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STATE OF RESISTANCE: AN INTERVIEW WITH CALIFORNIA ATTORNEY
GENERAL XAVIER BECERRA

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GENERAL XAVIER BECERRA

(8:30 p.m.)

MR. FALLOWS: Good evening, everyone. Good evening. Pleased that we are -- we're really glad to have you here. As they say in politics and in life, timing is everything. We are so, so grateful that our honored guest, the attorney general of the state of California, Xavier Becerra, has made it here this evening despite having various physical challenges, a scratchy throat. But he still sounds so mellifluous, so we are really glad to have the attorney general here. And please join me in thanking him for making this trip all the way.

(Applause)

MR. BECERRA: Thank you.

MR. FALLOWS: I'll give you just a few words of introduction about the attorney general. I'm sure many of you know all about him. As of the beginning of this year, he became the attorney general of California after 12 terms in the House -- is that right? -- representing a district in Los Angeles -- various districts in Los Angeles as the redistricting bug kicked in. Born and raised in Sacramento, a graduate of Stanford and Stanford Law. And when Kamala Harris moved from the Attorney General's Office to the United States Senate, the governor of California, Jerry Brown, called Congressman Becerra and said will you come here and be our attorney general. And he accepted.

And as you follow the news since then, you know, that the attorney general has been one of several people who have been cast as sort of leading what we might not call -- we'll call it a resistance? We'll call it the --

MR. BECERRA: It's called a lot of things.

MR. FALLOWS: We'll call it the intellectual challenge to some directions in national politics. And we're going to talk about that this evening. I have one

or two sort of sizing questions to ask here. One is, I am proud to call myself a California and I grew up in Redlands in the south in San Bernardino County. How many people here have some California tie of one kind or another?

MR. BECERRA: Absolutely.

MR. FALLOWS: How many people basically like California and like the idea of California?

MR. BECERRA: Oh, very good.

MR. FALLOWS: Who is in some way suspicious of the idea of California?

MR. BECERRA: Well --

MR. FALLOWS: Well --

(Laughter)

MR. FALLOWS: Okay, we'll try -- I'll try to address all those concerns as time goes on. And so what we're going to get to through this evening's conversation over the next hour is we're going to talk through some of the dimensions of what the state of California under Governor Brown and Attorney General Becerra is thinking that it should do to maintain some of its immigration principles and environmental principles and health principles and other principles, what the ups and downs of that are, what the path ahead looks like, some other ramifications of California life and what this means for the state and the nation and the world and also some other reflections on national politics.

But first, I thought I would ask the attorney general as a lawyer and as a veteran of national and state politics and as a party to many law suits over immigration policy, what your reaction is today's Supreme Court decision that they're going to take the -- they're going to take the case of the various Trump immigration bans?

MR. BECERRA: For the most part -- by the way,

Jim, thank you. By the way, thank you for all you've done in enlightening Americans who have a chance to read your work on what America is thinking. I think you've done some fabulous pieces. My wife is from Fresno. You did some work -- you visited Fresno and I think you captured very well the sentiments of a lot of folks. And to the Aspen Institute and the Aspen Festival, just great thanks.

By the way, is Penny Brown here?

MR. FALLOWS: Somebody say yes.

MR. BECERRA: Okay. If not, I need to say thanks Penny and her husband and her friend who I was supposed to meet with, but they were gracious in allowing me to conserve my voice. I may get softer and softer as the night goes on because this is the best my voice has been in about 36 hours.

MR. FALLOWS: You know, lean forward, camp fire style.

MR. BECERRA: Yeah. But to that question, I'm somewhat ambivalent because it's a five-four court. I think already we can see it's a conservative court, five-four court. And I'm always suspicious of where this court will go and I am deadly afraid because these decisions last generations at times. But I am heartened in that I believe that the court -- the nine members of the court understand their power to determine what happens so far into the future for this country and I don't think they want to undermine constitutional protections, especially given our somewhat tortured but I think for the most part forward looking history in trying to untangle ourselves with discrimination in our past.

And so I don't think they're going to try to undermine the constitution's protections against discrimination against people based on religion or ethnic origin by allowing a travel ban that's essentially based -- originally based on religion and ethnic origin. Now, it was narrowed to be mostly about religion. But I still have confidence. I'm the son of immigrants, I'm always an optimist, but I have confidence that the court will rule

that the Trump administration went overboard.

MR. FALLOWS: And to follow up just one round further on this: as you read the Ninth Circuit ruling -- and I believe the Four Circuit was the other main ruling here?

MR. BECERRA: Yes.

MR. FALLOWS: As you looked at those, was there any sort of gaping hole that -- from what you know of the current Supreme Court they would find a way to drive through in ruling with the Trump administration?

MR. BECERRA: Look closely as to whether the court gave the same value to the words of the president when he was a candidate that the courts at the appellate level and the trial court level gave to Donald Trump's words. Typically, your own words are evidence that can be used against you and that's what the courts did. And because Donald Trump was so explicit about what he was trying to do as a candidate for president, it's tough for him to try to silence his words in court.

Will the court all of a sudden hold a different standard for the words of a political candidate versus someone who is now in official office? I hope not, because our words are still what we speak. And if you're out there to lead people, you have to believe you can trust the words of that person whether they're a candidate or the actual person in high office.

MR. BECERRA: So I am going to give the attorney general a minute or so to save his voice as I set up this next question. So my wife Deb, who is here, and I were down in Southern California at the beginning of this year working on a book about what we've seen around the country, in Fresno and Mississippi and places like that. When the change of administration occurred, we chose not to be in D.C. at that time. And we heard Donald Trump's inaugural address. And very soon after that, I believe it was -- Governor Brown gave his speech, essentially saying, "California is not knuckling under. California is going to take the lead in environmental issues," and all these

other places.

Was that just before or just after Donald Trump's speech? It was --

MR. BECERRA: Right after.

