mike Levin, Duke Law class of 2005, represents California's 49th Congressional District, which includes North County San Diego and South Orange County. Throughout his career as an attorney and member of Congress, he has been a passionate leader on environmental protection, clean energy, and combating climate change, as well as an advocate for active duty service members and veterans. He is a member of the Congressional Progressive Caucus, the Future Forum, and as the grandson of immigrants from Mexico, a member of the Congressional Hispanic Caucus.

Next, we have Deanna Tanner Okun, Duke Law class of 1990. She is the Managing Partner and International Trade Lawyer at Adduci, Mastriani, & Schaumberg in Washington, DC. She served two terms as chairman during her 12 years of service as a member of the International Trade Commission where she ruled on hundreds of cases involving allegations of patent, trademark,

and copyright infringement, as well as other types of unfair acts such as trade secrets. She was recently selected for the 2020 roster for NAFTA Chapter 19 by national panels.

Finally, we have my classmate, Duke Law class of 1985, Dave Trott, who is chairman of ATA National Title and who represented Michigan's 11th District in the US House of Representatives from 2015 to 2019, serving on the Foreign Affairs, Judiciary, and Financial Services Committees.

He was an original co-sponsor of the legislation reforming Dodd-Frank, which was signed into law during the 115th Congress. Prior to serving in Congress, Dave was the Managing Partner and Chairman of Trott & Trott, a law firm specializing in the representation of the real estate finance industry. Welcome, everybody. And now I will turn this over to Professor Dellinger.

WALTER DELLINGER: Good evening, everyone. It's a pleasure. Let me make sure I am both unmuted and video. OK. All right. Good evening. I'll start again and say welcome to everybody. We're going to talk about some of the experiences that Duke Law graduates have had in our nation's capital. It's a perfect and lively time to have a discussion about where government and politics and law and lobbying and regulatory agencies and Congress have gone.

I'll start by saying that one of the things that strikes me about Duke Law School, in addition to the alumni who have gone to Washington, is how I think we are virtually unique among law schools, or certainly Duke stands out in a very special way of making a real contribution on the behalf of our faculty to life and national government. We have so many-- I think the intellectual output of the Duke Law faculty is extraordinary, exemplary, and very much to be expected.

But what I found especially rewarding about Duke Law School is the degree to which the faculty have so many members who are very much grounded in the law and in the way the law functions in our national government. And I began to list the faculty members who have made important contributions in political administrations, in Congress, in political campaigns, by writing about matters that are critically important to people who are trying to make our system work. It would take up most of our panel, but I think it is really extraordinary, and that Duke stands out in how grounded we are.

We have major interdisciplinary components at Duke Law School, and I for one am always thrilled to be able to interact with people from other intellectual disciplines. But unlike some other law schools, law is one of the disciplines that the law school values on its faculty, and the fact that so many are grounded in their experience as prosecutors or defense counsel, members of Congress, aides to senators. It's a faculty that

I think shows that groundedness in the law, and I think that it is therefore reflected in the extraordinary contributions that so many of our graduates have made who have spent three years able to interact with a law faculty group that really values the kind of contributions that our wonderful panelists have made tonight.

So we'll talk a little bit about life in Washington. My favorite gift was one from my younger son, Drew, who gave me a book to keep a diary when I went off to head the Office of Legal Counsel

in the Clinton administration. And he wrote in the front of it, "Never write in this book anything like, 'If this book ever falls into the wrong hands, we're all in deep trouble.'" [LAUGHS]

Only for one month was I able to keep a nightly diary, and that would be my advice to people who go to Washington. And don't do like I do. Do like I say and keep a diary, as I'm not even able to do that now during the political campaign.

But thank you, Duke alums, for tuning into this. And I want to start with a move quickly to our panelists. I'm going to start with Martina Bradford and ask, Martina, would you tell me just a little bit about what your experience was like in Washington?

MARTINA BRADFORD: Well, yes, and thank you. I'm honored to be a part of this panel. I graduated class of '75, as you said, and I came to Duke with a degree in economics from American University. And I matriculated and focused more or less in the antitrust area.

And so came out of Duke. I went first to a federal regulatory agency, the Interstate Commerce Commission, where I was involved in the regulation of motor carriers, railroads, and the like. And it was a wonderful experience, and I stayed there for about five years, and then I moved on to the Hill, because the Hill had a big matter pending, reorganizing the railroad regulation. And so there, I got involved in a very big way on the policy of how railroads should be regulated.

And that was wonderful, and the value of that government service, particularly as you ascend when you go into a corporation, cannot be underestimated. It was critical. It was a critical foundational piece, because I understood how the regulatory process worked.

