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THE 2016 PRESIDENTIAL ELECTION SUPPLEMENT

The 2016 Presidential Election

A Note to Students

This supplement is designed to bring *Presidential Government* up to date with a discussion of the 2016 presidential election. It not only updates our investigation of presidential elections but also uses the events of 2016 to illustrate key themes of the presidency. To begin with, the election shows how important the president has become in the American system of government. The new president has the power to drastically change many features of American domestic and foreign policy. The framers of the Constitution believed in checks and balances, but in many ways today's presidency is unchecked and unbalanced. Second, I aim to underscore the weakness of America's political parties. On the Republican side, Donald Trump brushed aside party leaders and seized the Republican nomination. On the Democratic side, the Democratic National Committee and other party institutions acted as appendages of the Clinton campaign. Finally, the events of 2016 highlight the issues posed by the concluding chapter of the book. Americans have an unfortunate tendency to venerate or demonize presidents, and the reaction to President-elect Trump is no exception. Trump is neither a devil nor a saint; he is a hu-

man being with good and bad qualities. One of the great virtues of a republic is that the president is a fellow citizen, elected to one or two terms in office and then retired. We should thank presidents for their service and criticize their misdeeds, but to venerate or demonize presidents is beneath the dignity of the citizens of our Republic.

In November 2016, Americans elected a new president. The surprising choice was real estate magnate and reality television star Donald J. Trump, an individual who had never previously held or sought political office. Trump was a national celebrity because of his starring role in a popular television program, *The Apprentice*, where at the end of each episode he would turn to a contestant and declare, "You're fired!" Trump and his vice presidential running mate, Indiana Governor Mike Pence, lost the popular vote by more than 2 million votes but, contrary to poll predictions and media expectations, won a solid majority in the electoral college. Republicans also retained control of the House and Senate, promising the first period of unified partisan control of America's government since the end of Barack Obama's first term in office. Let us consider how these results came about and what we might expect from a Trump presidency.

The Democratic and Republican Nominations

During the past fifty years, America's two major political parties have experienced ideological realignments, making both philosophically more homogeneous. Today, the Republican Party is the party of conservatives, while the Democratic Party is the party of liberals. This apparent coherence, though, masks subtle differences within each party. The Democratic camp includes different varieties of liberal opinion ranging from the traditional New Deal social welfare liberalism of Bill and Hillary Clinton to left-liberal progressivism envisioning a greatly expanded regulatory role for the federal government, bold policies to prevent further climate change, more help for minorities and immigrants, and a social justice agenda designed to reduce income inequality. This set of ideas is championed by such politicians as Massachusetts senator Elizabeth Warren, Vermont senator Bernie Sanders, and

Ohio senator Sherrod Brown. The Republican camp includes many shades of conservative opinion, and is sometimes united only by opposition to the Democrats. In 2016, each party's nomination was sharply contested by candidates representing different factions.

On the Democratic side, Hillary Clinton was challenged by Bernie Sanders, a left-liberal progressive and self-styled democratic socialist. Though Clinton's experience, control of the party machinery, support in minority communities, and fundraising prowess seemed to make her nomination a foregone conclusion, Sanders mounted an aggressive campaign that won the support of young voters. To so-called millennials, who came of age in the twenty-first century, Clinton seemed associated with the old politics of corruption, compromise, and special interests, while Sanders appeared to promise new ideas for a new age. Young voters were especially drawn to Sanders's plan for free college tuition, an aggressive fight against climate change, and a sharply increased minimum wage.

Initially, the Clinton team dismissed the possibility that Sanders might be a threat, viewing him merely as a useful sparring partner who would create the impression of a competitive process in the primaries while offering Clinton an opportunity to prepare for the general election. The Clinton camp, however, underestimated Sanders and overestimated the appeal of its own candidate. Though outmatched in money and organization, Sanders won 43 percent of the Democratic primary vote and carried 23 states or territories compared with Clinton's 34 victories. Clinton was nearly forced to fall back on the large number of unpledged "superdelegates" at the national Democratic convention to secure the nomination. Information released by WikiLeaks, an international nonprofit organization that discloses government secrets, indicated that the Democratic National Committee had worked actively to derail the Sanders candidacy and that a Democratic Party strategist and later Democratic National Committee interim chair, Donna Brazile, even provided Clinton with advance knowledge of at least one of the questions asked by CNN correspondents in one of her nationally televised debates with Sanders. Many Democrats feared that Sanders had exposed weaknesses in

Clinton's appeal to the electorate—a fact underscored by poll data showing that even many loyal Democratic voters disliked and distrusted Clinton. Of course, many Republicans also disliked and distrusted their party's eventual nominee, Donald Trump.

