

U.S. Political Update #26, November 18, 2020 by Charles E. Morrison

The final poll of the 2020 election belonged to the American people, and they voted in numbers not seen in the past century. As expected, the victory went to Joe Biden, and he will be inaugurated 46th president on January 20, 2021, the oldest president ever and also the first whose rise in national politics came from one of the smallest U.S. states. While the vote counting isn't complete, he has won by a quite convincing margin in a deeply divided country. At current count, two weeks after the election, he has a 3.7% national margin over Trump, a 5.7 million edge in popular votes. Having "flipped" five states (Arizona, Georgia, Michigan, Pennsylvania, and Wisconsin) and one district in Nebraska, Biden's Electoral College vote, 306, will be exactly the same as Trump's in 2016. Biden's popular percentage margin is the highest for a challenger against an incumbent since the Depression era 1932 election, barely exceeding Ronald Reagan's victory margin against Jimmy Carter in 1980. But several of the state margins were razor-thin, and thus the Electoral College victory, if not the popular vote, was very close.

Trump still disputes the outcome. He becomes "a loser," one of ten presidents in U.S. history to have failed to win a second term. But his own voter turn-out was very impressive (the highest ever after Biden's) and defied most of the pre-election polling which had put Biden at more like a 7 percent lead. Overall, Trump received about 10 million more votes than he did in 2016. But his claims of widespread fraud have been devoid of serious evidence. Unlike the disputed 2000 Bush-Gore election which involved a few hundred votes in just one state, to win Trump would have to show tens of thousands of instances of fraud in multiple states, and there is no credible evidence of that. State officials, including Republican ones in Arizona and Georgia, contradicted the President, judges have dismissed his cases, and his campaign is having difficulty even finding experienced lawyers willing to pursue them. Trump's lawyers have lost 15 cases, withdrawn from 6 others, and won only one on procedural grounds.

A Victory and a Challenge for Democracy

Prior to the election there were widespread rumors that there might be election day or post-election violence, that there would be major snafus with the digital counting equipment, or that postal service delays would disenfranchise thousands of voters. In fact, however, there were only isolated instances of such problems, and those alarmist predictions look almost foolish in retrospect. Trump had been fanning the flames, and he must be disappointed in the tepid and largely peaceful response to his defeat.

However, the fact that so many of Biden's voters had exercised early voting and mail-in options, while Trump's voters had been urged to vote in person, led to misunderstandings of the outcome, again amplified by the President, and delays in counting, leading to what can only be called an antic when Trump declared himself the victor on election night. This had no impact. While some states had counted mailed-in earlier and could announce results on election night, other states, notably Pennsylvania, allowed the counting of the huge mailed-in vote only later. But overall, the ease and success of mail-in voting, hitherto mostly popular in the Western states, is likely to have a lasting impact on American voting practices. The delays in counting,

which led to uncertainty about the results for several days, may also result in changes for 2024. Florida, one of the most closely watched and often nearly even divided, showed how it can be done in a red-leaning state, the outcome of millions of in-person and mailed-in ballots known by the end of election night.

A Disputed Result

State officials, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, and outside experts have found Trump's charges of widespread fraud to be unfounded and baseless.¹ But they are believed by a large share of his most devoted voters, some estimate by as many as 70-80% of Republicans. These supporters seem to believe that all this fraud went against the President, and they ignore that the same set of ballots resulted in significant Republican victories in Congressional and local races. Overall, the Republicans picked up several seats in the House of Representatives, narrowing the Democratic majority, and lost only one Senate seat so far despite having more incumbents to defend. Two Senate races in Georgia will be decided by run-off elections on January 5, and if both go to the Democrats, they would have the "majority" in a 50-50 Senate by virtue of having the Vice Presidency (the presiding official). It seems likely that Republicans will retain their majority in that body, although the Democrats, including Biden, will fight hard for the Georgia seats. Republicans also did well in state legislatures, and these are critical after the election in determining new Congressional district boundaries following the 2020 census results. Americans, including Wall Street, seem to prefer a government than reflects society – divided.