And once I moved into the legal department of AT&T, it distinguished me among the folks who I was competing against. And they sent me back to Fuqua to get an executive MBA. So they helped round out my educational experience, and it really served me well throughout my career.

And as you can tell from my resume, I ascended to be an officer in the AT&T company. And then when we spun off Lucent Technology, I moved over to help start that company and was an officer in that company. So--

WALTER DELLINGER: Did you find this variety of experiences to be helpful, like the way athletes cross-train?

MARTINA BRADFORD: Oh my god. It was absolutely critical, because when we got to the M&A work, I mean, as an economist and having an MBA and having the law degree, I was able to deal with all of the aspects of a transaction and not just the legal aspects. And it distinguished me and allowed me to stand tall and compete very well among the people who were working on these deals. And it allowed me to leverage into greater opportunities in corporate America. So I think it was the distinguishing factor which led to the modicum of success that I had.

WALTER DELLINGER: Has the regulatory environment in Washington-- you've seen regulation work on industries. You've been a part of it from the congressional side. You've been a part of it from the corporate side. You have been a regulator yourself. I think in the long

amount of time you graduated from law school, we moved to a fairly major deregulation, particularly of transportation and the market pricing effect. Have you watched that trend continue?

MARTINA BRADFORD: Yeah, at the Interstate Commerce Commission, yes. We were very involved in these mergers and acquisitions and sort of the emergence of these huge railroad conglomerates.

And then when I moved over to AT&T and the governments split up AT&T, we were approached by the legislature. We were approached by the Department of Justice, and the FTC was on our back all at the same time. So I was the one person-- one of the few people in there who really understood how those agencies worked, who those people were, sort of the interaction between the Hill and the agency.

So yeah, I've seen a lot of it. I was there when AT&T was broken up by the government. I was there when AT&T spun off Lucent Technologies. I was there when these various companies purchased their competitors, when AT&T purchased McCaw which built out its wireless network. So I've been-- I have seen more of this shifting, re-regulation, and all this than you can shake a stick at. And now the Baby Bells have reintegrated into those lines of business that they were cut out from at divestiture. So yes, I have done the--

WALTER DELLINGER: Well, I can't-- I can't resist asking you what the Sergeant at Arms and the Deputy Sergeant at Arms do when you're not arresting members of the administration who decline to testify or respond to subpoenas.

MARTINA BRADFORD: Well, you know, that is a big part of it. But essentially, the sergeant at arms is the person who runs the Senate, from how the floor works to how these offices run, the studios, the TV studios, the radio studios. Everything that it takes to run that institution is presided over by the deputy sergeant at arms.

It's a huge budget, hundreds of employees. You work from can't see in the morning till can't see at night. And it's one of those jobs that nothing in particular prepares you for. But I knew all the members personally. I still know a lot of those members personally. It was a great job. I understand the whole amendment tree, how the floor works, you know, when to come and when to go.

It's absolutely, absolutely a wonderful thing. It's the largest administrative staff on the Hill and US Capitol [INAUDIBLE]. So it's a huge job with hundreds of employees and a huge budget. And you have to go before Congress every year to justify your appropriation.

WALTER DELLINGER: Right. Right. So let me ask Waverly Gordon. I think you've worked on both congressional staff, both on a member of Congress's personal staff, as well as on committee staff. What's that experience like, and how do the different staff roles in Congress work between being on a committee staff for a Congress member's personal staff?

WAVERLY GORDON: So I actually started on the Hill through the Duke and DC program. I was in the first class. I got to go and be an intern fellow with Congressman Clyburn when he was a whip. And then when I came back to the Hill, I had the opportunity to be a fellow working both in the personal office and the committee office. And then when I left my fellowship, I've actually followed that same path.

So in the personal office, you're very focused on an individual member and that member's constituency. And so that could be anything from a member has an idea in your space that they want to achieve, member wants to move a bill, it may be a constituent has a problem that's somehow interfacing both the district office and the personal office. But everything you do is sort of focused on that member and promoting that member's platforms and that member's ideals.

When you move over to the committee, you play a different role. You work for a chairman or chairwoman, chairman, or a ranking member. And you promote their ideas, but you also have a responsibility to the entire House or if you're on the Senate, the Senate side, because you become the expert in the issue areas that you cover.

So it's not just about helping a chairperson or ranking member push their ideas. It's about helping all the members of your party, and as well as on a bipartisan basis, move ideas across the finish line. And so a lot of that entails working with the other side of the aisle.