MR. FALLOWS: Yeah. And it was -- it made me think -- I had two warring emotions, which are going to be the framework for my first question to you. On the one hand, as somebody who, you know, thinks myself as a Californian who supports most of the policies that Jerry Brown in his second incarnation as governor has brought to the state, thinks that the environmental movement of the last decade is really important for the nation and the world, I was really proud of the state and its leader to be making that stand. On the other hand, I work for a magazine that was founded in 1857 and its whole point was sort of opposing separatism of states in 1876 and so we were for the idea that states need to sort of knuckle under to the national policy. And so I am in principle of states recognizing federal supremacy, but I like the idea that my state and its governor and its attorney general standing up for things I personally believe in.

Tell us the high concept of why this most populous state, this best state should be able to say, okay, we are going to keep going our way even though the duly elected national executive says we should go a different direction? Why is this legitimate for California be doing?

MR. BECERRA: So, Jim, let me segue off of what you just concluded with, and that is: we're not trying to separate ourselves from the federal government. We're just trying to continue doing what we're doing. It ain't been bad, you know. You don't become the sixth largest economy in the world by sitting back. You don't create more jobs -- and this is a 2015 stat. I should probably try to update it with 2016. But in 2015, we created more jobs than any other state in the nation, more than number two, Florida, and more than number three, Texas, combined.

So why should we all of a sudden stop doing what

we're doing when we're not only creating an economy that works for everyone and creates for 40 million people an economy that's now passed France, Italy, India, every other country but five and we're right on the heels of Great Britain. And so why should we stop at the same time that we figured out how to go farther than any other state when it comes to protecting our environment, protecting our consumers, calling for gun safety? We just had a ruling today that may have been overshadowed by the immigration decision by the Supreme Court to take the case that said that we can continue in California to enforce our ban on letting someone with a concealed weapon go out in public in any part of California.

And so we're going to continue forward. So we're not trying to resist in the sense of back away from or separate from the federal government. We're trying to just do what we've done that has been successful. We found the secret sauce -- or either that or we just accidentally ran into it. But why stop?

And so until someone tells us with authority that we must stop, we're going to keep going. And I would say to you what we're doing when we challenge the president and his executive orders is very different from when Texas challenged President Obama's executive orders. And if you want, I can tell you how this --

MR. FALLOWS: Yes. Would you just give one more installment on that how this is different from Texas and also Oklahoma with Scott Pruitt?

MR. BECERRA: We're challenging the federal government's executive orders because we want to be inclusive. We don't want to exclude people. If you take a look at most of the challenges by Texas against the Obama administration, it was to exclude people from activities that our government was doing. I didn't run for office to institutionalize discrimination. In 1996 when I had a chance to vote on the Defense of Marriage Act, which would have said "the only marriage we'll recognize in the country is one between a man and a woman," I thought to myself, "Why? Why should I, the son of a man who couldn't walk into restaurants when he was a

young man because of the signs that said no dogs or Mexicans allowed, why should I now tell someone you can't marry who you love?"

And so I was one of 67 of 435 members in the House who said no. So why now should any state, California or otherwise, accept that Texas wants to have laws that exclude people? We're challenging the Trump administration because they're trying to exclude people. We want to include people. We've become a very welcoming state in California. You want to work hard to build this country the way my father, a construction worker, and my mother, a clerical worker, did? There's a place for you in California.

MR. FALLOWS: So let's think about some of the specific ways in which your administration and Governor Brown's administration is at odds with the national Trump administration. Where you think you're most likely to sort of come, not to blows, but to legal issues? Immigration is obviously one, the environment is another. Medicaid and health coverage would be another. Criminal policy and prison policy would be another.

MR. BECERRA: Keep going.

(Laughter)

MR. FALLOWS: And so if you're ranking them sort of where you most anticipate a clash in the courts, where do you think that would be?

MR. BECERRA: Consumer protection will be up there. The Trump administration with Congress -- Republican Congress' help is trying to undo many of the protections that were provided under the Dodd-Frank Wall Street Reform. The Consumer Financial Protection Bureau is under assault. Administrator Cordray is watching as the Trump administration is trying to fire him even though he has a full five-year term -- and they're trying to gut his budget.

So we're going to do what we can. We have taken on the EPA. I led about 17 states of filing a case to

intervene in a lawsuit that's before the Supreme Court to try to defend the Affordable Care Act, because right now the government entity that's supposed to defend the Affordable Care Act is the Trump administration and we don't trust that they're actually going to try to defend the case. So we're trying to intervene in court and 17 other states along with the District of Columbia have joined us.

We're going to continue with the clean power plant that we worked on with the federal government. We're going to continue with the Paris climate accords. We're going to force -- we're going to try to force the EPA and the Department of Energy to follow their own rules on simple things like energy efficient light bulbs, which they're trying to back away from -- energy efficient fans.

We have sued the Department of Interior because they're trying to reduce protections for people -- principally modest income folks -- who live close to where mining activity, coal mining activity is very intense. And if you've ever been by a coal mine or if you've ever been by railroad tracks that transport coal, you know that a lot of coal dust is spread into the air. The communities that are in that vicinity their kids are the ones that are most affected health wise and we're trying to make sure that those protections are still there.

So we've taken a number of actions, but it's because we don't want to exclude people from the protections that you and I get to take for granted.

MR. FALLOWS: You mentioned the Paris climate accord is one area where California is taking a different track. It was fascinating to me that within probably minutes of Donald Trump having his press conference about why he was getting out of the Paris accord, California and a number of other states had announced, you know, we're going ahead, and in the week after that, a number of states, many, many cities joined in. My conceptual question for you is: Do you think -- is this just a new era in politics where states like California and Washington and cities from Pittsburgh to San Francisco to Atlanta to Boston are all sort of having their own

internationally connected policy and it's sort of leaving the national government behind?

