



Ep. 40: U.S. Elections 2020 Preview

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Jose Garriga:

Hello, and welcome to *OnAir with Akin Gump*. I'm your host, Jose Garriga.

You don't have to live or work inside the Capital Beltway to be immersed in the campaign for the presidency this year. Amplified by social media and the 24-hour news cycle, every statement, every silence, every twist and turn is being parsed and analyzed across the political spectrum and through a variety of lenses.

To cut through the static surrounding this pivotal election and its potential ramifications, we have with us today Akin Gump public law and policy partner Joe Donnelly, a former Democratic Senator and Representative from Indiana, and senior advisor Ileana Ros-Lehtinen, a former Republican Representative from Florida. They'll be looking at what's driving voter interest and what's in store for business under a Biden or a Trump administration, as well as talking about elections in a chamber with which they're very familiar, the U.S. Congress.

Welcome to the podcast.

Joe, Ileana, thank you both.

Joe Donnelly:

Thank you very much.

Jose Garriga:

Thank you both for appearing on the show today.

Ileana Ros-Lehtinen:

Thank you, Jose. Looking forward to it. Thank you.

Jose Garriga:

We got a lot of ground to cover, so let's start with just an overview kind of a question. The term "historic" is being used to describe the election. Do you agree with that? And if so, what do you think sets this election apart? Ileana, if I could ask you to take the lead on this one.

Ileana Ros-Lehtinen:

Sure, Jose. Well, I would say it's an important election, more important than most elections, but I would not classify it as historic. The way I look at American history, which I teach at the University of Miami with my husband, are four elections, and we discuss it with our students, of the 1800s, the year 1800

election when we had a new party defeating the governing party, and that was Jefferson and John Adams. And that was historic because we convinced Europe and other countries, other areas that the U.S. really did have a vibrant democracy.

A second historic election, I think, is 1860, obviously, President Lincoln. And without Lincoln's election, the union would have split. So, that's historic.

Another historic election, 1932, when we elected FDR, and this brought about a substantially increased role for the federal government, and we have not backed away from that increased role.

And the last one that I would say was really historic was 1980, the election of Ronald Reagan, bringing back the values of a free-market, less-burdensome regulations on business.

This 2020 election, Joe and Jose, I would say is important because the two candidates differ so much. You've got President Trump who says he's fighting against extensive regulation of business sectors, fighting against this elimination of fossil fuels, increased taxes, fighting against the rhetoric of socialism being accepted. So, it's important, but I don't know how historic it is. Joe, how do you see it?

Joe Donnelly:

Well, I love my dear friend Ileana, but I do see this as historic. We are heading to an Election Day where over 215,000, and obviously that number will continue to climb, of our fellow brothers and sisters from America have lost their lives due to the coronavirus. And there's a real view, a serious view, out there that this could have been a completely different situation if the President had taken it serious from the start.

We look at a time where we have lost more lives than we lost in World War I, plus Korea, plus Vietnam, plus Iraq, plus Afghanistan combined, to COVID. We have to decide as a nation how we're going to make sure that we, as quickly as possible, change that. How we look as a nation. I think there's a real feeling by many in our nation that the sense of who we are, our decency, our stability, our alliances with others overseas, is on the line. And, so, there's a very, very, very clear difference between the two sides, an historic difference between the two sides, and that's why I think this election is so important.

Jose Garriga:

Thank you, Joe. Let me stay with you for the next question, and it flows out of it. I mean, you're talking about, for example, COVID. The pandemic obviously top of mind for so many people in our country and around the world. Beyond that, which issues you think are the ones that are really energizing each candidate's base, and are they the same issues that fired up voters in 2016? Or is it a whole new set of issues?

Joe Donnelly:

Well, I think you look at issues like the very high unemployment rate we have right now. That folks want to get back to normal. That folks want to have a President who listens, who will follow science along with best judgment to try to make sure we can get to the other side of this terrible coronavirus situation.

The additional issues that fire people up are you look at the way the government conducts its business, and we have walked away from our allies in NATO. We

have walked away from our traditional European allies and seem to be focused on trying to make Russia happy. And to folks like me, I have seen firsthand that Russia does not have the United States' interests at heart. And, so, I am very, very concerned about the way our foreign policy is being conducted, about the future of ending coronavirus. We are really hopeful we're going to have a vaccine; that's being worked on every day. But, you know, to continue to foolishly go around and tell our fellow citizens that masks don't count, that social distancing doesn't count. A president needs to be a leader, needs to be, as you look at that president, whether he or she, whoever it might be, that they are the moral leader of our nation. And I just think we're sorely lacking on that at this time.

Jose Garriga:

Thank you.

