

much these norms depended upon assumptions about the general reasonableness of a president. One might think that we don't have to worry about this issue once Trump is gone. I don't think Joe Biden is going to present these problems at all, and to the extent he does, it won't be to nearly the same degree. But these are problems that should be fixed now. We can't rely on the norms snapping back.

Our book presents a series of reforms that take basically two forms. One is statutory reforms to regulate things that used to be regulated by norms but that can and should be regulated by statute, by enforceable legal restrictions.

For example, we believe that presidential tax disclosure can be legally mandated. Same with conflict-of-interest rules. The rules on foreign interference in elections need to be tightened up. And the pardon power can be regulated, at least to the extent it's being used for bribery and obstruction of justice. These reforms reflect prevailing norms before the Trump presidency and in theory have bipartisan support. So it's at least conceivable that we could see statutes on these matters. And there's actually interest in Congress, mostly on the Democratic side, for this.

The second set of reforms are internal to the executive branch. It's hard to statutorily regulate the presidency with regard to some matters because the Constitution gives the president control over these matters. So, for most issues related to DOJ independence, special counsels, and non-politicization of law enforcement, we propose a series of reforms to strengthen the norms there.

I'm actually skeptical, or at least I don't see how we're going to bring about the changes that Terry contemplates, precisely because we're in this populist moment. But that said, there

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have been quick, sharp, and unexpected changes throughout American history, so it's conceivable.

I'll end on an optimistic and a pessimistic note. The optimistic note is that there's more of a consensus than people appreciate about how norms and laws should constrain the president and his subordinates. These norms and laws have operated with much more consequence than people have realized. All you have to do is read Volume 2 of the Mueller Report. Trump was trying to get his senior subordinates to basically fire [Special Counsel Robert] Mueller, to get [then-Attorney General Jeff] Sessions to un-recuse and the like — one after the other after the other just refused to do so, through a combination of norms and legal constraints and obstruction of justice statutes. In that and other contexts, norms are much more consequential and can be made more consequential than we realize.

The pessimistic point is that at some point the law runs out. If Trump had in 2017 surrounded himself with the lawyers he surrounded himself with later on, and if he were a more clever president, and if he were more sophisticated in wielding executive power and not so self-defeating, he could have been much, much, much more destructive. At some point, we may see a more-clever president — who is elected on a populist platform, who has the support of a large chunk of the country that insists on these populist mandates — and law and norms are going to run out in its ability to constrain. Bauer and I have no illusions that law and norms can ultimately fix this problem. Ultimately, there are larger, structural things that need to be done to ensure that we get the right kind of president

exercising the right kind of powers in office. I have to say I'm unfortunately very pessimistic about the possibility of larger structural reform.

DAVID LEVI: Thank you all. You've offered wonderful insight. I'm an optimist. Maybe that's based more on my personality than anything else. But for almost 20 years as a U.S. district judge in the Eastern District of California, I had the opportunity to pick a lot of jurors. When you talk with everyday Americans chosen at random from the Central Valley, you hear a lot of inspirational stories from people about how they're living their lives and taking care of their parents, or their children or other people, and it's extremely moving. You get a sense of a society that has a huge amount of deep patriotism and love of country. I just don't think Americans want to see this democracy destroyed. Whatever it takes to preserve it and protect it and make it better, I think that's what the American people want. We may not be around to see the rest of the story, but I think it's going to be a good one.

Just hours after the horrible attack on the Capitol, our congressional representatives returned to the floor and finished the work of counting the Electoral College votes. Our courts stood firmly for the rule of law. Many people worked very hard to ensure the fairness, security, and sanctity of our elections process. And I think anybody who hears the four of you has to give some consideration to the fact that our great universities and institutions also are doing magnificent work to focus on these problems and find solutions. Thank you. You give us great hope.