MR. BECERRA: I think it's more that people are now beginning to crystallize what's at stake. I've said for quite some time -- and this is one of the problems I have with the Democratic Party, my own party: we believe so much that our government working with the private sector can do right by people, that we don't want to see it fail. And too often whether it's shutting down the government by not letting it have a federal budget or by trying to repeal all of the Affordable Care Act, Republicans, they go all at it -- and more power to them. You know, if you get elected, you want to deliver to people. And that's what they want to do. If they want to shut down government, that's what they want to do. If they want to repeal the Affordable Care Act, that's why they got elected.

We always tend to save them from what they try to do, and as a result, people never see the difference, the line in the sand between what Republicans stand for and Democrats stand for. I don't begrudge Republicans on what they want to do. In fact I admire their gumption in trying to push their agenda forward. I disagree with them. But you know what, I think people -- so many people today are fed up with politics. They don't know who to trust, and so they want to know where you are.

And so my concern with Democrats is that we don't stand for the values we say are ours. And if Republicans try to shut down the government again, which they might because they're not willing to increase the debt ceiling limit so federal government can borrow the money it needs to stay open, then we should not be providing the votes so people can't see what Republicans would actually do if we start to lose our credit rating. Because it doesn't just affect the federal government, it affect you the next time you want to go out there and buy a house, you need a mortgage or you want to let your kids go to college and you have to take out a student loan.

But if, here we go again riding to the rescue, Tonto is helping out again to help make sure that the

government doesn't collapse, there we go. When the government shut down in 2013 in October because remember Senator Cruz in Texas said, "Unless we repeal the Affordable Care Act, we won't get this budget," October 2013, well, the Affordable Care Act was not in the budget to be repealed, so he followed through. Within days it became obvious -- you know what? Air traffic controllers, they're part of the federal government. They can't go to work. Boy, they got to go to work because you have to fly to Aspen, you have to go here and there. So guess what we did? Republicans put a bill on the floor that said the government shuts down except for air traffic controllers. And guess what? Republicans got a whole bunch of Democratic votes and that passed.

And then they realized: wait a minute, you mean food inspectors are also federal employees and they can't go to work? Well, who is going to inspect the beef that's at the live stockyards getting chopped up to go to the grocery store? Nobody. Well, when people go to the grocery store to buy the meat for dinner, there's not going to be any meat. We can't do that. So guess what? Put up a bill, food safety inspectors they're also exempted from the shutdown of the government. Guess what? Democrats were right there to give votes to make sure those food inspectors go back to work, because who would want the government to shutdown.

And so you go about your business day to day saying "government shutdown, yeah." It makes no difference. If government shuts down, you can't move in the air. If government shuts down, you can't go to the grocery store the way you expect. If government shuts down it's a big deal, because it's not just a grocery store or the flight that you have to catch. It's everything the federal government does that you take for granted. But we conceal it.

And so I just think, let Rs be Rs, let Ds be Ds and then let the people vote and then let us govern by coming to common ground, not by giving people -- politicians go to extremes of safety net, so we don't have to see how extreme they are.

We saw the Congressional Budget Office's score today on the Senate Republican so-called health care bill. 23 million Americans will be kicked off of their health care. That's not health care. And so what are we going to do?

MR. FALLOWS: So you have lead me irresistibly to the current politics part of the questions. So I'll go to those and we'll come back to some of this federal stuff in a moment. But from your generations worth of experience in national politics, how can you explain the Republican majority voting for a bill that has no hearings, that is underwater in popularity ratings, that has tens of millions of people who are losers for it? Usually, somebody gets something out of some bill. And how -- we know where you stand on this bill. I stand on the same side. But how can it be happening?

MR. BECERRA: Because every time, especially the Democrats say the sky is falling, the sky is going to fall if the government shuts down, okay, okay -- and then it doesn't. The sky is going to fall every time -- 63 times or whatever it was they voted to -- Republicans voted to repeal the Affordable Care Act and they would pass it, but it never became law -- what happened? And so if we say 23 million people are going to lose their health care, people say, "You know what? I don't see it. I still got my health care."

Remember, most of the folks who are losing their health care are folks who never had it. Most of the folks who never had it are folks who didn't -- who never vote. Most of the vote is right here. How many of you don't have health insurance? Your health insurance isn't going to be affected except for the fact that you'll go back to the days where part of what you pay in premiums is to cover the cost of uninsured Americans who use health care providers. And so that's the difficulty, is people don't believe us.

MR. FALLOWS: But to pushback there, it's -- some study I saw yesterday that in sort of the Upper South and Midwest, in Missouri and Arkansas, in Tennessee, in West Virginia, most of the people who are going to lose

this Medicaid coverage are poor whites --

MR. BECERRA: Yeah.

MR. FALLOWS: -- and the people who largely voted for Trump. Why is this part of the synapse connecting? Why do Republicans not care about that?

MR. BECERRA: Because I don't think that they're tuning into these things that are -- should be bread and butter. Appalachia is going to be hit tremendously by this bill, because Medicaid is such an important aspect to health care in so many parts of Appalachia, West Virginia, parts of Ohio, Pennsylvania and Kentucky. But just -- they don't trust that. Why would they have trusted a guy who puts his name on ties and shirts and suits made abroad is going to be the guy who saves American jobs from trade? But they do. And that's where we are. Shame on those of us who are trying to get out there and explain what's going on if we can't win over the hearts and minds of people who really should be looking at these snake oil salesmen and saying, "No more."

MR. FALLOWS: And so if you were in charge of the National Congressional Democratic messaging right now -- as you are not, but if you were and you might have been, so what would it be?