The President's refusal so far to accept the results, and the way he is doing so have several consequences. The immediate one is that he has ordered the Executive agencies not to cooperate with the normal transition process. Biden's transition team has a right to funds, office space, and information-sharing that they are not receiving. Trump's resistance to this should not last past December 8 when states will have certified their results, but it should end earlier, many hope before the Thanksgiving holiday, November 26. There is now pressure within Republican ranks to allow access to the Biden team for practical reasons, arguing that it would not undermine Trump's rights to legally contest.

Biden himself finds it "an embarrassment," but at first largely waved it aside as not crippling his course of action. The area where Trump's intransigence may be most immediately harmful is with regard to the pandemic and the distribution plans for vaccines. The President-elect has now dialed up pressure on Trump by saying that Trump's failure to provide information in this area and work with the incoming administration could literally cost lives. No one expects Trump to ever admit that he lost through a fair election, and Biden has not demanded a statement from him conceding the election. Biden's mild stance is not only to show a contrast, but also in hopes of working with Republicans during his administration.

¹ Trump fired the head of this agency, Christopher Krebs, by tweet for giving "inaccurate" information. The same tweet included Trump unsupported allegations regarding the election.

Most Republican Congressional members and governors are following the President's lead. This does not mean that they do not accept the election results or are happy with the President's position, but that they have made their own political calculations that they do not want to offend Trump's base, which also is their own, or the President himself, who has viciously attacked those who have offended him, such as Nebraska senator Ben Sasse, referred to in Update 24. He and only three other Republican senators have congratulated the President-elect. Undoubtedly some others will continue to say that the results are an open question even after the new administration takes office, although this will not affect their willingness to go to this administration for benefits for their states and districts.

The more consequential outcome is to undermine public confidence in the electoral process itself, and thus the Trump's stance is not just a tantrum by a sore loser, but also an attack on the democratic processes themselves. The real thrust of the Trump's campaign to "count every legal vote" is to find technical ways of throwing out whole groups of voters or discrediting voting, with the aim of encouraging states not to certify their results, resulting in no Electoral College majority, and throwing the election decision to the House of Representatives. The voting there is by state delegation and not by individual members, and Trump would win. This is a cynical, self-interested, and obviously undemocratic plan to thwart the will of the majority, and it has not worked thanks to the judiciary and some courageous state election officials. It would have unimaginable political consequences.

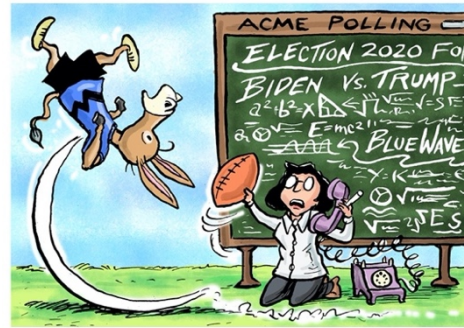
While every election ends with some grouching, it has been a custom for losers to concede gracefully to the winner, as Mrs. Clinton had to Trump. In many state and local elections, these traditions held, and voters still trust their own local election results while questioning what they think may have occurred elsewhere.

There may also be consequences for Trump himself. He believes that his fans want him to continue fighting, and some do. But while his charges resonate with part of his base, they are being carried to such an extreme that they may sour independent voters and Republicans who voted for him out of party loyalty or conservative principles, but do not like his style or attacks on prized democratic institutions. If so, they will diminish rather than enhance his future political role and credibility.

Polling Errors

Again, the polling industry is facing criticism for failure to accurately measure Trump's support base in the electorate as a whole. The best poll seems to have Investor's Business Daily (IBD-TIPP), which had predicted Trump's 2016 victory. Its sampling in the final five days prior to 2020 election had shown Biden with a 50.2%-46.2% lead in the national popular vote. The current count shows a 51.0%-47.3% Biden lead, which may still widen a bit.

While Biden's voting percentage falls close to some predictions, Trump's exceeded his, and also substantially exceeded his job approval rating, as measured by polling agencies.² State level polling continued to be spotty, missing the strength of Trump with the Florida Hispanic population, over-estimating Biden's support in the "blue wall" states of Wisconsin, Michigan and Pennsylvania, and under-estimating the support for Republican incumbent senators in Maine, Iowa, and the Carolinas. On the other hand, the possibilities of Biden flips of Arizona and Georgia were accurately foreseen.