Like, the committee is much more unlike what it seems like on TV. Committees do a lot more working with each other. I always tell people, I think it would be impossible to be a partisan and be on a committee, because there's an expectation that a committee moves bills and that you solve problems. And so it's just more like the focus changes when you're dealing with the personal office and the committee office.

WALTER DELLINGER: I think you're our most recent graduate. And so how many years have you been on the Hill?

WAVERLY GORDON: 10 years. I hit 10 years last month.

WALTER DELLINGER: Any changes in that time that you've observed in how the Hill works, or is that too short a time span?

WAVERLY GORDON: No, it's definitely been changes, some good or bad. So I came to the Hill as a health policy person, a health policy expert. And I came on the shadows of the passage of the ACA. So six months before I-- so I went to the Hill basically six months after the passage of the Affordable Care Act.

And you can imagine, it's been a interesting whirlwind to watch that play out. So I was there for the first part, and a lot of the work I did initially was on responding to the regulations and working on implementation.

Then you can imagine, when there was a presidential change, the tenor of the Hill changed to be more so, you know, as a Democrat, defending the Affordable Care Act and responding to efforts

to repeal it. And then now, of course, we're facing down the Supreme Court-- the second Supreme Court case.

I think that there's definitely been-- the one thing I think that's lost, that's changed a lot is I think there's a lot more partisanship and hostility because of-- there's been a bigger push in my time to run against Congress, and Congress is broken, and then people come and play that role. And so I think that's been some of the downside.

The staffing. We've definitely seen, I think, an increased turnover in staffing in recent years. A lot of that people believe is due to some of the partisanship, some of the-- we don't have a lot of money to pay staff, and so there's a lot of opportunities elsewhere for staff. So those are, I would say, the major changes in my time.

WALTER DELLINGER: Is there much in your experience socializing amongst staff across political party lines after the end of the day?

WAVERLY GORDON: Yes.

WALTER DELLINGER: Or is that-- or do people tend to do Washington socializing within their political party tribe?

WAVERLY GORDON: There's quite a bit. I don't think it's what it used to be when I hear stories of yesteryear when there was a lot more socializing and a lot more-- the rules are a lot different, so I think more people had events to try to bring staff together. But currently, a lot of states will have-- the state members will have a close network as well as the state staff, so there's bipartisanship and meeting with other staffers from your delegation, which usually is bipartisan.

There's also on the committee level, we try to socialize. We try to have mixers. We definitely have holiday parties where we come together and meet each other. We've had-- like so for example, when we passed [INAUDIBLE] Act, we all went out and celebrated together, so you have things like that.

And then you have organizations that put on different sessions. So recently, I participated in a negotiation seminar that was bipartisan where they make sure that they bring people from both chambers, both parties. And we also had events and happy hour surrounding that. So there is quite a bit of-- you get to know a lot of people across the aisle.

WALTER DELLINGER: My first experience in Washington was in 1962 on the Hill. And my principal duties as a summer intern were to be the bartender in the Office of Congressman Frank Thompson of New Jersey. Tippy, as he was called, was a staunch Democrat.

But our bar sessions, the group of members of Congress with whom he drank too much-- I must say in those days, it was, I think, much more what was called skirt chasing, too flippantly and heavy drinking than there is now. I think there's more family orientation among members.

But our group was completely bipartisan. They were people that Frank Thompson liked to drink with and shared similar sports interests. But from my understanding, there is significantly less of that going on now as the parties became more ideological, which really started apace with the passage of the Voting Rights Act, which moved the Democratic Party to the left and the Republican Party to the right. And then it began with the computerized redistricting to feed upon itself. So the parties became more ideologically pure.

And I think one of the biggest changes, one you've seen in Washington is that there used to be-- if you look at the ratings of liberal and conservative voting records, there used to be a substantial overlap between the parties. There were a lot of Republicans to the left of a lot of Democrats. 50 or more each way.

And the Voting Rights Act, the Civil Rights Act of 1964 was passed with about the same percentage of Republicans and Democrats voting in the majority. And people would switch teams even during the day in the sense that you would work with liberal Republicans and work with Democrats to pass civil rights legislation.

But then you wanted to be-- your colleagues to be elected so you could be a committee chair. And so all the Democrats would work together, liberal and conservative, to advance their party's interest. But then they would switch them, and now the parties have become more ideologically pure. I think Connie Morella was the last-- of Maryland was the last Republican to the left of any Democrat in the House of Representatives, and then you have now a perfect split, and that's been special.