Trump was an outsider, not a member of the Republican Party's "establishment," but he nevertheless can be situated within the GOP's ideological structure. The conflict within the GOP over the 2016 presidential nomination laid bare the various divisions within the Republican Party, particularly the ongoing conflicts among the paleoconservatives, social conservatives (Evangelicals and Pentecostals), libertarians, establishment conservatives, neoconservatives, and conservative populists of the "alt-right" who make up today's Republican camp. Trump was a populist. He successfully sought to mobilize white, working-class voters on a platform of ending immigration, bringing jobs home, reducing what he and his supporters believed to be deferential treatment of women and minorities, increasing military strength, and instituting a less interventionist foreign policy. The populists are a small element in the GOP's leadership but constitute a powerful force in the party's membership.

Among Republican elites, the groups that had the most in common with Trump are the paleoconservative wing and the alt-right. The paleocons, perhaps exemplified by Pat Buchanan, and the alt-right, exemplified by Trump adviser Steve Bannon, are nationalist, isolationist, xenophobic, suspicious of free trade, and favorable to the idea of American military dominance. Where the paleocons and the alt-right differ is on the question of popular mobilization. The paleocons are suspicious of rabble-rousing, while the alt-right figures see themselves as leading a conservative mass movement.

Also inclined to be supportive of Trump, though initially favoring Ben Carson, were the social conservatives. In secular society, most Evangelicals and Pentacostals were members of the white working class and were drawn to Trump's economic ideas. Many Evangelicals were also staunch nationalists and saw in Trump someone who advocated a strong military program. As far as religion was concerned, some Evangelicals and Pentecos-

tals continued to harbor fear of Catholicism, which they distinguished from Christianity, and saw Trump's stand against Latin American, predominantly Catholic immigration as a positive aspect of his candidacy. Social conservatives were concerned about Trump's personal moral deficiencies, including his divorces and rumored infidelities, but most were willing to overlook them, especially when Trump named one of their own, Indiana Governor Mike Pence, as his running mate.

Not at all happy with the idea of a Trump candidacy were the libertarians. This group is important in Congress, where it dominates the Tea Party Caucus and fights for reduced federal spending, elimination of the national debt, and fewer restrictions on the right to bear arms. The libertarians supported Senator Rand Paul of Kentucky for the presidency. When Paul was eliminated, many libertarians supported a third-party ticket led by former governor Gary Johnson of New Mexico.

Also strongly opposed to Trump were the establishment conservatives, including the Bush and Romney families who represented the internationalist Republican business elite, which is generally the major source of funding for GOP candidates. Establishment Republicans speak for Wall Street and those elements of the American business community that benefit from free trade and open access to world markets. To this group, Trump's opposition to free trade and his nationalism and xenophobia were threats to the world order that they helped to forge and from which they continued to profit. Establishment Republicans supported Jeb Bush and were willing to support Florida Senator Marco Rubio and Ohio Governor John Kasich when Bush floundered in the primaries.

Finally, opposing Trump were the neocons, centered around a number of think tanks and publications. The neocons are usually the intellectual spokespersons—and sometimes the employees—of the Republican establishment, so they share and articulate establishment views. The neocons are also deeply suspicious of rabble rousing and detested Trump's efforts to use the media and his bombastic style to mobilize working-class voters. Most neocons supported Texas senator Ted Cruz and declared that they would never

support Trump in the general election.

It had been widely assumed during most of President Obama's second term that Hillary Clinton would be the Democratic presidential nominee in 2016. Before the Republican race got under way, though, Donald Trump was seen by pundits as a bit of a buffoon and lacking political experience, and he was not taken seriously as a presidential candidate. During the Republican nominating contests, Trump campaigned cleverly, making use of social media and the propensity of the broadcast media to focus on bombast and sensationalism. Beginning with the first televised GOP presidential debate, Trump sought to drive the political agenda by insulting his opponents and making bold political claims. His outlandish assertions made his opponents' carefully developed talking points seem pale and boring by comparison.

