

OPEN NINTH:
CONVERSATIONS BEYOND THE COURTROOM
SPECIAL EDITION: ELECTION 2016
EPISODE 11
NOVEMBER 10, 2016
HOSTED BY: FREDERICK J. LAUTEN

>>Welcome to a Special Election Edition of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

And now, here’s your host, Chief Judge Frederick J. Lauten.

>>**CHIEF JUDGE LAUTEN:** We’re here for a Special Election Edition of Open Ninth. We’re thrilled to have NBC National Correspondent Kerry Sanders with us today. We are amazed that he’s here on the day after the election, and we are just thrilled to have him. Thank you so much for taking time out of this crazy day, and I’m sure for you crazy week, or crazy month to talk to us. Well, let me start by asking this, how much sleep have you had in the last 48 hours?

>>**MR. SANDERS:** I have had very little. You know, the I-4 corridor as we all know has been a pivotal area and so we’ve been reporting from this area, and I’m exhausted.

>>**CHIEF JUDGE LAUTEN:** So tell our listeners a little bit about that. So why is I-4 so important in the national Presidential election?

>>**MR. SANDERS:** But when you look at the state of Florida, you have a state that, first of all, is the third largest state in the country. We have 29 electoral votes so this is an important state, just on the base of that. Then you have north Florida, which if you’ve been in the state a long time, you may remember had the Dixiecrats. These are the more conservative now Republican voters. And to the south we have many of the people who have moved from New York, and are perhaps a little bit more liberal. And so you get to the center part of the state and you have along that 132 mile road called I-4, starting in Tampa Bay and going over to Daytona Beach. If you take the 19 counties in the area, so it’s not necessarily directly up against the interstate, you have a population of about 5.5 million people and that’s where the mix is. You have pretty much an even mix between republicans, democrats and then that other group called the Independents. And so all of these people in the area are the ones who ultimately make the decision of who is going to be the next whatever, in this case, President. The I-4 corridor, if you were to take the Orlando television market, Tampa television market, we’re talking about a community there that’s about the size of Virginia. So when you look at this most recent election, we had Hillary Clinton and we had Donald Trump collectively they spent 115 million dollars just on TV ads in those two TV markets in the state. They spent 60 million of it in the two TV

markets here, so probably let's say easily 30, maybe 27 million in Orlando and the rest in Tampa which is just slightly larger than Orlando. So 60 million dollars spent between these two areas which was the most of anywhere in the country.

>>**CHIEF JUDGE LAUTEN:** Is that right? More here in the I-4 corridor than anywhere else?

>>**MR. SANDERS:** Yeah, yeah, yeah. So everybody's like, Oh, my God, the election is over, I don't have to watch anymore of those ads. If you happen to have lived in a place like, let me see – where is a place that – if you live in California, there's not much of a toss-up in California.

>>**CHIEF JUDGE LAUTEN:** There were not very many ads in New York. I have friends in New York who said we didn't see any ads.

>>**MR. SANDERS:** Yeah, exactly. Right, you know, so although with Facebook and everything else, they were there. The difference of course is when you're watching TV you can't avoid it. It pays my salary, but at the end of the day it's like you want to watch your program, you got to get to the next part, you got to go through the commercial.

>>**CHIEF JUDGE LAUTEN:** Let me take a step back before we dive into this most recent election. How many elections have you covered in your career and what was the first one that you covered?

>>**MR. SANDERS:** Well, I kind of was talking to a friend of mine. I remember chasing Jesse Jackson around the state of Florida. I remember covering Steve Padgett when he was running for Governor in the state of Florida. Lawton Chiles. And so I'm trying to put a date on it. You know, when I'm – when I was a new young reporter just starting out, a lot of what I would maybe do is, and even back then in the early 80s, we would run around the state. Now, your reporters pretty much stay where they are. The candidates come through. But I remember doing like an interview with Al Gore and it was a big deal here. Why is he talking to me? I'm just a reporter at a local station at Channel 13, which was the CBS station at the time over in Tampa. But now with some experience and a little bit of understanding, I have a much better understanding that of course he wanted to talk to me because I was, A, intimidated and B, it didn't matter what I asked him. He was going to tell me what he wanted to say because he had