MR. BECERRA: Let them shutdown the government. Let them try to get their votes to repeal the Affordable Care Act. Let the people sense what's going to happen because you can't continue to -- I mean, I don't think any Democrats in the Senate are going to vote for this health care bill. But this latest budget that went through, I would submit to you that it didn't do well by a lot of Americans and it passed only because Democrats in the Senate and in the House provided votes. Again, it wasn't as bad as Republicans were pushing and I know that Democrats were able to get some concessions, but at the end of the day -- you know, if these guys are ready to jump over the cliff, let the American people see what it looks like to jump over the cliff without a parachute and see how many times Americans then say, "I want to go with them, I want to go with them."

MR. FALLOWS: And so to be clear about this, you're saying Democrats should not fight like crazy to beat the health care bill, they should let it pass and see what happens?

MR. BECERRA: No, I'm saying that we should fight like crazy, and if it passes, that's because the Republicans got the votes -- fight like crazy and then all of a sudden don't provide the votes to get food safety inspectors back on the job and air traffic controllers back on the job when it was Republicans who chose to close down the government.

MR. FALLOWS: And one more current Democrat question. If this were a cable talk show, as it is not -- but if it were a cable talk show, somebody would ask you, "What about your friend and long time congressional colleague Nancy Pelosi, is she the wrong face for the party now," as many of the commentary at her say?

MR. BECERRA: You know, Nancy Pelosi works harder than anybody I know. Nancy Pelosi is as dogged as they get. Nancy Pelosi has been the one who actually gets stuff done in the House even with Republicans in the majority. They may bill a significant piece of legislation, which Paul Ryan, the speaker, has passed on his own. Nancy Pelosi has had to always provide votes, in fact sometimes a majority of the votes for Speaker Paul Ryan's bills.

Nancy Pelosi when she was the speaker, she never got Republican support and she still got stuff done, including working with the president with some things that caused her heartburn back home because she wasn't seen as progressive. I think the world of Nancy Pelosi because she knows how to get things done and she puts herself on the line even though she's a very strong progressive person to get things done. I don't blame her for moving this country forward. I blame folks who think that just because we're not winning that all of a sudden you have to sacrifice a person who has worked all her life very hard.

MR. FALLOWS: On California and the Trump

administration now, is there any risk or downside you all have calculated about being so prominent in the not -- in the challenge to Trump policies for the state of California, punitive appropriations or whatever?

MR. BECERRA: I could care less. I'm not supposed to be where I am. Six months ago no one was mentioning my name as the next -- the 33rd attorney general for the state of California. I'll take you further back to when I was a kid: no one was expecting me to go to a university because no one in my family had gone to a university. My father got to the sixth grade. My mother didn't come to this country till she was 18 when she married my father and came from Vallarta, Jalisco, Mexico.

No one expected me to go to Stanford University. No one expected me to go to Stanford Law School. No one expected me to get elected to Congress. No one expected me to become the fourth ranking Democrat in the House of Representatives. So I'm going to do what I think is right. Right now I don't -- I'm having a great time because I'm going to do what I prefer.

(Applause)

MR. FALLOWS: Let me ask you something about California politics, which you are asserting and I agree is successful in many ways that national politics is not now. While long term issues of the state are being addressed one way or another, there are problems of course for the state in public and in private as well. But one could argue that the situations that allow California do this are so exceptional that nobody else could do them.

For example, you have a governor who was the son of a governor and is in his fourth term and has this -- you know, has been a mayor and everything else. You have super majorities that allow him to do things and you have a redistricting plan that I think is unique -- it certainly is --

MR. BECERRA: No, there are a few other states that have --

MR. FALLOWS: It is pioneering. And so it's -- are there any lessons to be drawn from California seeming successful now politically as it seemed troubled a generation ago? Can this be done in some place else or does it depend on the sort of the Jerry Brown weird moment?

MR. BECERRA: If Jerry Brown were eight years younger, he'd run for president and he'd win.

MR. FALLOWS: Yeah.

(Applause)

MR. BECERRA: He was farsighted back in the 70s and he has now tempered that with his term as a mayor in the city of Oakland, it's a tough city. And now he's sort of where I said I am I think because he's not -- he's into his last two years of his second term. He's now 78 I think. I don't think he expects to run for another office, so he's going to do what he wants. And fortunately, his instincts are still very good. And so he's doing what he wants. And he has turned a state that had the largest deficit the nation has ever seen for any state -- in fact our deficit was bigger than the budget, the whole budget of most states in the United States. And now we've got surpluses bigger than most -- a lot of budgets throughout the country as well in the states.

But it's not an accident. Please don't think that. A generation ago, California was not blue.

MR. FALLOWS: Yeah.

MR. BECERRA: A generation ago, I was fighting in my own state against anti-immigrant measures. The one most -- what people remember is Proposition 187. In 1994, 60 percent of California voted for an anti-immigrant measure which was as bad, if not worse, than what Arizona and some of these other states have done. We had successive governors who were Republican. We voted Republican for president up until the '90s.

It just so happened that we started to change and people got wind of it -- and some people weren't ready for it -- and as a result, the chemistry brought us to where we are today, where we are by far the most innovative state in the nation. We are the most advanced when it comes to the environment. We have more clean energy jobs in California than the coal industry has jobs all together.

MR. FALLOWS: And maybe even worldwide. I mean, it's --

MR. BECERRA: Yeah, it's -- we're just doing things differently. And so we go back to the very beginning of the questions: Why should we stop doing what has shown success in a state where we're employing people and paying good money? It just doesn't make sense.

I want the construction worker and clerical worker of today like my parents were able to a generation ago to believe that they could send their kids to college, that they could afford to buy a house and that they then could retire in dignity. My parents got that. That's something that I think we lost and we haven't quite found it, that American dream.

You know, the G.I. Bill was one of the greatest creations of America because it said to all those G.I.s when they came back from World War II, "Great job. But it's not just that, we need to reward you. So guess what? You're going to get to go to a place that you probably have never been or your parents have never been, that's college." And because they got to go to college or they got resources to get back to work, many of them got to buy homes. And before you knew it, they had helped create the largest middle class the world has ever seen.