Among Trump's most well-known promises was the declaration that he would build a wall along the U.S. border with Mexico. The utility of Trump's wall is somewhat dubious, as those portions of the border that can be fenced are already heavily barricaded, and the mountainous portions of the border would be nearly impossible to fence effectively. Trump refused to answer questions about his proposed wall, but his dramatic statement seemed far more exciting than the carefully calibrated plans his opponents floated to address the question of illegal immigration. The news media focused on Trump's "plan," and every other politician came to be measured in relation to Trump. Following the debate, Trump attacked Fox News commentator Megyn Kelly, one of the moderators, claiming that she had been unfair to him and implying that she might have been in a bad mood because of her menstrual cycle. For the next week, media discussion of the Megyn Kelly incident, stoked by Trump, dominated the news, erasing any memory of anything that might have been said by any other candidate.

This debate performance was reenacted by Trump many times. His pattern featured bombastic claims designed to dominate the headlines, refusal to discuss specifics, and ad hominem attacks. Trump also used Twitter to effectively convey headlines to the news media, essentially writing his own news. Following the San Bernardino terrorist attack in California on Decem-

ber 2, 2015, Trump revealed his plan to ban Muslims from entering the United States, again refusing to offer specifics. As presumably planned, Trump's shocking proposals gave him domination of the news media for much of the primary season. Most commentators and politicians denounced him, but Trump was indifferent to what they said. Everyone was talking about him, and that was all that mattered. Other candidates faded into the background.

In an era of careful candidates with elaborate plans that bored much of the electorate, Trump seemed authentic—a candidate with bold visions he was not afraid to assert. Trump was also not afraid to flirt with violence. During the course of the primary campaign, Americans saw a number of violent clashes between Donald Trump's supporters and anti-Trump protestors at Trump campaign rallies. One campaign event, a scheduled Trump appearance in Chicago, was called off by the candidate because of the threat of escalating violence. Most pundits and Trump's political rivals criticized Trump for creating an atmosphere of chaos and for remarks at rallies that seemed to encourage violence against protestors. Trump, for his part, declared that he was the victim of protestors who sought to prevent him from speaking and to deny him and his supporters their American constitutional rights.

Whether or not Trump could be blamed for actually inciting violence, the violent images from his rallies televised over and over on every American newscast served Trump's political interests. Generally, these images depicted African American and Hispanic demonstrators facing off against white, middle-American Trump supporters. Essentially the images, like the idea of the now-famous wall, helped Trump present himself as the defender of white, working-class America against black and brown people, who lacked respect for American values and threatened to engulf white America. For this reason, Trump's political base did not blame him for violence at his campaign rallies. They saw the violence, if anything, as underscoring Trump's determination to defend America.

As was the case throughout the primary campaign, moreover, Trump was able to induce the news media to present his message free of charge. Other candidates spent far more money than Trump, but Trump received

more than $1 billion in free coverage via media stories about him. Indeed, each time Trump complained about protestors or the media's unfair depiction of events, the news media presented Trump's message again. And every time one of Trump's rivals pointed to the violent atmosphere created by Trump, the media presented his message again. Thus the use of violent imagery became another example of Trump's ability to dominate the news. Generally speaking, violence will drive all other news from the nation's television screens and newspaper pages. By manipulating or, at the very least, taking advantage of violence, Trump again deprived his opponents of the media attention they needed. In the end, Trump placed first in 41 of the 52 GOP primary contests, winning more than 58 percent of the delegates elected to the Republican convention.

Many establishment Republicans were wary of the populist and bombastic billionaire and some refused to endorse him, but most announced their support for the ticket, which included Governor Mike Pence of Indiana. For her part, Clinton chose Democratic senator Tim Kaine of Virginia for the second spot on her ticket. For Trump, Pence represented a respected social conservative who would broaden the ticket's appeal within the Republican Party. For Clinton, Kaine represented a popular Democrat who would ensure Virginia's allegiance to the Democrats in the coming national election.

The General Election

With their parties' nominations in hand, Clinton and Trump prepared to face one another in the general election. Clinton seemed to possess several critical advantages. First, the arithmetic of the electoral college looked good for the Democrats. Based on the recent past, states with a total of 217 electoral votes were either safely Democratic or favored the Democrats. States with another 32 electoral votes leaned toward the Democrats, potentially putting the Democratic candidate within 21 of the 270 votes needed to win. The GOP, by contrast, could generally count on only 191 electoral votes. Second, the Democrats could generally rely on the support of the most dynamic and rapidly growing portions of the electorate, namely, immigrants and minor-

ity voters, along with women. The GOP, on the other hand, relied primarily on the votes of white Americans, especially men, who represented a declining fraction of the national electorate. As recently as 1976, 89 percent of the electorate was white, while in 2016 only about 71 percent of the electorate was white. Third, Clinton entered the race with an enormous fundraising edge over her Republican opponent. Clinton and her supporters spent nearly $700 million, while Trump and his supporters spent slightly more than $300 million.