So we'll come back and discuss life in Washington and its politics, but I want to hear from Deanna next. Deanna, you've gone through-- I want to start for you, you've been through the presidential nomination, Senate confirmation process I believe twice, one of them more successful than the other as a trip. I bear my own scars, so we can talk about that. So tell us a little bit about what your experience was like being a nominee. Let's start with the first one. What year was the first nomination, just so I can get it in context?

DEANNA TANNER OKUN: Yeah, so first year was 1999. So I had been working for a senator for seven years at that point. Was nominated to serve on the International Trade Commission for a Republican seat, but nominated by Bill Clinton because the ITC, the International Trade Commission's a bipartisan commission, so the president has to nominate from the party.

And I was nominated on November 2 and was confirmed nine days later. So I have a-- I'm almost a record-- at that point, I think it was a record for the quickest confirmation. Which for those on the panel who've been in Washington know that for those and of our alumni who might be wanting to come to Washington and work for the next president, serving on a committee was helpful. I was homegrown, the members knew me, and so my nomination process was very quick and easy. And I was confirmed in January of 2000 and served with the Commission for 12 years.

But the unsuccessful nomination was during the time I was at the ITC. I served as chairman. Served as chairman twice, but served as chairman first designated by President George W. Bush. And then he nominated me to be the deputy USTR to then USTR Sue Schwab. This was when

the Korea Free Trade Agreement was being negotiated, had not yet closed. And I was brought in essentially-- they hoped to bring me in to close that deal out for George W. Bush.

And here's my really cautionary tale that I tell all our associates. And I think from a legal perspective, folks will like this. When I was an associate at then Hogan & Hartson, I was assigned as a second year associate to work on a case for the government of Ontario. And I worked on it for a year or so when I was there, and I was working on it when I was leaving.

And the last brief to go in, which I didn't even work on it very much, but was going to the NAFTA panels, and I signed it. Or actually, the partner I worked for put my name on it and said, isn't this great? We're going to put your name on this.

Flash forward to 1995. I'm working in the Senate. And Senator Dole and Senator McCain passed an amendment that we're all sitting around talking about, which bans someone to be the USTR or the deputy if you've ever aided or abetted a foreign government. So of course, his aides, senate aides and those who served on the House know this. Sitting around, you're talking about a bill saying, this bill doesn't seem to make sense, but you know, my boss isn't going to vote against it. Let's pass it. So that passes in 1995.

And then flash forward in 2007. President Bush nominates me to be the USTR in December. And I remember getting a call from the Ethics Office, saying, did you work for the government of Ontario? I said, yes, and here's what I did. And they said, we think that this bill-- I mean, this law might implicate you.

And so I got hung up in the committee for months while they tried to figure out whether the fact that I was an associate working on a case that went to the NAFTA panel triggered this provision. Most people thought it didn't, but the senator in charge, Chairman Baucus, decided that it did.

And so I needed a waiver. And so my nomination, my confirmation hearing was a confirmation hearing where I'm in my head, thinking, I would have-- first, I couldn't have said no to working on this thing when I was a second year associate, right? I'm not going to tell the partner, hey, I think I'll be nominated to be deputy USTR 10 years from now, so please don't put me on this case. That was never going to work.

So it was a crazy thing. And the questions I got that I had to answer during my nomination were, having worked for the government of Canada, could I be loyal to the United States government? And my kids were there. It was a really interesting process that they had to grill me on this loyalty test.

So they passed the waiver. And so finally, six months later, it looks like I'm moving. And then as these things happen, if you're a nominee and you hang out there for very long, people start noticing. And so since I was hung up, a senator from Michigan, Senator Stabenow, who was very unhappy with the Bush administration's negotiations on the foreign trade agreement with Korea, decided that I was going to be her leverage point.

And there was nothing-- the Bush administration just didn't have the political capital at that point to get me out. And so I sat on the nomination calendar until it died and the president left office. So that was my unhappy nomination.

But you know, I think that the silver lining is I got to stay at the International Trade Commission. Served there for 12 years. It was a terrific place to work. Had a lot of bipartisan. It's set up to not be partisan, even though it's a political process to get there. So I was fortunate to work there for 12 years before heading to the private sector. So those are my two tales, one happy and one not so happy in trying to work as a presidential nominee.

RACHEL GREESON: You're muted, Walter.

WALTER DELLINGER: Right. I had a 17 to 3-- 17 to 0 vote in the committee to vote me out when I was nominated to head the Office of Legal Counsel. But then the fun began, because both of my home state senators, Senator Faircloth and Senator Jesse Helms, blue-slipped me, meaning that they would not return the blue slip approving of my nomination as the home state senators.