But how many of those guys today -- how many of those G.I.s coming back today are finding that they're getting to create the next middle class? We dropped the ball. California is not going to drop that ball and no one -- I don't care who it is, including the occupant in the White House -- is not going to stop us unless these five justices on the Supreme Court tell us, "No, can do."

MR. FALLOWS: So I have one more California question for you and then one more national question. The California question is this: so I grew up earlier than you did in a different kind of California from what we see now. When I was a kid Pat Brown was the governor, but then Ronald Reagan knocked him off and California was the Electoral College bulwark for Nixon and Ronald Reagan --

MR. BECERRA: That's right.

MR. FALLOWS: -- and was what the Republicans depended on.

MR. BECERRA: That's right.

MR. FALLOWS: And the conventional wisdom of course, as you said, is that Proposition 187, which I'm sure you all know about, switched that, because sort of in revulsion at this anti-immigrant measure it made the Latino's of California a solidly Democratic block. My two question about this. Number one, is that conventional wisdom basically true do you think for what happened in California? And number two, if that happened in California -- that's sort of what the Democrats were relying on nationwide too, but it didn't happen this time. You know, there wasn't sort of the demographic shift for -- although Hillary Clinton got 3 million more votes, but -- so is that what really happened in California, and if it happened in California, do Democrats assume that will happen nationwide, the demographic shift?

MR. BECERRA: Generally, yes. I mean, there is so many -- there's so much nuance to all of that. But it wasn't just Latinos. Asian-Americans voted in larger numbers democratically than Latinos did and Asian-Americans were more Republican than Latinos ever were back in the 80s and so forth. And it's the reaction of people who think that they are being, as I said before, excluded.

Ever seen a child come from a different country who doesn't know the language here? They so much yearn to be able to play with the rest of the kids, be part of -- just be part of the playground. They try really hard.

It's no different when you're an adult. You want to be part of everybody else. But when someone is saying to you, "No, no," you get -- it hurts. And so after a while you start to identify those who say, "No, you can't come in," and those who say, "Come on."

And so I think that's what's going on. There's a lot of other things involved as well. But at the end of the day, I think people want to feel included. And I don't know if the Democratic Party will always be the beneficiary, but I will tell you this: people know who doesn't like them.

MR. FALLOWS: This leads to my national politics question. You are of course an attorney and attorney general, and I believe you were party to one of the multistate lawsuits following the Comey firing. Is that -- asking for an investigation -- what was the detail of -- you were part of wanting to have some investigation of Comey's firing. So this is set up to asking: As an attorney general, what do you foresee for rule of law at the national level right now? What is going to happen with these investigations of Donald Trump and do you have -- what would happen do you think if he were to discharge Robert Muller or to stonewall in other ways? Give us your constitutional guidance of how we should feel about this moment in national politics?

MR. BECERRA: The sky will fall -- no. You know, I -- most people in the White House I would say wouldn't do that, but I don't put it past this guy. And so you just don't know. But I have great faith in the institutions of this country. The beauty of having grown up with very little and not knowing very much or very many is that once you learn about them you try to ingest as much as you can because you're trying to learn quickly because you've never been there.

And so every time I've had a chance to go to other countries, the thing I always find so fascinating is how much people admire that we have institutions that actually work. We have corruption, but by god we don't have that kind of corruption that you see in some other parts of the globe, including in some of these industrial

states. I mean, Brazil was a growing economy. The depth of corruption in some of these states.

And so I'm a firm believer in the constitution and our institutions -- I have to, because I grew up, as I said, with a father who couldn't walk into restaurants. And I have to believe that even though in 1996 there were only 67 of us who voted against the discriminatory law that wouldn't let gays and lesbians marry each other that ultimately things will change. And so I have to believe -- I said I'm optimist. I have to believe. Because if I can't believe in our institutions, I fear what men will -- and I won't say women here because it's mostly men -- what men will do to our country.

MR. FALLOWS: So one more question. Then I'm going to invite questions from all of you in the audience. Until eight months ago, you were serving with these 435 other people in the House, you know, your counterparts on the Senate. In the year before the election, leading up to the election, I did a chronicle in *The Atlantic* site of things that were happening from the Republican candidate with no precedent in American history, just were sort of outside all bounds for the norms of modern presidency. I got to 152 installments by election day.

And if I noticed this as a mere reporter, certainly the Republicans you served with in the Congress, in the House and the Senate they know what is happening here. And from that I also I wonder how much will they take? You know, at what point will they not swallow this anymore? What is your judgment of them as human beings at what point some of them will say this is too much for me?

MR. BECERRA: Where are the profiles in courage? When will you stand for your country and not your party? It's not scary; it's demoralizing. I don't think there's any doubt that the occupant of the Oval Office is digging his own grave. And I believe if the institutions of our government are allowed to work, they'll just accelerate that process for him. But they have to be allowed to work, and right now I question whether they're truly being allowed to work.

Remember, any impeachment has to start in the House of Representatives. The House has yet to really do anything to investigate this Russian matter in any real shape. We had a -- I was part of an impeachment in the '90s for personal indiscretion in the White House. I remember growing up in school -- in high school reading, watching the unfolding of Watergate, which was a two bit burglary on a political party. We're talking about one of our foreign adversaries who we've never trusted and we've always had to spy on infiltrating the highest reaches of our government at the heart of our democracy and we can't get Congress to do its job. That's demoralizing. It could also be extremely frightening. I'm hoping there will be profiles in courage. Otherwise when Donald Trump goes down that precipice, he will take a whole bunch of people with him.

MR. FALLOWS: On that note, I will --

(Laughter)

MR. FALLOWS: -- invite questions from the audience. I can't see you, so -- yes, I'll start with this gentleman in the front. And then please take microphones to the questioners because I can't see.