Finally, with a number of obvious exceptions like Fox News, the national news media tended to be more supportive of Democrats than Republicans. With the exception of Fox, most of the correspondents employed by the major networks and national news outlets were Democrats. These included ABC's George Stephanopoulos, a former Bill Clinton aide, and important journalists such as *New York Times* writers Maggie Haberman and Mark Leibovich. These factors helped to bolster Democratic chances in presidential contests, and the Clinton campaign moved to take full advantage of them by focusing its attention on minority and immigrant communities, spending heavily to make certain that it would retain the Democratic electoral college advantage, and working closely with friendly media to enhance Clinton's public image.

The Trump campaign was confident that it would be able to overcome the Democrats' advantages. First, Trump believed that his appeal to normally Democratic blue-collar white voters would make him competitive in such Democratic strongholds as Pennsylvania and Michigan. Second, Trump calculated that he would increase Republican support among white voters sufficiently to offset the Democratic edge among minority voters. This would be coupled with an ongoing GOP effort to use voter ID laws and other electoral devices to depress turnout among minority voters. Third, Trump calculated that his bombastic style would lead even hostile media to give him enormous coverage free of charge, at least partly offsetting Clinton's fundraising advantage. During the Republican primaries, after all, the media seemed fascinated with Trump, allowing him to dominate coverage and marginalize

his opponents without spending a dime.

In September and October 2016, Clinton and Trump faced one another in three widely watched televised debates. At the time, both camps viewed the debates as very important to their candidates' chances, but, though Clinton seemed to be better prepared and to offer more detailed responses in all three contests, neither candidate landed a knock-out punch. The debates were soon forgotten as the two campaigns revved up their most powerful political weapon—dirt and mud. Both campaigns calculated that the opposing candidate was vulnerable to personal attacks, and so both campaigns, as well as operatives associated with the Democratic and Republican parties, invested months in digging dirt, or encouraging others to dig dirt on their behalf, that might prove damaging to the opposition. This tactic— known in Washington as opposition, or "oppo," research—turned out to play a critical, perhaps even decisive, role in the 2016 national election.

Mud as a Political Weapon

From the earliest years of the Republic, mud has been an important weapon in the arsenals of competing political forces. The Jeffersonian press, for example, made much of Alexander Hamilton's illegitimate birth, and the papers allied with Hamilton raised many questions about Thomas Jefferson's parentage, religious beliefs, and alleged sexual improprieties. Modern-day politics is an extension of these practices.

At least since the Watergate investigation of the 1970s, which drove President Richard Nixon from office, each political party has made use of heavily publicized investigations to harass and embarrass its foes in the other party. Thus, for example, in the 1980s Democrats launched the Iran-Contra investigations, which damaged the Reagan administration. In the 1990s, Republicans did enormous political damage to President Bill Clinton with the Whitewater investigations. In 2003, Democrats investigated charges that top George W. Bush administration officials had leaked the identity of a covert CIA operative whose husband was critical of the president's policies in Iraq. Senior GOP official Lewis "Scooter" Libby was convicted of lying to investi-

gators, but his prison sentence was commuted by President Bush.

It is, of course, true that many of these investigations revealed evidence of serious wrongdoing in high places. In most instances, however, the actual purpose of the investigation was to publicly humiliate a political opponent by publicizing sensational charges of official or private misconduct. Often, the charges involved embarrassing or inappropriate behavior, or minor infractions that, while troubling to various degrees, hardly presented threats to the safety of the Republic. For example, during his confirmation hearings, Justice Clarence Thomas was accused, amid much fanfare, of engaging in inappropriate sexual banter with a former subordinate, while Judge Douglas Ginsburg was compelled to withdraw his name from consideration for the Supreme Court seat to which he had been nominated when it was revealed that he had smoked marijuana in college. And, of course, President Bill Clinton was humiliated by revelations of sexual escapades in the Oval Office.