And I think Jesse Helms wrote, never! on his. [LAUGHS] So there was a big issue about whether it's at all responsible or acceptable for home state senators to play a role in a national office instead of something like the US attorney or federal district judge, and whatever, but to head the national office.

But it was particularly brutal, and it went to a floor fight. It went to a filibuster. I'm listed in the list of filibusters in the last 25 years. And that went to a cloture vote, which fell at the first time one vote short. It was 59 votes for cloture.

But I will just end with this. I will never forget when the Senate was going to debate my nomination. We had had a disaster in one of the Middle Eastern misadventures of the Clinton administration. And the Senate was to debate that. Senator Dole wanted to debate Clinton's failures to have any kind of policy. And Mitchell brought up the Dellinger nomination to the floor to block any discussion of the other, but it was being covered on C-SPAN because of the debate about Somalia.

In any event, my mother was watching. And I said-- I said, Mom this could be ugly. But-- [LAUGHS] --this debate over my nomination. Well, Senator Helms began with these words. And this is exactly what he said. I know it by heart. He opened by saying, (MUMBLED SPEECH) "Mr. President--" [INAUDIBLE] lapel. (MUMBLED SPEECH) "Mr. President--" he says to the president, (MUMBLED SPEECH) "Mr. President, did you want to know about this boy?"

He says, "I'll tell you about this boy. And now President Clinton talked about his boy like he's some kind angel. But fellow senators, when my investigators back in North Carolina started looking into his background, the rattling sounds they heard were the skeletons in Walter Dellinger's closet." [LAUGHS]

My phone rang. I have to admire the brilliance of the "rattling sounds they heard were the skeletons." So my mother calls. I'm picking up the phone. I'm in my office. I've already taken over on an ongoing basis. So my mother calls and says, what is it? What is it? I said, there's nothing.

She said, well, how can he say that? [INAUDIBLE] the speech and debate clause. He can say whatever he wants to. In any event, a deal was worked out and I was confirmed to head the Office of Legal Counsel. But after five fairly brutal months that it can be a very partisan process.

But let me turn before we open it up to our two members of Congress, Mike Levin and Dave Trott. And I want to ask each of you about your experience with trying to work across the aisle. Mike, first, I think y'all indicated to me you had somewhat different experiences. So I've got you side by side on my screen now, but you're sufficiently separated. This can't get physical. [LAUGHS]

So let me start with Mike. Tell me about-- just a little bit about what your exper-- fill in the gaps about what your experience in Congress has been, and then a little bit about what you think about the possibilities about working across the aisle.

MIKE LEVIN: Sure. Thanks, Professor. Well, first, it's an honor to be with you, and wanted to give a shout-out to all my class of 2005 classmates who are on here. I think I saw five or six of them on the list of participants.

I'm sorry we're not all together. The last two reunions, Duke won the national championship in basketball, 2010, 2015. So who would have thought 2020 not only would we not have a reunion in person, but we wouldn't even have a basketball season? So hopefully, things will get back on track, and I hope everybody's staying safe out there.

My experience-- and Dave I think will back me up on this-- a lot of the work that we do is in the committees that we serve on. And depending on kind of the nature of those committees, how well the chairmen and ranking members get along, you know, that sort of sets the tone.

And I'm very fortunate. I have a gavel. I'm a subcommittee chair on the Veterans Affairs Committee. And that's been an area of great bipartisan consensus for the most part. We have our differences here and there, but being able to serve our veterans has been a great opportunity. And as I look back, I think probably the most progress that I've made in terms of actual legislation getting signed into law has been on that committee.

I also sit on the Natural Resources Committee, which is less bipartisan, but we've tried to find common ground there as well. I think I went in not knowing exactly what to expect. And if you just kind of watch the national news, watch cable news in particular, or get all your information from social media, you would think that the whole place is just so toxic that nothing ever gets done.

That has not been my experience. Really the contrary. You have to pick your spots. You have to find those people that you develop friendships with, relationships with. That has been made more

difficult with the pandemic. A lot of the opportunities that we've had to [INAUDIBLE] one another or to have those shared experiences or to travel together on a [INAUDIBLE], all that's been stopped for the time being. But--

WALTER DELLINGER: This new class of members-- this new class of members has not had the opportunity. And there's a fairly large new class, principally Democrats, but not exclusively. There were a number of Republicans replacing Republicans in the freshman class from '18. But you're right. They have not had the experience, the opportunities that you and Dave would have had to meet your classmates and hang with them.