SPEAKER: Yes, good evening. Jim Psaki (phonetic). If you take the hypothetical about, you know, health care whether it is going to be approved by the Senate or not, do you believe that the Republican Party can at least come to terms with some reasonable negotiating position to approve and fix the ACA?

MR. BECERRA: No, no. Because there's a philosophy behind what Republicans are doing. They truly do believe that the private sector should be the place where we allow most of the affairs of life to occur and they don't want to see government invade that space and get bigger. If you listen to the philosophy just like that, there's nothing wrong with -- there's nothing nefarious about saying government should stay small. In fact Thomas Jefferson would probably agree with what I just finished saying. It's when you look at the actual execution of it where it gets dangerous.

Because this isn't just whether a farm will be governed by the federal government or you'll be able to decide what you get to farm. It's whether a child will be left out of insurance because of a preexisting condition.

SPEAKER: But is it the \$800 billion (off mic).

MR. BECERRA: The hundreds of billions of dollars that the Republicans take out of the Affordable Care Act by denying people access to Medicaid and by taking away the subsidies that make the health insurance plans affordable are important to them because it helps them pay for the tax cuts that they want to move forward with next. But it's still part of their philosophy to try to let the private sector do this, which again I don't begrudge them that. They have every right to try to push forward that philosophy. And that's why I say, you got to let these things play out.

Well, I know when I say this, it's going to probably be painful for a lot of folks. But let me tell you, there's a lot of things that are going on right now that are very painful to a lot of families in America as we speak. The only way we sometimes learn is by feeling the consequences.

Remember that commercial way back, that aftershave lotion where the guy, "Thanks, I needed that." Sometimes America has to get slapped in the face: "Thank, I needed that." Wait till, you know, the effort to try to privatize Medicare comes along and then you're going to get seniors who'll say, "Wait, a minute." But you have to see it. And that's where I'm saying Democrats have to say for me, "We're going to fight against this because we have" -- "we think we have a better idea." We're willing to come to some common ground. But we won't go there. And if they go there, so be it -- the line is in the sand, then you make a decision.

In a way, I'm talking more about a parliamentary kind of system because that's essentially what we have now because there's very little comity, there's very little work together. And so let people see who we are,

including let people see who Democrats are. People may not like what Democrats have to offer. They may decide to go Republican. That's fine with me. I just don't think we should try to mask ourselves. I'm happy where I am and I don't like this hiding behind someone else's skirt.

MR. FALLOWS: So a procedural note: if you raise your hands, people with the microphones will come to you. A substance note: who here has an immediate family member you think would be excluded by a preexisting condition?

MR. BECERRA: So pause.

MR. FALLOWS: Yes, go ahead. Yes.

SPEAKER: Good evening. My name is Phil Kendall (phonetic). I appreciate you being here this evening.

MR. BECERRA: Thank you, Phil.

SPEAKER: I'll just reflect back on: prior to the election, I believe the Democratic Attorney Generals Association were prepared for a travel ban and in fact shortly after the election instituted suit in multiple courts. My question is -- and I know this is (inaudible), which I think is incredibly effective and very powerful. My question is: Do you think this may be one of the most affective counterbalancing forces to the Trump administration?

MR. BECERRA: The AGs -- and I hate to report to those of you who are Democrats, but they are only 19 total attorneys general out of the 51, including the District of Columbia who are democratic. But we've been pretty much together. Before I even took a step into my office officially, I was already meeting with a number of AGs on these issues. In fact the travel ban got announced by the president while I was meeting with some of these AGs and we were trying to figure out what we would do to try to attack this issue.

So in most of these cases we've been in communication and I think it is a good shield to protect a lot of people from some of the effects of what the Trump

administration is trying to do. But as Jim said earlier, the federal government is a big dog and they are very powerful. And preemption is real and I respect preemption because I said I respect the constitution. But where they go overboard whether it's the travel ban or whether it's trying to claim that they can take money away from states for trying to enforce their own public safety laws -- as I say -- I try to say, I'm not looking to pick a fight, but we're ready for one.

MR. FALLOWS: So who has the microphone? Yes.

SPEAKER: Hi. My name is Holly Frankel (phonetic). I work a lot with undocumented kids in high schools in Los Angeles including some in your former district and we get a lot of them enrolled in the country's best colleges, including your alma mater. I really want to know what California can do to help protect these kids given the increased deportation that's going on around the country for non-criminal cases.

MR. BECERRA: So that's one of the areas where it's really tough. I admire the dreamers who at their own risk have come forward to say that they are undocumented, have been here most of their lives and are trying to prove to the world -- certainly to Americans -- that this is the face, this is -- what it looks like to be an undocumented immigrant having to live in the shadows. As you mentioned, many of them are valedictorians, many of them have gone to the best universities, many of them succeeded in those universities.

I firmly believe that in the coming years, the next generation, many of our greatest leaders will come from the ranks of those dreamers. Because can you imagine what it has been like for them? Their parents -- many of their parents are writing out legal documents for guardianship, which they then give to a neighbor or a working associate or if they have other family members to hold, because they're not sure if they'll come home in case they get picked up. And therefore, they have a legal document already in place to give instructions on what to do with their minor children, because otherwise their minor children will be sent to foster care. And so they

have to leave instructions.

It's very tough. And that's where, as I said before, California has a right to decide how it conducts its public safety under the constitution. So we're not interested in working with ICE and CBP -- ICE is Immigration and Customs Enforcement; CBP, Customs and Border Patrol enforcement -- in jointly working on their raids. We're in the public safety business, not the deportation business. And so we'll do everything to protect the people that live in the state and in our cities and counties.