In a number of instances, these stories were based on leaks from disgruntled staffers or information that emerged during the routine course of news gathering. Many of the most embarrassing revelations, however, were uncovered by investigators employed by politicians specifically for the purpose of ferreting out potentially damaging information about their opponents. Each political party makes extensive use of oppo research specialists. Some opposition research is done on a part-time basis by congressional staffers and political consultants. In the city of Washington alone, however, there are dozens of firms that specialize in this art. For a fee, opposition researchers will conduct computer searches, interview subjects' acquaintances, conduct surveillance, and read subjects' books, articles, and speeches to search for material that can be used against them.

One famous opposition researcher, Washington detective Terry Lenzner, specializes in searching subjects' trash—a practice known as "dumpster diving." Indeed, Lenzner wrote a magazine article on dumpster diving, which he characterized as a "very creative" means of securing information. Lenzner first attracted attention during the Bill Clinton impeachment battles in the 1990s, when he was employed by the president's allies to obtain information

that might be used to discredit the various women who were making allegations of sexual improprieties against the president.

And, while the media decry mudslinging, the effectiveness of dumpster diving and other forms of opposition research depends, in part, on the willingness of the news media to publicize the information that is uncovered. Generally speaking, liberal newspapers, bloggers, periodicals, and television networks are very happy to report the misdeeds of conservative politicians, while conservative bloggers, papers, periodicals, and broadcasters are delighted to devote time and attention to allegations of misconduct on the part of liberals. Thus, liberal publications like the *New York Times* and the *Washington Post* were the first to publicize accusations of misconduct on the part of Richard Nixon, Ronald Reagan, former Republican House majority leader Tom DeLay, and other conservative politicians, most recently including Donald Trump. In a similar vein, revelations of sexual improprieties on the part of Bill Clinton were initially publicized by the *American Spectator*, a conservative news magazine, and were given enormous play by Fox News and scores of conservative "talk radio" programs. Once a story has gained momentum, however, ideological factors seem to diminish in importance. Rather like piranha sensing blood in the water, media of all ideological stripes revel in the struggles and, especially, the death throes of the unfortunate subject of a campaign of revelations. Reporters never tire of these political dramas, and hence, contending political forces work to provide the media with a steady stream of new dirt with which to discredit their opponents.

In preparation for the 2016 presidential election, presuming that Clinton would be the eventual nominee, Republicans opened fire by launching a congressional investigation in 2014 of Hillary Clinton's role in the deaths of U.S. embassy officials in Benghazi, Libya, and another investigation in 2015 of Clinton's use of a private email server to handle official State Department correspondence. Neither investigation led to formal charges against Clinton, but both convinced many Americans that the former Secretary of State was dishonest and untrustworthy. In the closing days of the campaign, FBI Director James Comey announced that the Bureau had found more sus-

picious emails, this time on a laptop belonging to disgraced former congress-man Anthony Weiner, the estranged husband of Clinton aide Huma Abedin. Though Comey later declared that these emails were not incriminating, the revelation contributed to Republican suspicions that Clinton was spared prosecution only because her allies in the Department of Justice had moved to protect her. At the same time, WikiLeaks made available a large quan-tity of hacked Clinton emails, which, along with leaked material apparently from the Department of Justice, painted a sometimes unflattering portrait of Clinton and her inner circle. The leaks and hacks seemed to show a candidate who said very different things in public and in private, who had used her position as Secretary of State to obtain favorable treatment for donors to her foundation, and who said unkind things about her opponents' supporters. One hacked transmission shows Clinton deriding Sanders voters as "children of the Great Recession . . . living in their parents' basement." Democrats dis-puted the content of the hacks and leaks and suggested that WikiLeaks had been given its information by the Russian government as part of an effort to influence the American election.

For their part, Democrats had no difficulty finding and revealing information damaging to the Trump campaign. Democratic oppo researchers had begun to develop a dossier on Trump as soon as he emerged as a poten-tial GOP candidate. The research showed that Trump was thin-skinned and had difficulty tolerating opposition, and indicated that Trump had operated a rather dubious university, engaged in shady business practices, and used a variety of dodges to avoid paying federal income taxes. This last charge was underscored by Trump's refusal to release his tax returns, something that presidential candidates do as a matter of course.