MIKE LEVIN: Well, what's interesting is you were right when you said before that it's a lot more family-oriented. I have young kids, my wife and I. And my typical week, I fly back and forth from California. And one of the ways that I have met a lot of members across the aisle ironically enough is first thing in the morning at the house gym, just getting to know people. And even that has been stopped now because of the pandemic where we have to go one at a time by appointment when we can at all.

So my hope is that things get back on track obviously for the country, for our public health, for our economy. And I hope that we all collectively can turn the temperature down in the coming years.

I think that social media in particular has led to a great polarization, a great gap in the type of information that we're getting. And for me, it's all about the relationships that we try to build. And in fact, when I look back at my law school experience, it's the relationships that stand out, you know? The people.

WALTER DELLINGER: What year did you go to Congress?

MIKE LEVIN: I'm one of those class of 2018 newbies, Professor. So I took over for Darrell Issa. You probably remember Darrell Issa.

WALTER DELLINGER: Oh, yes.

MIKE LEVIN: He represented this district for 18 years, and then we won-- in the class of 2018, I think we took around 40 seats. And we now have about a 15 or 20-seat majority. And we'll see what happens in a couple weeks, but it's been an incredible experience.

To your point before, we were able to make good friendships through 2019. And then of course, beginning of 2020 is when everything changed just fundamentally. And now when we go to vote, we kind of go in a single file, alphabetical or in groups, things like that. It's just very different than the types of experiences. That cloakrooms are shut down. The cafeterias are only open some of the time. It's just-- it's very difficult to get that relationship building with the pandemic ongoing.

And I think you do lose a lot when you're only meeting virtually like this. You know, it's just the same. You're not interacting with a whole lot of new people. You're kind of just reinforcing those pre-existing friendships that you've got. So it is--

WALTER DELLINGER: Yeah. In 1962, it was fairly recently that we had had developments in air transportation. Hadn't been that long that we had moved from-- in the history of Congress that we had moved from propeller planes to jets and that the schedule had been filled out. So for someone-- let's see. [INAUDIBLE] is from California, right?

MIKE LEVIN: Yep. Southern California.

WALTER DELLINGER: Yeah. So it just wasn't-- it was a lot harder to get from the East Coast to the West Coast, so members tended to live in Washington.

MIKE LEVIN: Yep.

WALTER DELLINGER: And that led to more socialization than it did now, and you were sort of on the [INAUDIBLE]. Dave, what were your years as a member?

DAVE TROTT: 2015 to 2019. Recent.

WALTER DELLINGER: And what was-- uh-huh. Fairly recent. And what was your experience with the partisanship coming in? Basically, you left as Mike came, right? Taking up the [INAUDIBLE] seat of young members of Congress.

DAVE TROTT: Well, so Mike is right. Some of the committees worked very well in bipartisan efforts. I was on the Foreign Affairs Committee. Chairman Royce, Ranking Member Engel worked very well. Passed a lot of bipartisan legislation and resolutions.

The Judiciary Committee I served on didn't have nearly as many. And then finally, I served on Financial Services. And I don't think Maxine Waters and Chairman Hensarling ever agreed on a single thing for the whole time I was there.

And the real problem on bipartisanship, if you ask the average person, well, why can't Congress work together in a more bipartisan fashion, the answer you'll get is, well, they're just a bunch of self-serving morons who are singularly focused on getting reelected, and therefore it doesn't work very well. And I submit to you that that's not really the problem.

And in the poll that you find [INAUDIBLE] is 91%-- 91% of America has no use for Congress, but most people like their member. And the reason is that person typically is a pretty good person. They're smart. They're hardworking. There's some slackers like there are in any organization, but most of them are pretty good people there for the right reason.

And the real problem and really exacerbates the partisanship is how the House governs itself. I was part of the Problem Solvers Caucus. And Mike, I'm not sure if you've joined, but it's a

moderate group of Republicans and Democrats. You've got to go in with the Democrat. I went in with Debbie Dingell from Michigan. And they come up with bipartisan solutions.

And recently, just this past week, Speaker Pelosi was on CNN with Wolf Blitzer, and he was giving her a hard time as to why she wouldn't put the COVID relief package on the floor that has strong bipartisan support. And she said, I'm going to defer to my committee chairpersons and do what they want.

And that's the problem. The members don't have power to put forward bipartisan solutions. The Problem Solvers Caucus, if a bill had 280 co-sponsors, it had to come to the floor for a vote. You couldn't keep it bottled up in committee. That would solve a lot of the dysfunction in Congress and you could take votes on immigration. You could take votes on health care. You could maybe take a vote on gun control legislation, which 90% of America supports.

Now what happens in the Senate-- and I apologize to Martina-- what happens in the Senate, that's where bills go to die. There's about 400 bills sitting over there right now.