Chad Crowe, Wall Street Journal 13 Nov 20

The reason for the polling errors will obviously be debated within the industry and its users for some time. It may be less a problem that Trump voters are shy or lie about their preferences and more that many of them are so distrustful of national polling agencies that they will not even talk to them in the first place.

Post-Election Party Challenges

The election over, both major political parties now face internal challenges. The Republican Party dilemma may come as a consequence of the relative success of Mr. Trump in appearing, thanks to the Electoral College system, to be snatching a victory from what appeared to be a looming major defeat. Without a repudiation of Trump by voters and without other Republican voices to stand up to and chastise his mendacity, the party may be delayed in transitioning to a post-Trump future as Trump tries to carve out a continuing role for himself.

Both as President and earlier as a media celebrity, Trump prized his outreach ratings and has mused about establishing a Trump news network perhaps through the acquisition of an existing conservative organization, such as Newsmax or OANN (One America News Network). His unhappiness with Fox News, which prematurely "called" the race in Biden's favor, has amplified this. As he did immediately after his 2017 inauguration, Trump will also probably announce his candidacy for the 2024 presidential election. There are many doubts that he would actually run and risk losing again or whether he would even be in a legal, financial or physical condition to pursue this. But the move would facilitate fund-raising, discourage Republican competitors, and maintain his position as the lead voice of the party. With this bully pulpit, he would be a "spoiler" in national politics, although whether credibly so or not remains to be seen. Although Trump can boast to have made inroads into new groups, like Hispanics and black males, that the Republican need to become a more successful and broad-gauged

² Based on the polling averages aggregated by RealClearPolitics and FiveThirtyEight, previous Update 25, just before the election, suggested a range of 51-53% for Biden and 44-46% for Trump in Update 25. While Biden achieved the lower figure of his range, Trump exceeded the upper figure for his. Third candidate voting was much lower than usual this year.

party, he has not diversified his message. Without change, demographic trends including the diversification of American society and smaller rural populations, are against the Republicans in the long run even if the Electoral College and Senate over-representation of rural voters masks this effect now.

The Democrats have a much broader tent, especially among minorities and female voters. But this can be a weakness as well as a strength. It often dilutes its messaging and results in a struggle for “the soul of the party.” The common goal of the party’s progressive and moderate wings in the 2020 elections was to defeat Trump, and with that achieved, both sides can now blame the other for not a better showing in downstream Congressional and local races. They will surely continue this struggle to shape Democratic proposals going forward. The party’s loss in Florida and still narrow margins in the northcentral blue wall states require attention, especially before the 2022 Congressional elections when its House majority may be threatened. Much will depend on Biden’s performance in office.

The Biden Agenda

In the vacuum left behind by Trump, who has shown little interest in governing since the election, and with two months remaining before his inauguration, Biden has increasingly begun to step cautiously forward to provide a sense of leadership, competence and stability prior to assuming office. He comes with a plethora of plans for the pandemic, the economy, racism, and so forth. Such plans are really always more visions than actionable steps because they depend on Congressional support, which may not be forthcoming even when the Congress is in the hands of the President’s party. Legislation is almost always a product of compromise - as Biden well knows. His ability to execute his ideas are made immeasurably more difficult by several factors: a weaker mandate from the voters than he had hoped for, the particular and partisan personality of Senate Republican leader Mitch McConnell, and the likelihood of harassment and carping by his predecessor.

Biden is the first president since Lyndon B. Johnson to have extensive experience with the Congress. George H.W. Bush had served 4 years in the House and Barack Obama, almost 4 in the Senate, dwarfed by Biden’s 36 Senate years. This, and his long ties with the senior leadership on both sides should serve him in good stead, but he may also be over-estimating his chances to bridge gaps in a far more partisan Congress and country than when his service started.

Biden’s best shot, and his own prediction, is to adopt a centrist position weaving a course between the more moderate Republicans and the more progressive Democrats. He has good reason. It is difficult to achieve anything even with a slight majority in the Congress. By trying to build larger bipartisan coalitions around specific issues that have more support, such as actions related to the pandemic, infrastructure development, and climate change, Biden may be able to attract support from outside his party, partially circumventing McConnell, lessening Republican opposition and rewarding those who join him with concrete achievements to boast of in their next election.