the preplanned soundbite to get it on the news to try and get past me to the audience who was ultimately the voter. But the very first President that I ever had a chance to, I guess you could say cover was in Tampa. I was a reporter down in Fort Myers, 1983, and Ronald Reagan makes a trip to Florida and my boss says, Kerry, you're going to Tampa and I run to Tampa, all excited. I'm covering Ronald Reagan and, you know, we're in the back of the room at the Marriott Hotel and the President comes in, the room is filled and everybody is, you know, applauding and then they sit down. And the President speaks and we're at the back with the cameras, and there's this bit that you do in television. Now, it's a little bit more live, but back then it was much more where you do a taped on-camera called a standup. And so the way it works with the President is the President makes a speech, and when he has about the last five, seven minutes, maybe even less, all the reporters jump up in front of the cameras. He's already said what he's going to say, now, he's telling stuff that you're not going to use. You need to talk while the President is behind you. And so the cameras are up on risers. And all the reporters, I'm watching this, I don't know what they're doing. All the reporters are grabbing chairs and they're putting two chairs and turning them around backwards, and then they're climbing up on the chairs so they're up high looking over everybody. The President is in the background. And so I'm like, oh, I better do this. So I'm doing all this and my cameraman is there, and I set my chairs up. And directly to my right is Sam Donaldson. And Sam Donaldson is belting it out as only Sam Donaldson can, and I'm standing in front of the camera and I realize at this point, I have no idea what I'm supposed to say. I'm completely blank. The President is going to be leaving any minutes. Sam Donaldson is belting it out, and I'm like listening to him. I'm like, do I say what he's saying. I don't know what I do here. So I think I said something that may have made a modicum of sense and did it, and so I kind of learned that as a reporter you have to have a lot of things sometimes planned out in advance. It just doesn't spontaneously happen.

>>**CHIEF JUDGE LAUTEN:** So when you interview a candidate and you ask them a particular question, they completely ignore it and just say whatever they want to say, how frustrating is that for you and what skillset do you use now to try to get them to answer what you want?

>>**MR. SANDERS:** Well, if you take it to where we are today, candidates more often than not are interested in live television, live radio, live whatever because they don't want to be

edited. And we can say honestly that some people have taken soundbites out of context and edited people. I understand why candidates don't want to be on anything other than live. The challenge of course is, and we've seen this at NBC news, as have the others, especially on the morning shows, let's say you're candidate X and I ask you, well, Chief Judge, you're a million dollars over budget on this expansion and we understand that that million dollars may have come from a fishy location to begin with. And then you start the filibuster. And I go, but wait a second, what we're talking about is the million dollars and then you filibuster a little bit more. And then you know what happens, I look at the watch and I go, we got to end this segment because we have another segment coming up. We're not doing a two hour today show on what happened to the million dollars. And because you as the candidate are aware of our side of the business, you know how to play it against us.

>>**CHIEF JUDGE LAUTEN:** In the debates this year, were the moderators challenged more than they have ever been before to get both of them, but especially Donald Trump to try to answer what they were asking?

>>**MR. SANDERS:** I don't think it's – I honestly say candidates themselves just don't answer questions that reporters want asked – I mean, that we ask to get the answers. I think the component that's different now is, and this is tough, we are instantly graded by social media. And I've been graded in a very harsh way so I understand what it's like. You do not have a voice. You do not have an opportunity to answer the critics, and it comes fast and it comes furious. And everybody wants to believe that we have an agenda. So when Matt Lauer asks multiple questions of Hilary Clinton about the email scandal and it was harsh questions, people want to say he's got an agenda, he's trying to do something there that – well, he's doing what a journalist does. He's asking hard questions about a topic that is really important at the time that he's asking it in the same way that he asked Donald Trump questions about his tax returns. And Donald Trump used the same answer over and over and over. There's only so many times you can ask the same question and get the same answer, okay, we're making no progress.

>>**CHIEF JUDGE LAUTEN:** So this particular election, was it unlike any other election you've ever seen?

>>**MR. SANDERS:** Yes, absolutely.

>>**CHIEF JUDGE LAUTEN:** In your opinion, how so?

>>**MR. SANDERS:** Well, it begins with the fact that we have somebody, and like I had told you in the earlier part of our first edition here, I did have an opportunity to spend the first seven weeks of Donald Trump's campaign this year, starting in Iowa in the primaries with him on the road and chasing him around. He's not held elective office. He is somebody who, at that time I wondered as a reporter, are these people who are showing up in these small towns in Iowa 15 degrees below zero, six hours before the doors open, sitting outside in their snowmobile suits with their coolers filled, not with something cold, but filled with hot chocolate and little toasty things to eat, are they just fans. Are these just people who saw him on the Apprentice and they want to be around him? Or are they supporters and voters? And it took me quite some time to realize from city to city to city that these are really people who are voters, and these are people who support his candidacy. So we haven't seen that kind of grassroots. I mean, a lot of people are going to be analyzing this election for a long time. You know, it's called the ground game and if you don't know what the ground game is, it is that you have people out in the community who work for you, volunteers or whatever, so when it comes time, especially on election day, they can pick the phone up and they can say, hey, Jane, I've been talking to you for the last two months. Have you gone down and voted yet? Let me come over and pick you up and give you a ride. Donald Trump didn't do that. There was no ground game. You know, in this state, you know, the third most populous state, there was no ground game. And look what he did. Look what he pulled off.

