

## The US Mid-Term Elections: The Stakes for Europe

by Riccardo Alcaro

On 6 November US voters will go to the polls to elect a new Congress. Mid-term elections – the name stems from the fact that they take place half-way through the four-year presidential term – are no small thing.

The US Congress may not have the power to bring down a president via a vote of no-confidence, as happens in parliamentary systems. Yet it wields significant powers that may severely constrain a president's ability to carry out his or her political agenda. In addition, they give a sense of the political mood in the country, and signal at least some of the issues that will dominate the next presidential contest.

That Congress changes composition – and possibly majorities – during a presidential term attests to the meticulous attention the Founding

Fathers paid to ensure that political power in the US be subjected to checks and balances. The drafters of the US Constitution were not only concerned with potential imbalances between the legislative and the executive, but also with the risk that contingencies of political cycles could concentrate too much power in the hands of the same party. That is the logic behind the convoluted system according to which all 435 seats of the House of Representatives (Congress' lower chamber, representing the US population) and a third of the hundred seats in the Senate (the upper chamber, representing the states) would be up for election every two years.

It is therefore not uncommon – it has actually been the rule rather than the exception – for a US president to have to deal with the opposing party

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controlling at least one of Congress' two chambers. All Republican presidents between 1954 and 1994, for instance, were forced to strike deals with a House uninterruptedly controlled by the Democrats.<sup>1</sup> Presidents Bill Clinton, George W. Bush and Barack Obama were all confronted with at least one chamber controlled by the opposing party for part (often the most part) of their presidential tenure. Deliberately designed to encourage compromise, this system has indeed fostered an honourable tradition of bipartisanship in US politics although periods of bitter factional struggles have certainly not been lacking.

There is no question that today the US finds itself in one of those periods. Bipartisanship has receded and polarization has become more acute. The culture of factionalism triumphed during Obama's presidency, as Republican victories first in the House (in 2010) and then the Senate (in 2014) brought the president's legislative agenda to a standstill. Donald Trump has so far been spared this fate, as Republicans have enjoyed a majority in both chambers of Congress since his inauguration in 2017. However, polls point to the Democrats winning back control of the House<sup>2</sup> – though not the Senate, where the electoral map (that is, the seats up for grabs this year) disproportionately favour the Republicans (who have to defend just eight seats, whereas the Democrats

<sup>1</sup> See FiveThirtyEight website: *2018 House Forecast*, <https://projects.fivethirtyeight.com/2018-midterm-election-forecast/house>.

<sup>2</sup> See RealClearPolitics website: *Battle for the House 2018*, [https://www.realclearpolitics.com/epolls/2018/house/2018\\_elections\\_house\\_map.html](https://www.realclearpolitics.com/epolls/2018/house/2018_elections_house_map.html).

23). If that indeed were to happen, the consequences for President Trump may be significant.

In theory, there would be some – limited – potential for compromise between President Trump and the Democrats, for instance on investment in infrastructure and regularization of the so-called *dreamers*, namely irregular migrants that entered the US when they were still minors (some even babies). However, given Trump's abrasive style and the non-existent support for him in the Democratic base,<sup>3</sup> the odds are that a Democrat-controlled House will seek confrontation more than compromise.

The main question concerns the course of action the Democrats will take over reports that Trump's entourage engaged in improper contacts with Russian agents before and after the 2016 election. Thus far the issue has not featured high in the campaign. However, if Robert Mueller, the special counsel who is investigating the matter, were to deliver a report from which some form of inappropriate behaviour by the president or his collaborators can be gleaned – especially if evidence points to obstruction of justice –, pressure for action would mount.

Obstruction of justice, it is worth recalling, is the charge that prompted President Richard Nixon to resign in 1974. There is a key difference between then and now, however. Confronting Nixon was a bipartisan front, as a number of Republicans were willing

<sup>3</sup> See Gallup website: *Presidential Approval Ratings -- Donald Trump*, <https://news.gallup.com/poll/203198/presidential-approval-ratings-donald-trump.aspx>.

to abandon the president to his fate. Nothing of the sort exists today. A majority in the House would be enough for the Democrats to impeach Trump, but actual dismissal from office would have to be voted by two thirds of the Senate. The Democrats are light-years away from that threshold,<sup>4</sup> and no Republican senator has so far shown any sign he or she would support a process that Trump's base would consider nothing else than a *coup d'état*.

A Democratic majority would nonetheless complicate Trump's legislative agenda. As said, Republicans adopted an aggressive obstructionist strategy against Obama after gaining control of the House in 2010, and Democrats would have little reason to make Trump's life any easier with the 2020 presidential election looming. In short, a divided Congress is likely to produce very little legislation of substance.

It is harder to anticipate what the effect on US foreign policy of a Democratic win in the House would be. Although the Constitution gives the president great leeway in international affairs, Congress is not entirely powerless. Even if they end up in control only of the House, the Democrats would still be in the position of complicating Trump's foreign policy plans through budgetary powers, as well as resolutions, hearings and investigations on such matters as whether he has been in breach of a constitutional ban on doing business with foreign governments while in

office.<sup>5</sup>

One area to look at is Trump's troubled relations with US allies. The Europeans, in particular, expect the Democrats to be more forthcoming when it comes to NATO, tariffs on imports from Europe, and the use of secondary sanctions against EU banks and companies trading with or investing in countries targeted by the US, especially Iran (but also Russia).

Republicans may join Democrats in making sure that the US's NATO commitment is shielded from Trump's hostility for an alliance he considers outdated. It is uncertain though what change a Democrat-controlled House could bring about on tariffs and sanctions, as the administration retains the power to raise the former and implement the latter. That said, vocal opposition from the House Speaker and chairpersons of House Committees involved in foreign policy matters would raise the political costs of an aggressive approach towards Europe.

Whether that would restrain Trump is doubtful. Given the president's penchant for conflict, he may calculate that doubling down is his best option. The US's Europe allies – just like anyone else, US citizens included – should brace themselves for two fiery years, the prelude to the mother of all battles: the challenge to Trump's re-election in 2020.

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<sup>4</sup> See FiveThirtyEight website: *2018 Senate Forecast*, <https://projects.fivethirtyeight.com/2018-midterm-election-forecast/senate>.

<sup>5</sup> Ann E. Marimow, Jonathan O'Connell and David A. Fahrenthold, "Federal Judge Allows Emoluments Case against Trump to Proceed", in *The Washington Post*, 25 July 2018, <https://wapo.st/2OhqknG>.

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