I used to joke-- and you probably won't appreciate this-- but I used to joke, nothing gets done in the Senate because of their aggressive nap schedule. But you'd have to solve the Senate as part of the solution, right, Mike? But if you had a bipartisan solution where members could get together and come up with ideas and put them forward and they had to be voted on, that would solve a lot of the problems in DC.

MIKE LEVIN: Well, Dave, if we had more of my Republican colleagues that echoed your sentiments, that would solve a lot of the problems of Washington, DC. [LAUGHS]

DAVE TROTT: I don't disagree. You know, one person I became very good friends with was John Delaney from Maryland. He ran for president. Great guy. And he had a great expression in his book that he wrote called *The Right Answer*. And his expression is, the cost of doing nothing is not nothing. And some problems we have to take on like immigration and health care and gun control. We need to work on those problems, because they're not going to go away. And by not doing anything, it's not making it any better.

MIKE LEVIN: I agree with you. We lose the professor? There he is. [LAUGHS]

WALTER DELLINGER: I just-- I was trying to get to a-- typical [INAUDIBLE]. I've been on Zoom so much these days that my earbuds' battery power ran out, and I was trying to switch to my Bose headphones, and they were out of battery power too. I mean, it's like [INAUDIBLE]. I don't remember a day when I did. I feel like I'm in one of those Matrix worlds because I live inside of Zoom, you know? And I'm always looking at-- I'll take Dave Trott for \$200. [LAUGHS] it's like a game-- like a game board.

Let me open it up a bit, particularly since several of our folks have-- at least a couple of you all have served-- I know Martina have served on congressional committees as staff members. Someone proposed recently talking about the sometimes toxic partisanship in Washington.

And before, let me say-- let me say, I agree with both of you that I wish people knew more than their own member of Congress, because of course there are duds. There are self-centered-- whatever negative things you want to think about.

But there are so many members of Congress who are really serious about trying to do their jobs and trying to promote the public good, even though they may have different visions of what the public good consists of. Every time I have been up to work with a committee or to deal with senators, I've been consistently impressed by the quality of so many, so many of them that I think would be-- if you ask-- if someone were to ask me, what would I find most surprising about Washington, I would say, you'd be surprised at the quality of good people that you have working in Congress [INAUDIBLE].

So Martina, let me ask you this. Someone said recently that if a foundation wanted to give money to promote bipartisanship, what they ought to do is fund really nice lunches at Washington's best restaurants for free, because congressional staff members are always hungry, right? And don't have quite enough money to live in Washington. Really nice lunches.

The only constraint is you have to have an equal number of Republicans and Democrats at your lunch table, not exceeding six, somebody said. One on one is fine, but you have to have these regular lunches. Is something like that needed or helpful, or do you have any alternative ideas?

MARTINA BRADFORD: Well, it'd be a great idea. However, the rules sort of prevent that kind of-- having free meals. So I think--

WALTER DELLINGER: That's true. I wonder if it could be like-- yeah, that's a good point. I can figure out a way to do it.

MARTINA BRADFORD: But I think it would be useful if more-- have these standing events where you only eat a few hors d'oeuvres and whatever. You could do it that way.

But I think it would be useful to promote collaboration between the Dems and the Republicans. I think we need more of that. And I would say back in the day when I worked on the Hill, there was a lot of that. We got together a lot. And that doesn't happen too much anymore.

I know when I worked as a young staffer, I never went home for dinner, because I could always eat dinner right there on the Hill with the other staffers. A lot has changed in that regard. But I think it's a great idea, but we have to figure out a way to get around the rules.

WALTER DELLINGER: That's a good point. So you know, I think one of the problems that we haven't mentioned is the fact that we live in-- even in the world of fairly sophisticated news absorbers or customers, we still live in different information systems. And that is a difference even in the last decade, from a decade ago.

I think that the degree to which if you walk by congressional offices, one of the things you'll see is the Fox TV on some offices all the time and MSNBC on the other, and they will rarely be

covering-- not only will they not be covering the same things-- not only will they be covering things differently, they won't be covering the same things.

MARTINA BRADFORD: Right.

WALTER DELLINGER: And I just don't know how we break through the fact that it was much easier to deal with having different views about how to deal with a common set of facts than it is now. Martina?

MARTINA BRADFORD: I think another thing [INAUDIBLE] perspective [INAUDIBLE] is that a lot of members don't bring their families to Washington like they used to. And we used to say on the Senate floor that you could smell the jet fumes on Thursday afternoon, because everybody's going home. So there's not as much time to collaborate. It's just not there like there used to be. And I think that has led to a decline in sort of camaraderie and bipartisanship and the like.