Ileana Ros-Lehtinen:

Well, I would say, Jose, that for President Trump's base, what energizes his voters is his opposition to the massive size of government, opposition to extensive regulations on business. And President Trump's foreign policy, I think, is appealing to his base. He got us out of the Iranian nuclear deal. He's against what is called the "Palestinian veto," which means we can't act in the Middle East if the Palestinians don't like it. And that means that we wouldn't have been able to do the Israel-UAE or the Israel-Bahrain peace deal. These issues will resonate with the voters.

Also, President Trump, one of his key planks, is painting Democrats as extremists who are extreme on open borders when it comes to immigration, they're going to raise your taxes with Medicare for all, they want to defund the police. And he will talk about his success in trade: the new NAFTA, USMCA, taking action against China, confirming judges, boy, including three Supreme Court judges. And I think those are issues that resonate with the Trump base.

What's interesting about President Trump is, unlike most normal candidates, he has not wanted to expand his base. He wants to stick with his base and elevate those numbers, elevate the turnout. It's rather unconventional, and we'll see if he's successful with that strategy. It's very odd.

Joe Donnelly:

Jose, one of the other things that is so motivating is the constant nonstop efforts to wipe out the Affordable Care Act. Over 20 million Americans have health care through the Affordable Care Act. People who have pre-existing conditions, which is just a fancy term for diabetes or cancer or multiple sclerosis or any number of health issues you might have, that coverage goes away if Donald Trump gets his wish. And, so, you have a lot of people in our nation who are looking and literally saying my life is on the line to win this election because I need to keep this health care coverage with the challenges that I have. And, so, that's a huge motivating factor as well.

Jose Garriga:

That's a good point. Thank you. Let me stay with you, Joe. There's something, actually a couple of points that Ileana had raised will fold into this. The business community. What would you say from their standpoint are the biggest differences between President Trump and Vice President Biden, particularly with regard to a couple of really fundamental issues that have cropped up in the last four years: trade, immigration and taxation? What do you think the biggest differences are, like I said, from the business standpoint?

Joe Donnelly:

Well, I think, actually, if you are a business person, what you need to look at is “how did the Obama/Biden administration do?” to get to understand Joe Biden. And the fact is that, during that administration, it was common-sense policies. It wasn't huge cuts on taxes or this or that. It was try to build stability. And what happened is the stock market tripled during that time.

When you look at taxation, my expectation is corporate rates will go up to 28 percent. Well, they were dropped from 35 to 21 by President Trump and what we got out of it was a deficit that exploded even more. And, so, you have groups like Moody's that have looked and said, look, the Biden economic plan is solid. It is strong, and businesses will do well under it.

When you look at immigration, I think that a Biden administration in areas of immigration will take a look on things like Dreamers so that those young people can get a chance to stay here and become citizens.

And in trade, I think Biden will have a tough trade policy on China. I think there'll be an effort to bring back to our country things like medical production lines. Especially after this pandemic, we see how important it is to have those absolutely essential products close to home.

I think you'll see an effort on things like advanced technology and advanced manufacturing lines to be back at home and to do that through things like different tax policies, where you get tax credits or you get tax deductions for bringing those production lines home.

Ileana Ros-Lehtinen:

I agree, Jose, with what you said, that trade, immigration, taxation: important topics for the business community. I would say that President Trump stands for, in terms of trade, equal treatment for the U.S. in trade deals. He's said, time and time again, that Democrats have always caved on trade deals, and all of our jobs went overseas, and he's wanting to bring them back. That's been a theme of his campaign and his presidency. And I think he will stress that. He says, I've acted decisively to get equal treatment for the United States in trade deals and not get us mired in the endless pitiful bureaucracy of the WTO. I think that resonates with his voters and with the business community.

On taxation, President Trump has reduced taxes on many folks. Pre-COVID, we had record economic growth, lowest unemployment rates for Hispanics and blacks. And, so, President Trump's message is: I created a strong economy that created jobs, but then COVID hit, and we lost a lot of jobs, but I can do it again. So, the question he should ask the voters and the business community is: Who do you trust more to bring back jobs and stimulate our economy? And I think that's a winning message for him. And I think he did as good as you can do with this terrible COVID situation.

Jose Garriga:

A reminder, listeners, we're here today with Akin Gump public law and policy partner Joe Donnelly and senior advisor Ileana Ros-Lehtinen discussing the upcoming election and its ramifications.

Ileana, let me ask you, then, the next question. You mentioned the historic 1980 election, Ronald Reagan. At that time, we saw the rise of what were called “Reagan Democrats.” Democrats would cross party lines to vote for Ronald Reagan. They were attracted by his message. They were attracted by his

policies. So, in this race, to what extent do you think the Biden Republican is going to be a deciding factor?