But we can't stop ICE or CBP from doing what they're allowed to do, which means going to apprehend folks. They're even going now into courthouses going after people who are witnesses or maybe victims in crime and having to testify. There's a video of them pursuing a man who had just dropped off his daughter at school. It is tough. And, as I said, I'm the son of immigrants. I have said to them as I've said to others, I'll do everything I can. I'm going to have their back as best I can and I will use every tool in my arsenal to help them, because I so admire people who somehow scratch out a living and still figure out a way to get to some of the best universities in this country.

MR. FALLOWS: Yes.

(Applause)

SPEAKER: Hi. My name is Rich (phonetic) and I'm Nancy Pelosi's neighbor. So thanks for standing out for Nancy Pelosi. We have a nice access to the Golden Gate Bridge thanks to Nancy Pelosi. But my question is: What are your thoughts as a long term politician in California on our proposition system, state proposition system and are any changes possible to the system constitutionally?

MR. BECERRA: So, Rich, we make full use of our initiative process, which can be troublesome some time. But I'd be hard pressed to find a better way to do it because it's not the initiative process that's the

problem. It's money. It's the amount of money that's spent in these initiatives and the deception that occurs because money makes it possible to come up with these phantom organizations that fund these initiatives that have these good government sounding names that are trying to drive these things through. If we could get rid of so much of the money that is now in our campaigns, in our elections, then it wouldn't be a problem.

So I would defend the initiative process. I have the responsibility to do the title and summary of all of these initiatives and it's important work. And I think we need to give the people the right to speak. It's just they have to understand what they're speaking for sometimes. And if money gets in the way, it makes it really tough.

MR. FALLOWS: Yes -- yeah.

SPEAKER: Hi. I want to talk about infrastructure.

MR. FALLOWS: What's your name?

SPEAKER: Judy Samuelson (phonetic), also a native of Californian, although it's been a long time. What do you see happening there? How dependent is California on federal subsidy for infrastructure? Do you see coalitions, you know, kind of a grand bargain here? What do you think is ahead of us?

MR. BECERRA: We're going to continue working with the federal government. Please don't get this impression that we have all but seceded from the United States.

(Laughter)

MR. BECERRA: My Department of Justice has a law enforcement arm. My Department of Justice law enforcement arm is as big as the law enforcement agencies of many cities and counties. Right now we're doing work with ICE -- and we have to. We do with FBI, DEA. And we have to do the drug interdiction. We have to do the sex

trafficking investigations. We have to work with our partners at the federal level. That doesn't stop at all levels and so we're going to continue to work with them.

Do we need the money? Of course we need the money. Why? Because we pay federal taxes and we deserve to get our money back. In fact we never get our fair share of money back from the federal government. We're a donor state to the federal treasury. So do we need those federal dollars back more than some other states? I probably have to tell you no, because those states get some of our money before we get any of our money. And so we like any other state depend on receiving back the taxes that we paid to the federal treasury.

But I will tell you one thing: I can't find a state that has a stronger economy than the state of California and that has a more -- a brighter future than the state of California. Innovation, check. Largest manufacturing state in the nation, check. Largest tech industry, check. Largest entertainment industry, check. Largest ag industry, check. Largest hospitality industry, check. We're okay.

(Laughter)

MR. BECERRA: We're okay. But we do need to get our federal money back in proportionate share and we'll do everything we can to make sure that nobody messes with our money.

MR. FALLOWS: I think we have a question here and then one here. Then maybe -- yes.

SPEAKER: Hi. My name is Wendy Lazarus (phonetic), also from Southern California. So I know you to be a very pragmatic leader. And my question is --

MR. BECERRA: I hope that's good.

SPEAKER: Sorry?

MR. BECERRA: I said I hope that's good.

SPEAKER: It's good. My question is a strategy question, that given the composition of the Supreme Court now there could be a lot of lawsuits filed that make us all feel better and that do not result in the outcome that we are after. How do you and your fellow Democratic attorney generals make those choices and decisions?

MR. BECERRA: That's a great question. And now I think you really mean that I'm a pragmatic leader in a good sense. Sometimes you've got to cool your jets. My sense is that in California at least we'll have a pretty good sense of when we have to go to court. On the environment, we're going to have to go to court. On immigration, we'll have to be there to go to court. In consumer protection, we'll have to be there to go to court sometimes.

But we don't have to always be in the lead. I've tried to explain this to folks because some -- on the immigration cases, we didn't file first. Well, some people say, "Well, California has more immigrants than any other state. Xavier, you're dropping the ball. Why weren't you there right away?" And I tell people, "You know what? I think it's great that this is a team effort." It's great that Virginia, not a blue state, was out there defending immigrants -- because I got to tell you, 10, 15 years ago I don't know if Virginia would have been there. And if Virginia is willing to go there, I want to back them up. And if Washington State is willing to do it or Hawaii is willing to do it, great.

When it came to the Affordable Care Act, California has more people who've received health insurance through the Affordable Care Act than anyone else and so we took the lead, but everybody else is there as well. As so we'll be pragmatic in moving forward. We'll do it as a team. Because at the end of the day what matters most is winning. And so we're not in it for the show, you got to win it to make it happen.

And so -- I'm a -- as I said before, I feel really good, really comfortable in my shoes. I'm very pleased that I have this position. I'm going to make the most of it. But I'm not going to be stupid.

MR. FALLOWS: So there are two people that have their hands up in this front row. Let's hear both of these questions. And then we'll hear the combined answer to them.

SPEAKER: My question for you has to do with --

MR. BECERRA: Give us your name?

SPEAKER: Yes. Viviana Abdul (phonetic). And my question has to do with -- if you could just talk in general about what you perceive to be the future of the Democratic Party. Specifically, I'd like to know -- there's no doubt in my mind that for folks who are in this room the Democratic Party where you live and in your neighborhoods and in your heart is doing really well. But where I live now in Ohio, it's in shambles and my viewers don't see that the Democratic party sticks up for them, the little guy and the working class man, which is very different from what I've heard you say for the last hour. So your thoughts please on making it out of the woods and rebuilding to be competitive in 2018 and 2020?