In October 2016, with only weeks before the November election, a video surfaced showing Trump making lewd comments about unnamed women. This revelation was followed by accounts from several women who maintained that Trump had attempted to kiss or improperly touch them. Most of these accounts concerned events that had taken place some years ago, and Trump contested their veracity. However, when coupled with the

video that Trump could not dispute, a picture emerged that was unflattering to Trump, to say the least. And, while the news media covered the allegations made against Clinton, most media, with the exception of Fox, gave greater play to the charges leveled at Trump. Trump declared that he was the target of a conspiracy that had its own foreign ties, particularly through the *New York Times*, in which Mexican billionaire and Trump foe Carlos Slim is a major shareholder.

Trump's Victory

As the campaign drew to a close, pundits and pollsters predicted a comfortable Clinton victory. The results, however, confounded expert predictions. Donald J. Trump would be the forty-fifth president of the United States. It seemed that conventional statistical models of the electorate had greatly underestimated the number of white working-class men—and women—who would vote, and overestimated the number of African American and other minority voters who would come to the polls. Pundits also ignored one of the basic rules of prognostication—obtain information from a variety of sources and determine whether it all points in the same direction. Pundits ignored the size and energy of Trump campaign rallies and the determination of Trump's supporters and chose to focus only on poll data. As a result, the pollsters, networks, and newspapers were shocked when a surge of working-class voters seemed to come from nowhere to defeat Clinton and elect Trump.

Despite losing in the electoral college, Clinton actually received about 2.5 million more votes than Trump. Since this is the second time in sixteen years that the popular vote winner lost in the electoral college, calls emerged in favor of a constitutional amendment to end this rather anachronistic arrangement, which casts doubt on the legitimacy of the electoral outcome. However, in a direct popular contest, both candidates would have campaigned differently, focusing their efforts on centers of population rather than on calculations based upon the distribution of electoral votes. Hence, we cannot know what the popular vote outcome might have been without the electoral college. Trump, for example, might have campaigned more vigorous-

ly in California rather than ignoring the state because he could not possibly win its electoral votes. Similarly, Clinton might have campaigned for votes in the deep South, a region where she could not hope to capture electoral votes.

Be that as it may, days after the 2016 election, much of the nation's liberal establishment was still in a state of disbelief, particularly when contemplating the fact that the GOP had also retained control of both houses of Congress and would soon be in a position to restore its hold on the Supreme Court. Anti-Trump demonstrations broke out in a number of cities, and most of America's ubiquitous celebrities tweeted their disgust at Trump's victory. One such celeb, Lady Gaga, promoted a petition asking the electors to hand the White House over to its rightful occupant, Hillary Clinton. Republicans noted with some amusement that several weeks earlier Trump had been castigated by Democrats for suggesting that he might not accept the results of the election if he viewed it as "rigged." Now the shoe seemed to be on the other foot. And, as for those Republican politicians who had distanced themselves from Trump, almost all rushed to declare their support for the next president and their eagerness to work with him.

Healing the Wounds?

After the long and bitterly fought 2016 election, President-elect Trump, President Obama, Hillary Clinton, and a host of commentators and pundits declared that it was time to heal the wounds and bring the nation back together. It seemed more likely, however, that competing political forces would lick their wounds and move their battles from the electoral arena to the nation's capital.

During the course of his campaign, Trump had outlined an ambitious agenda of foreign and domestic policies and programs designed, as he said, "to make America great again." Though there is often skepticism of candidates' campaign promises, these pledges usually offer a reasonably accurate blueprint for understanding candidates' plans. Trump seems likely to attempt to make good on a number of his pledges that are consistent with his nationalistic and populist orientation and with mainstream views within the Repub-

lican Party. With the House and Senate in Republican hands, Democrats will be hard-pressed to block Trump's efforts. Democratic congressional leaders will, nevertheless, wage pitched battles against Trump and his allies, producing new wounds over the scabs of the old ones.

One of the first battles of the Trump presidency will concern the appointment of a new Supreme Court justice to replace the late Antonin Scalia. After Scalia's death in 2016, President Obama designated Merrick Garland, a moderate liberal, as his replacement. Senate Republicans refused to move on the Garland nomination, which would have given the Court a 5–4 liberal majority. Trump promised that he would designate a conservative jurist and, during the campaign, published a list of potential nominees that included many of the nation's most distinguished conservative judges. Among those named were U.S. Appeals Court judges William Pryor, Diane Sykes, and Steven Colloton, all of whom were thought to be opponents of abortion rights. Sykes is also known as a proponent of Second Amendment rights. Trump's list pleased Republicans, but Democrats vowed to battle any nominee who, if confirmed, would restore the 5–4 conservative majority of the Scalia years. This battle could produce a Democratic Senate filibuster and a Republican effort to change Senate rules to bring an end to this venerable Senate tactic.