Ileana Ros-Lehtinen:

That is a great question. You're so right that the Reagan Democrats were pivotal to Ronald Reagan's election and reelection, and they stayed in the GOP. I think if there is a Biden Republican group that's really catching on, I don't know that that's true, but the Biden Republicans are anti-Trump. I don't know that most of them will abandon the GOP, like the Reagan Democrats abandoned the Democratic Party. I think that we're seeing there's a block of folks with the Lincoln Project and groups like that, where they are Republicans and voting for Biden. But I don't see that as a big bandwagon.

Also, one of the interesting things is, across the country, and especially here in my home state of Florida, Jose and Joe, is the rise of nonpartisan affiliation or the independents. We've shown here in Florida dramatic increase with independents. And that's at the expense of both parties.

In Miami-Dade, for example, the Democrats are number one in voting registration at 42 percent, followed by NPA, independents. That's the second chunk of voters, 32 percent. And the GOP is the third bloc at only 26 percent. So, the Biden Republicans, I think that they're there, but they're mostly anti-Trump and, were Trump to lose, I don't think that they will abandon the president, but we'll see. There is a lot of discomfort among the GOP about either the leadership style or the way he handles minorities and women and press conferences. So, we're going to see.

But, certainly, my state of Florida is going to be pivotal. If President Trump loses in Florida, there's no path for him to succeed, and it's just amazing the growth of independents and how important Florida is. With only two exceptions in the last 80 years, whoever wins Florida, wins the presidency, and those exceptions were Nixon and Herbert Walker Bush. So, we'll see. President Trump is doing well with Cuban American voters in South Florida, and he wants a high turnout. And I think that he's going to get it.

Joe Donnelly:

When you look at what you call Biden Republicans, these are folks who have been traditional Republicans that have believed in a strong defense, in prudent economic policy that doesn't explode our deficit, and conducting yourself in a thoughtful, common-sense way. And they look at Donald Trump, and he's like the exact 180 degrees of what that has been.

I'll tell you, Jose, those areas that you're really going to see that are in areas like the suburbs, in more-educated areas, and with women voters. That they look and that those Biden Republicans are women voters who look and go, I can't stand the way this man speaks about women and treats women. You'll see business folks who look and go, every day I have to try to balance my books, be respectful to my employees and customers, and this is like a complete difference in the way things are done.

I think you're going to see, in especially areas like suburban areas, you'll see a very significant switch to Biden over what Trump got out of those areas in 2016.

Jose Garriga:

That's interesting. Let me stay with you, Joe, if I might, and turn to, as I mentioned, a place you all are very, very familiar with, Capitol Hill. Not

overshadowed by this election, there are certainly a lot of very potent, very important races being run, but clearly the big game is going to be the presidential election.

Let's look though about would you think this election is going to see a change in control in either chamber? And I have a couple of follow-ons. What would the implications of a Democratic Congress be for business and the country? And, secondly, if we stay with the way that the House and Senate are controlled right now, what do you think would be on Congress' to-do list in either a Trump or a Biden administration? We've got a hero sandwich of a question here, so I'll turn it over to you.

Joe Donnelly:

Well, I like hero sandwiches. *[laughter]* I've thought for a while that if Joe Biden wins the election, that the Democrats will control the Senate. If Donald Trump wins the election, that the Republicans will control the Senate. And I think that policies you'd see the Democrats pursue would be an infrastructure bill. You would see an infrastructure bill that also uses American products. Whatever area of infrastructure it might be, it's going to be driven with products that are made in America as well.

You are going to see as either part of that or a standalone, a real drive for renewable energy, which is also thought to be one that will create a huge number of jobs also.

There's additional efforts that will be made in the first and foremost thing to do, which is to try to end this virus. And, so, the efforts that are being made now in vaccines will continue at full speed. There'll be additional efforts to try to make sure that we have people using masks, contact tracing, social distance, all of those things that, as Americans, we can do.

Look, we have sacrificed so much over hundreds of years as a country to keep our country together, and we know that, at some point in 2021, we will have a vaccine, and, so, what we have to do between now and then is to try to do those things that can help keep the rest of us safe.

When you wear that mask, it's not for you, it's to keep your neighbors and friends safe. And I think that you'll see a much stronger effort to follow the science in regards to the coronavirus.

I think all of these things will be good. First and foremost, it's good for the people of our country, but I think it'll also be good for business because the sooner we beat the virus, the sooner we can get back to normal. When we have a tax policy that is more fair, that's also good for business as well. And we've proven that over the years.

I think that's what happens if you have all three become democratic. I think the alternative is the House is going to stay Democrat, I believe, either way. If the President is Republican and the Senate is Republican, you'll see pretty much what we've seen in the last few years.