MR. FALLOWS: And hold your answer for a second till we get the other question.

MR. BECERRA: That's a good question too.

MS. GOLDEN-VAZQUEZ: Hi. Abigail Golden-Vazquez with the Aspen Institute Latinos and Society Program. I'm very interested to know how California managed to turn its I guess perspective on immigrants and diversity when it was so extreme before and how it moved to where it is now, because I'm hoping that it might be a model for the rest of the country, but I don't know what the triggers were?

MR. BECERRA: Let me start with the second question first. My sense was -- and I was living (sic) and so I could be wrong. I don't have as much hindsight because I've been in it since it has happened -- is that people started to turn -- sort of like AIDS, it turned very quickly, gay marriage started to turn very quickly.

Why? Because I think a lot of people started to realize, "I got someone in my family who has got AIDS. Or my really good friend has AIDS. I didn't realize that." All of a sudden it's no longer, "Ohhh, over there." It's no longer the them. It's now us. And I think with California that's what happened. Those immigrants -- "I didn't realize my maid didn't have documents" or "the person who is caring for my elderly grandmother in hospice care is undocumented."

And you just realize, "Wait a minute. Don't" -- "they are not that bad." And it started to turn and turn. Meanwhile, the party started to go in different directions. I think the Republican Party, unfortunately, solidified anti-immigrant and so forth. And Pete Wilson was the perfect example of that. He was really down in the dumps running for reelection in 1994 because we were in the midst of what was then the largest budget deficit the state had ever faced and he was down in the polls. So what did he do? He saw this little lowly proposition that had very little money, Prop 187, and he put his coffers behind that and he started running those commercials that I still remember that said, "They keep coming."

And it started off with -- the video started off with that sign that you see sometimes on the highways heading towards the border of what looked like three figures, a male, a female and a small child figure running. And so the verbal audio was, "They keep coming." And the message was, "They are going to invade." And guess what? Prop 187 was won, as I said, by 60 percent and Pete Wilson got reelected, the last time a Republican got elected in a straight up race for governor in the state of California in 1994.

We have not one single constitutional officer in the state of California who is Republican today. We have a two-thirds majority in the House and the Senate who are Democrat. California voted by over 4 million votes for Hillary Clinton over Donald Trump. And right now the Republican Party in California doesn't get it. And that's what happened when they stay so polarized.

Now, to the point about -- sort of the Rust Belt

states, that part of -- let's call it, for lack of a better term and forgive me if anyone feels offended by this, white America who is now seeing that their kids may not have that chance -- you know, that construction worker and clerical worker who are white, who still were able to get decent paying jobs before, maybe worked in the auto industry, maybe worked in mining, could, you know, see a chance to get their kid something, all of a sudden no. And it's now been about two generations. It's been since about the 70s that we've seen that decline.

So this is now two generations of politicians that have probably made a whole bunch of promises. And here's where I think Democrats go wrong. I don't think it's that Democrats are appealing too much to immigrants and the dreamer kids or to what's called the new American electorate, you know, young women, African-Americans, Latinos, Asians over white Americans. It's just that I don't think Democrats are seeing that what a whole bunch of white Americans who used to be working class and still could make it are feeling, is that that's no longer the case.

But let me tell you why I think we look at it wrong as -- wrongly as Democrats. My dad was always working class. He was always struggling to be in working class. On top of being working class and not being paid very much, I told you he couldn't walk into a restaurant. He couldn't eat the food he had just finished harvesting when he was working as a farm worker in the fields. Life was tough for him as well. But he didn't give up, because he grew up in circumstances that were even worse. So he hadn't been through generations where if you were working class and your spouse was working class, your kids could do better.

He came from a background where his dad had to leave Southern Mexico because the revolutionaries, the Cristeros as they were called, the folks that were -- or the Christians versus the Zapatistas as they were -- they were going after my grandfather's few resources every time he, you know, made some money. And so they had to leave. But they left nothing to get to very little and they had very little so they could try to give their kids a little

more.

I look today at my dad and my mom, sixth grade education, coming from Mexico at 18, not having -- in those days when they didn't have a chance to go to college especially if you were Mexican immigrant, to now I have three daughters, all three in private colleges. What a difference. The glass is half full for me. But is it half full for the guy in Ohio who used to have an auto worker job and the spouse, his wife, who used to have a decent paying job at the restaurant or the clerical work there? No, they are not keeping their standard of living.

And if we were smart as Democrats, we would say, "You know what? I've got your back because you just want to make a decent living. You just want to be able to buy that house. You want to be able to send your kids to college and you want to have a decent retirement after you've worked decades for this country." That's all my parents asked for. I don't think White Americans in these tough states are asking for anything more. But we've got to deliver. And delivering isn't letting a guy who says, "I'm going to keep jobs in America, yet I'm going to continue to sell my ties and shirts and suits that come from abroad," be the guy who does it.

But we got to stand up and we got to let people see who these folks are in politics. And if we do that, I think we'll be fine. But I am not going to abandon that dreamer kid because someone tells me I'm losing the White formerly middle class. No, I want the White formerly middle class to know that I went through exactly what they're going through and I'm going to fight and I'm going to have their backs just the way I'm going to have my parents back.

So we do that and I think folks will fight for us. But you've got to prove to them you're going to stand up for them. To me the best way you tell people where you're going to take them is by showing them where you came from. And I think you do that, people will give you some leash to do some things. But they have to trust and very few people trust folks who run for office these days.

MR. FALLOWS: So this is --

(Applause)

MR. FALLOWS: So on this pragmatic and yet idealistic note, we end this evening with sincere thanks to Attorney General Becerra for his wonderful comments.

(Applause)

MR. BECERRA: Thank you.

MR. FALLOWS: Thank you. Thanks for -- thank you all for coming and thank you --

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