This would need to be supplemented by public outreach, and the most effective form of communications is not by Twitter (as much as an active account is required), but rather periodic messages to the American public as a way to reach beyond interlocutors in Congress. One model is Franklin D. Roosevelt's "fireside chats," the first effort by a president to use modern media, at the time radio, to communicate with a mass audience. Roosevelt put great effort into preparing these, tried to explain his arguments in a down-to-earth fashion, and was cautious about over-using this form and having it lose effectiveness. Whether such messaging can work in today's more fragmented media or even achieve significant audiences are questions. But it is worthy of a try.

The State of the Union

The challenges facing the new Administration and American society can hardly be under-stated. The pandemic rages at levels not yet previously seen, the economy has been crippled by it and by Congress' failure to enact a second stimulus, and the election showed that society remains nearly evenly divided on directions. Biden has two major, widely watched speaking opportunities ahead – his Inauguration Address on January 20 and a State of Union speech, probably during February. Since any kind of effective action will require Republican support, the speech will be crafted to reach out to Trump voters without alienating Democratic progressives. There are several areas on which some degree of compromise and consensus may be possible: the pandemic, rebuilding the economy with an emphasis on infrastructure, promoting a stronger climate change actions, and restoring strong relationships with allies.

New Reported Cases in the U.S.



The pandemic, which is spreading exponentially in the full country now, obviously has top priority. With an average of over 150,000 new cases a day and an estimated 3 million active spreaders, most unaware of it, the third spike in the pandemic has been far worse than the previous two, and deaths and pressure on hospital facilities are also rising. States and localities are again imposing restrictions, mostly shortly of lockdowns. New York City, for example, has had to shut school again. The public resistance to this, however, is greater than before and the majority of the population

resists renewed restrictions on lifestyles. The outgoing administration had seemed to give up on the fight to contain the disease in favor of hyping the prospect of new vaccines. The astoundingly successful results of late-stage trials of two vaccines at a 90-95% effective level, is very good news, but the logistics remain of administering it quickly are daunting. Nonetheless, this provides a light at the end of the tunnel.

Biden has announced a task force of distinguished advisors, a team to which government figures, such as Anthony Fauci will be added once Biden is Inaugurated. Containing the virus is an obvious mandate, even if the country remains divided on how. Biden hopes to give much stronger Federal guidance, but he has ruled out a national lock-down.

Biden also faces major challenges on economic policy, taxes, and foreign policy issues. While there is an “early harvest” of rollbacks of the more unpopular Trump actions on treatment of immigrants, support for public schools, rejoining the Paris Accords, but bigger challenge will not be rollback, but moving forward on new agendas. Such areas will be discussed in greater depth in future Updates.

Between Now and Then

The Constitution originally set Inauguration on March 4 since in the 18th century, it might take a long time for a new president to even physically arrive at the capital. In 1937, the 20th Amendment changed the date to January 20, and while still long, the two and half month period still helps the incoming president prepare. During this “lame-duck” period, the outgoing administration generally deferred major policy initiatives to leave them for the newcomers. Because of Trump’s bitterness, willingness to defy traditions, and unpredictability, there is heightened concern about what the outgoing administration might do even on its way out the door. Aside from already filling a Supreme Court vacancy during the final days before the election, filling other controversial vacancies by a lame-duck Congress are also being attempted, and dozens of people are being let go for insufficient loyalty, most prominently Defense Secretary Mike Esper. And far from deferring, the Trump Administration is hurrying to carry out actions before the newcomers arrive, for example, bidding leasing of tracts for oil and gas exploration in northern Alaska and withdrawing some troops in the Middle East.

Perhaps the biggest concern is in the area of pardons, a constitutional prerogative of a president. While virtually all presidents have dispensed pardons as they went out the door, President Trump seems likely to give them to many close friends and partisans, regardless of their offenses, and to members of his own family. It is every rumored that he may want to consider pardoning himself, although this action would create a legal battle. There is some speculation that if necessary, he might take the safer course of resigning early in order to allow Vice President Mike Pence to pardon him of any Federal crimes, if he would agree to. This would also excuse him from having to hand over the government or attending Biden’s inauguration ceremony.

There is no doubt that the Inauguration of President-elect Biden will take place on January 20 as required by the Constitution. It is almost without doubt that the next two months while Mr. Trump remains president will continue to be a time of unpredictability, controversy and turmoil.