>>**CHIEF JUDGE LAUTEN:** Yeah, I've heard that. I've heard that maybe data is dead in elections. That's one of the lessons from this –

>>**MR. SANDERS:** The polling data has been – the polling data has been wrong through the primaries. The polling data was wrong now. Nate Solder, you know, is going to have a lot to try to figure out. And you know I was saying, not really loud because it's not my job as a reporter, but I was saying that – that the one thing that I was a little concerned about with the polling data is polls generally try to get most likely voters. It's not just any Tom, Dick and Harry. It's most likely voters. Most likely voters are people who have voted in recent elections. They're politically active so they voted in either the local election, or they voted in the last Presidential election. Well, I was meeting people out on the road who are supporting Donald

Trump who hadn't voted in 16 years. They had written off the political system. They thought it was corrupt. They thought that they did not think that the system worked for them. They felt that they were apathetic and so they were done with politics. They came back inspired by Donald Trump. So as we try in these early hours and now for – political scientists do it for years, as we try to figure out how the polls were so wrong, it may turn out that we didn't capture the audience of people who were most likely voters because these people weren't most likely voters. They became voters.

>>**CHIEF JUDGE LAUTEN:** Any affect that cell phones had –

>>**MR. SANDERS:** You know, I don't – it's a good question because I don't do the actual polling myself, you know. Obviously, lots of people have gotten rid of phones but, you know, they're pretty smart when it comes to the methodology and the approach. It's how – it's like how TV ratings work. How can you sample – I can't remember the number but I think it's like we sample 1,024 people in this country to tell you what's the number one rated television show. It seems like that's absurd but if you go back to your mathematics, you reach that point of diminishing returns and you know that once you get there you get there.

>>**CHIEF JUDGE LAUTEN:** In covering the number of elections that you did, was there any one candidate that was easier to interview or talk to than anybody else?

>>**MR. SANDERS:** An easier candidate to interview.

>>**CHIEF JUDGE LAUTEN:** Or friendly or easier.

>>**MR. SANDERS:** I wanted to say, you know, Mike Dukakis because he was just sort of an odd ball, but –

>>**CHIEF JUDGE LAUTEN:** It seems like Joe Biden has never met a microphone he wouldn't love to talk into.

>>**MR. SANDERS:** Yeah, exactly, you know, and he's fun and never lost an election so look at that, you know.

>>**CHIEF JUDGE LAUTEN:** Did you expect Hillary Clinton to win this election being out in the road where you were or maybe what you just explained to us about having –

>>**MR. SANDERS:** You know, I got to say that I was –

>>**CHIEF JUDGE LAUTEN:** Or did you even know?

>>**MR. SANDERS:** Yeah, well, you know, as a gut – as a gut, I don't know anything. My job is to listen and observe, and then tell people. But my gut was saying that I thought that Donald Trump was going to surprise America because – and the surprise here is that we got it wrong. If you were looking at the news media, I don't mean me and NBC and us and NBC. I mean us as the news media. I'm clumping us all together. We kind of missed it. We thought with our years of experience and everything else that we knew what we were talking about and my fear is, and this is a sincere fear, that there is a portion of the audience that doesn't trust the media to begin with. And I'm disappointed at that but I understand. They see us in the same way that they see professional politicians. They just don't want to trust us. They don't want to trust them. Kind of like the people who were drawn to Donald Trump. And then we have an audience that believed us with all of the polling data that we were using and everything they're saying, and now they don't trust us. It could turn out to be a large group of people who we have to earn the trust back from and, you know, we are at an interesting time where so much information is coming out on Facebook and all the different feeds that you get on your cell phone. And I'm worried that people won't understand that the job I do to put two minutes of television on the air can sometimes take days upon days upon days of work as opposed to somebody just posting on the Internet, hey, I heard x, y and z and before you know it that rumor becomes a fact which isn't a fact.

>>**CHIEF JUDGE LAUTEN:** Sounds like you think that polling took a big hit last night and the media in the larger sense, not any one particular media outfit, but media took a hit.