WALTER DELLINGER: Waverly, what's your take on this? Waverly? There you are. What's your take on the partisanship in Washington, how we could get through the different information ecosystems?

WAVERLY GORDON: I am in agreement with your observation about how we start with a different set of facts. Part of what I attribute to the partisanship in Congress is that the public is so dispersed with their viewpoints, both what the facts are as well as what the solutions are.

And so I think on the things that are smaller in nature or less controversial, we can easily reach agreement. I think it's when you get to the bigger issues of the day-- health care, immigration-- where you do have different systems of information that are disparate-- some are factual, some are not that factual-- such that when you have these debates where people are very passionate and have very strong viewpoints, it is very difficult for Congress composed of 435 different districts in the House and 100 in the Senate to reach agreement when the constituencies are so distributed with their viewpoints.

And so I do think-- and I've only been here in the time of the Fox News and MSNBC, but I do think it hinders Congress. Because at the end of the day, we are responsive to the public. That's who elects members. And if the public has disparate ideas and very strong opinions on-- I mean, look at health care. Very strong opinions. It's very hard to reach agreement when people are being pulled in many different directions.

WALTER DELLINGER: Unmute myself. Both you and Deana have worked in sort of corporate or law firm situations where I find there is a lot better opportunity for bipartisanship when you're usually making money for each other. And one of the things I've liked about being in a law firm in Washington is that my firm is a little more Democratic than some of the other multinational firms. But it's only about 65-35, Republican, Democrat. It's a different split for this election than in the past, but it will go back to being 35% Republican I think in the next cycle.

But I found it very valuable to have people to talk to that were my colleagues that I was actually working with on projects, seeking to enrich both of us. Deanna, what's your experience been outside the world of offices in politics?

DEANNA TANNER OKUN: Yeah, I think that's true. You know, I work in the international trade field, and this has been a really interesting time to be an international trade lawyer, because there's a lot of new things that have happened in this administration. And I think we do as lawyers across the aisle, whether we're working for a US company who's interested in enforcing the laws or not, I do think that there's much more just trying to get to a solution and not-- and a lot less politicization of that.

But I also came-- and I'll just say this briefly, because it's a shout-out really to the International Trade Commission and Congress who set it up. It actually-- despite the fact that there were three Republicans and three Democrats, you know, you can count almost on a two pair of hands the number of votes who split along that line. So while they were dissents and people didn't vote the same way on the trade remedy laws, it was rarely on political and much more kind reflected the philosophy of where people came from and how they read the statutes.

And with six commissioners, even as chairman, you know, you always had to-- you always had to find a fourth vote, so you always had to cross party lines to get anything done. And so I really enjoyed that, and I know it's a little harder on Congress having worked for a member there.

But I do think I join with all the remarks that have been said that having time to spend with staff from across the aisle, having dialogues, and not just listening to the cable news networks are things that I've felt made for my time on the Senate a place when it really was a chance to learn from others, even if in the end my member didn't agree with them.

WALTER DELLINGER: One of the things I have seen that I think differs is the number of issues that have become almost religious-like. I don't mean that in the sense of church religion. But they've become articles of faith rather than matters of data.

I mean, I'm watching that transformation, for example, to pick one area in environmental regulations. There used to be differences. That is to say, there would be perhaps a different evaluation of the existence of a problem, but not a denial or the sky is falling different approaches.

And there might be differences in an approach about how to do it. Some Democrats might favor more of a regulatory scheme. Republicans first had the idea of using market forces with cap and trade to let people trade pollution rights as a way of reducing it with the most economic efficiency.

But over time, it became more like religion. Like, you're either for transubstantiation or you're not. And that has been quite striking to me, the number of issues that are no longer about the data and what the different approaches. And we used to think we had sharp clashes on that, but now it's become more ideological.

Well, I am told, unfortunately, that our time is over. We don't want to tax the Duke Law alumni who have so kindly joined us. And so many of you all have done your respective reunion classes. So very, very proud. It's wonderful to know that we could go to a reunion class and pluck out someone who has made in different ways such a great contribution to the public good in our country. So here's to the future, and thank you all very much.

LOREN WEIL: Well, in conclusion, thank you, Professor Dellinger. I want to thank the rest of the panel for taking time out of their busy lives to join us. And thanks for everybody for joining the group today. And I want to encourage everybody to participate in the remaining events in our virtual reunion this week. And good evening to everybody. Thank you.

DEANNA TANNER OKUN: Thank you.