Ileana Ros-Lehtinen:

I like a divided government, a split government, to have at least one chamber to be from a different party from the President. I agree with Joe, that the House is going to stay in Democratic control. They might pick up at least five or six seats,

and many pundits agree with Joe, who knows the Senate very well, having served there, that as the White House goes, so will the Senate.

I think one party controlling the House, the Senate and the White House, I think that's a shame. I think it's good to have a split government. We've got so many tough races in the Senate for Republicans: Iowa, North Carolina, Maine. I mean, you know, there's so many. Every tough reelect, except for Jones, is a Republican seat that's very endangered. And I think, in terms of the implications of a Democratic Congress for business, what President Trump's message is, hey, if Vice President Biden wins, that will mean for you more taxation, more regulation, more job loss. They'll pass a Green New Deal. It'll be an overreach to be anti-Trump. It would wreck the economy.

I think that's a winning message for him is going to say, you need me to drain the swamp, have a favorable business environment, to get economic growth and job growth.

In foreign policy, he's got a good message. Look, everybody said if we moved the embassy in Israel from Tel Aviv to Jerusalem, the sun will not come up the next day, and the sun did come up. He got us out of a bad Iranian nuclear deal. We have all these peace deals between two Gulf countries and Israel. He wants to do a deal with Kim Jong-un and North Korea.

If he wins a reelection, and the Senate flips, I think you'll see a lot of legislation from Trump by executive orders. So, that's how I see a Democrat Senate, a Democrat House and a Republican presidency ruling by executive orders. There'll be an uproar. It'll be interesting to see.

Jose Garriga:

Thank you. Let me stick with you, Ileana, for our closing question. And I'd ask both of you, I'd be very interested in your takes on this. What takeaways can you offer listeners regarding what they should be thinking about? We've got a couple of weeks before the election. What should they be thinking about in the lead-up to the election?

Ileana Ros-Lehtinen:

Well, they should plan already: How am I going to vote? Am I going to vote in person on Election Day? Does my state or county have early voting, like we have here in Miami and in Florida? Are we going to have a mail-in? Well, am I going to mail my ballot in? I think every family and every voter needs to have a plan for voting. And I would emphasize the importance of voting by mail, taking your ballot yourself to the post office or drop the envelope off at a government-approved mailbox, not one of these that we've seen propping up that are not official, if your state has those.

And to be patient. We may not have the results right away on election night, but that does not mean that there has been fraud in the election process. There are just so many absentee ballots, and the state, depending on your state laws, will have a few more days to count those. So, have a plan for voting. Everyone's vote matters. And don't be scared away about these false claims that you can't vote by mail because your vote won't count. It counts and do it. Vote, vote, vote, whichever way you can.

Joe Donnelly:

I would say, this is our chance to have our voice heard. This is the essence of American democracy. This is what so many people have fought for, have given

their lives for. I think of those young men and women over in Iraq and in Afghanistan right now, who are in valleys, who are in dangerous desert areas, who are doing it because they love our nation so much. And the very, very least we can do to honor them is to vote.

With this vote, your voice is going to be heard, and you can change everything that's going on in Washington. And, so, I've always been so proud of my fellow citizens, about how much we all love this amazing, beautiful land, and we want to hand to our children and grandchildren an even-better country. The way we do that is we vote.

If you have to stand an hour or have to stand two or have to stand three, it's worth every second. I voted today. There was a line, and we just had a wonderful time with all the people who were socially distant around us in line. *[laughter]* And, so, in this amazing country that we're so lucky to live in, let's do this.

Ileana Ros-Lehtinen:

Joe speaks for me. Ditto on that. Thank you, Joe. Jose, thank you so much. Dude, you are a great moderator.

Jose Garriga:

Thank you, Ileana. It's a pleasure having you both on the show. There are a million-and-one other questions that I might've asked, and I'm sure everyone would have been...all listeners would have benefited from hearing your viewpoints.

Listeners, you've been listening to Akin Gump public law and policy partner Joe Donnelly and senior advisor Ileana Ros-Lehtinen. Thank you both for finding the time to appear on the show today and sharing what is a definitely a one-of-a-kind perspective with the audience.

And thank you, listeners, as always, for your time and attention. Please make sure to subscribe to *OnAir with Akin Gump* at your favorite podcast provider to ensure you do not miss an episode. We're on, among others, iTunes, YouTube and Spotify.

To learn more about Akin Gump and the firm's work in, and thinking on, public law and policy matters, look for "public law and policy" on the Experience or Insights & News sections on akingump.com and take a moment to read Joe and Ileana's bios on the site as well.

Until next time.

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