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The US Presidential Elections: Before and After the Harris-Trump Debate

By Adam Garfinkle

SYNOPSIS

By any objective measure, Kamala Harris decisively won the September 10 debate over Donald Trump. That does not mean, however, that she will be elected President.

COMMENTARY

Looking to the September 10 debate in Philadelphia between Vice-President Kamala Harris and former President Donald Trump, most observers assumed that the outcome would be pivotal to the November 5 election. After all, the June 27 debate between President Biden and former President Trump produced a major upheaval in American politics.

More generally, Americans have thought about televised debates between the presidential candidates of the two major political parties as consequential ever since the first one, between then-Senator John F. Kennedy and then-Vice President Richard Nixon on September 26, 1960, turned the tide in Kennedy's favour.

It's true: Major televised debates do matter in American politics, but they are not decisive; many other factors influence electoral outcomes. To properly understand the Harris-Trump debate requires mindfulness of both what came immediately before and what is likely to follow, not just in the roughly eight weeks until November 5, but in the eight weeks thereafter, as well.

Before

The period between August 2, when Vice-President Harris clearly became the Democratic Party's nominee, and the evening of September 10 was noteworthy for four reasons: Harris's surge in both polling and fundraising; the Trump campaign's

frantic response to that surge; the defection to Harris of some prominent Republicans from the Reagan/Bush era; and a legal war in many American states between MAGA Republicans attempting to suppress voting by likely supporters of Democratic Party candidates and those attempting to foil them.

Within about two weeks after Harris officially became the nominee on August 5 she pulled even and even a few points ahead of Trump in all key polls, making up a 6 to 7- point deficit from the last late-June poll pitting Biden against Trump. With Harris in the lead, too, the campaign broke every fundraising record on the books in the two weeks before the Democratic National Convention (DNC) in Chicago, not an insignificant achievement at a time when huge waves of money wash through American politics with major consequences.

The DNC in mid-August proved good television, entertaining but buttoned down as it aimed at the roughly 46 percent of the electorate that registers as independents. More important, the strategy behind the DNC worked: Harris emerged looking like the candidate of change, with former President Trump suddenly yesterday's news, weighed down by the burden of his incumbency.

Even as Harris' polling number leveled off after the DNC, as more scrutiny was directed at her imprecise and changing policy positions on some sensitive issues, the Trump campaign reeled on its heels. It had expected a campaign against a sitting President perceived widely to be too old and tired for the job. It exuded confidence bordering on hubris. Harris' surge revealed that the campaign lacked a Plan B, and that created conflict within.

Advisors urged Trump to tone down the personal invective and to speak more positively at rallies. They urged Vice-Presidential nominee J.D. Vance to temper his misogynist rhetoric about "childless cat ladies". According to insider reports, Vance considered the advice but Trump refused it. His refusal showed on September 10, as he scowled continuously, failed to answer any policy-relevant question, and told lie after lie about Haitians eating dogs in Ohio and babies being executed after birth. These advisors proved correct, for not only did Trump come across as berserk to most swing state independent voters, but he was clearly on the defensive from Harris' strong handshake initiative at the outset all the way to the finish line.

Meanwhile, the Trump camp was distraught and the Harris camp delighted when the prominent conservative jurist Michael Luttig announced on August 18 that he would be voting for Harris. Luttig had charged in June 2022 that Trump and his allies were "a clear and present threat to democracy" and that they were plotting "an attempt to overthrow the 2024 election", but declaring for Harris constituted a step beyond that few conservatives had taken.

Then on September 6 former Vice-President Dick Cheney followed suit, saying that Trump "could never be trusted with power again". Cheney's daughter Liz, the former Republican Representative from Wyoming, made clear, too, that she not only would vote for the Harris-Walz ticket but would actively stump on its behalf. These defections may presage more public declarations of support for Harris among prominent Republicans – including former Trump Administration high-level appointees – as

November 5 approaches. The cumulative impact of such newsworthy defections spread out over several weeks could make a difference.

Meanwhile, below the line of sight, MAGA Republicans filed 314 bills in various state houses aimed at restricting voting rights, whether by limiting vote-by-mail options, raising deliberately onerous registration requirements, and other means. Anticipating such efforts, non-profit and non-partisan organizations like Voting Rights Lab put their backs into opposing all 314 bills and helping lawmakers propose others that protect and expand franchise rights.

One special voter suppression effort at the Federal level has included a demand by House Republicans for a nationwide voter registration security bill – called SAVE (Safeguarding American Voter Eligibility) – as part of a package of demands that, if not met, would trigger a government shutdown in October. Since everyone knows that no such bill could be implemented in so short a time before November 5, even if it passed, the real motive is obvious: to put down a marker for later claims that the election was fraudulent. Just hours after the September 10 debate Trump told Republicans to shut down the government if its demand for the SAVE bill does not pass.

After

Even if the Harris-Walz ticket wins the popular vote on November 5 it could still lose the Electoral College vote and hence the election. But if it wins the Electoral College vote it will be a close enough call to trigger the plot that Judge Luttig described in June 2022. What will happen then? The same thing that happened after the November 2020 election, but with far greater resources, planning, and lawyer-power brought to bear.

Trump has never agreed to respect the results of the November 5 election if he loses, and he won't. As after the 2020 election, he will claim victory on the basis of no evidence, and his lawyers will then file baseless challenges by the dozens. He will also probably order pressure on local boards of canvassers to refuse to certify voting results, request selected Republican secretaries of state to either overturn or refuse to certify results, and ask Republican-dominated state legislatures to take other action on his behalf, not to exclude presenting alternate slates of electors to the Electoral College.

None of this is necessarily illegal, and if these efforts succeed in denying the Harris-Walz ticket the 270 Electoral College votes needed for certifying victory, then the election would by law – the 12th Amendment – be thrown into the House of Representatives where each state has one bloc vote. Since more congressional delegations are majority-Republican than majority-Democratic at the moment, Trump would be elected.

Even if the plot fails again as it did in 2020, Harris will take office after an enervating legal battle and with about 45 per cent of the electorate believing that the election was rigged and her claim of victory is illegitimate. Republicans will likely control at least one legislative chamber and the Supreme Court, and all of this would likely play out against a background of either extant or anticipated political violence.

Conclusion

So as important as Tuesday night's debate was, it is hardly the last word on how November 5 will turn out. If Harris wins, we will likely witness a protracted, debased, and disheartening exercise of American democracy – even if the most blatant threats to its integrity are defeated. If Trump wins, the future of American democracy looks darker still. May Heaven grant us the mercy of a lesser evil.

Dr Adam Garfinkle was a former Distinguished Visiting Fellow at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU), Singapore. He was also the Founding Editor of The American Interest.

S. Rajaratnam School of International Studies, NTU Singapore
Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
T: +65 6790 6982 | E: rsispublications@ntu.edu.sg | W: www.rsis.edu.sg