>>**MR. SANDERS:** Yeah, I think we did. I think we did.

>>**CHIEF JUDGE LAUTEN:** What are the greatest pressures in covering an election as opposed to any other story?

>>**MR. SANDERS:** Well, elections are about access, so the candidates control the access. And so if you can't get to the candidate, and you can't get to the players who are the operatives, because they decide to cut you off, and now you're on the outside, it becomes very hard to tell the story. I mean, there was a period during this most recent election where Donald

Trump cut the Washington Post out, boom, they're done. The Washington Post had to get very creative to do what they do before they got back in. But you know this is the give and take of the world. I mean, we don't at the same time want to say we're here to do your PR, you know, we're – treat us well and we'll treat you well. We don't want to do that either. So there's a – it's the constant back and forth. The, you know, the conflict or abrasion that exists there should hopefully, you know, help produce a pearl, which is the information.

>>**CHIEF JUDGE LAUTEN:** Was Donald Trump a genius about the media?

>>**MR. SANDERS:** Well, everybody seems to say that he's a genius about the media. He did things that few candidates have ever done. He showed up, got a live camera on him, and he was on cable TV, and he was on cable TV, and he was on cable TV unedited, speaking live. And it was a little bit of a factor of what is this guy going to say next. We need to listen. What could it be? You know, Les Munez at CBS said at the time, if I have the quote correct: Donald Trump may not be good for the nation, but he's certainly good for ratings.

>>**CHIEF JUDGE LAUTEN:** Certainly in the primaries, it was almost every night you turn on the TV and it would be, what did Donald Trump say today.

>>**MR. SANDERS:** Look, we're in Florida; we're in Florida. We – we saw Jeb Bush. We know who Jeb Bush is. I've spent many a time talking to Jeb Bush and Jeb Bush did not have the same opportunity as Donald Trump. Donald Trump went to a microphone. He got up there and started talking and every camera was right on him. Jeb Bush, you know, got out there, and there would be nine people in the room and like two journalists with notepads and not one camera.

>>**CHIEF JUDGE LAUTEN:** But in the beginning he was almost viewed, you know, as the predetermined candidate and he had more money than anybody else. He has the Bush name, and then it just disappeared.

>>**MR. SANDERS:** Yeah, well, that's – that's the interesting craziness of politics, you know, you just can't tell.

>>**CHIEF JUDGE LAUTEN:** What is – do you have a big takeaway from this election that we haven't talked about?

>>**MR. SANDERS:** Yes. There were many people who were extremely happy that their voice was heard and they were thrilled that the man that they elected is the next President of the United States. And there's, I think just as many vocal people that I've spoken to who are devastated and are sad and can't believe it and are scratching their heads, what went wrong. And we heard the President today say that, you know, at the end of the day, this is intramurals, we all come together, we play for the same team, we're all Americans. I think that the real story at the end of the day here is that whether you are trying to figure out, you know, how could this have happened. What is our nation going to be looking like? You know, how is this going to impact me? Um, the framers of our Constitution built a pretty impressive system and I know people are worried about Donald Trump appointing Supreme Court Justices and they're concerned now that the republicans have a clean sweep across the board. But at the end of the day, the nation works. It all sort of balances. And, you know, it was a sad time in our country in the final two years of Ronald Reagan's presidency where he had – he was senile, and you know, we know much more now than we did then. The nation operated pretty well. So I think we're going to be in good shape.

>>**CHIEF JUDGE LAUTEN:** And one thing you can say is, even if you're bitterly disappointed and people have been bitterly disappointed in all kinds of election outcomes, we have somehow crafted a system where we peacefully transfer power as opposed to transfer power through violence. And you might not like the outcome but that system seems to have worked, and the checks and balances seem to work. And I'm sure you hope, like I do, that it will continue to work as we go forward.

>>**MR. SANDERS:** I think I'm probably going to mess this up but I think Winston Churchill said democracy is the best system that we've tried so far.

>>**CHIEF JUDGE LAUTEN:** Well, thank you so much for joining us today. I know you're operating on almost no sleep. We don't want to take all of your time. We want you to get some rest. We're thrilled that you had the chance to visit with us, especially after what you've been doing. Thank you so very much.

>>**MR. SANDERS:** Thank you, Judge.

>>Thank you for listening to “Open Ninth: Conversations Beyond the Courtroom” brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida. Please remember to follow us on Facebook and Twitter for more information about the Ninth Judicial Circuit Court.