A second battle looms over Obamacare. During the campaign, Trump frequently asserted that the repeal or modification of the Affordable Care Act would be among his first priorities. For the most part, House and Senate Republicans agree that Obamacare should be repealed, and many support the idea of replacing it with Health Savings Accounts (HSAs). Democrats are prepared to mount a fierce battle to defend a program that they hoped would join Medicare and Social Security as entitlements giving millions of voters a reason to support the Democratic Party. Senate Democrats could filibuster an effort to repeal Obamacare, but Republicans might take a page from the playbook developed by former Democratic majority leader Harry Reid and seek to use the budget reconciliation process to bring about the repeal. Under Senate rules a reconciliation bill cannot be filibustered.

A third battle will involve immigration and border security. Trump

famously declared that he would build a wall along the U.S. border with Mexico, prevent illegals from entering the country, and increase deportations of non-citizens who committed crimes in the United States. Democrats castigated Trump for his callous attitude toward refugees. The fact is that much of the U.S.-Mexican border is already strongly fenced and heavily patrolled. President Obama, moreover, greatly accelerated deportations while claiming to search for a more humane solution to the problem of immigration. Nevertheless, Democrats view the Hispanic community as an important constituency and will resist efforts by Trump and the GOP to strengthen border security.

Fourth, Trump has stated an intent to revise American economic and trade policy. During the campaign, Trump accused the Democrats of allowing millions of blue-collar jobs to leave the country for China and Mexico while American workers faced unemployment. Trump promised to provide manufacturing industries with reasons to stay in the United States by reducing corporate taxes and repealing many current financial, environmental, and safety regulations that businesses find costly and burdensome. Trump has also promised to scuttle the proposed Trans-Pacific Partnership and to revisit America's various existing trade and international environmental agreements to obtain terms more favorable to American firms and workers. Democrats argue that under the pretext of helping American workers, Trump and the Republicans plan to undermine the health and safety rules that protect American workers while offering unproductive but politically powerful American firms protection from foreign competition.

Fifth, Trump has criticized China while promising a better relationship with Russia. Both Democratic and Republican internationalist elites have long viewed friendly relations with China as a cornerstone of American security and trade policy—protecting American trade interests while enmeshing China in a series of economic relationships with the United States likely to prevent military rivalries. To Trump and other nationalists in the GOP, China is a growing enemy to be confronted rather than a beneficent trade partner, and Russia is a useful counterweight to China. Democrats are ready

to accuse Trump of mounting a reckless and dangerous foreign policy, especially as Trump seeks to carry out his plan to greatly expand American naval and air power in the Pacific.

Finally, Trump and the Democrats have already begun to clash over environmental policy. President Obama had signed the Paris Agreement—a sole executive agreement without congressional approval—committing the United States among other things to reduce carbon dioxide emissions by 25 to 28 percent and to sharply curtail other greenhouse gas emissions over the next ten years. Trump, like most Republicans, opposed the agreement as a disaster for American industry and is likely to abrogate it. Trump is also likely to attempt to dismantle President Obama's Clean Power Plan, a set of Environmental Protection Agency (EPA) regulations designed to close coal-fired power plants and subsidize the construction of wind and solar farms. Trump is a proponent of coal and, like most Republicans, has expressed skepticism of climate change science. Republicans generally see theories about global warming as little more than efforts to validate the expansion of the government's regulatory powers. While Trump cannot unilaterally rescind the EPA rules, he can refuse to enforce them, appoint new EPA administrators assigned to revise the rules, and instruct the Justice Department to decline to defend such rules when they are challenged in the courts. All these actions would touch off enormous battles with congressional Democrats.

Thus, calls to heal the wounds and bring the nation together in the wake of the election seem rather whimsical. The conclusion of the election marked the end of one battle in a long struggle over the nation's future. How could it be otherwise? The nation's party system began with a series of pitched battles during our first president's administration. We should not expect peace and amity during the forty-fifth president's administration, nor should we want it. In a democracy, contending forces are free to publicly voice their disagreements. Vigorous, even fierce, contestation is the hallmark of America's free society, not, as some pundits would have it, a symptom of America's political miasma.