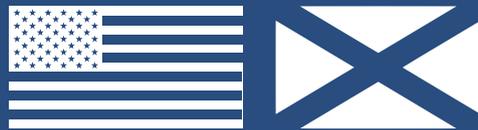




Scotland's Outlook on America's Vote

Ramifications for Scotland of the
2020 US Presidential Election



ANTHONY SALAMONE

EUROPEAN 
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— EDINBURGH —

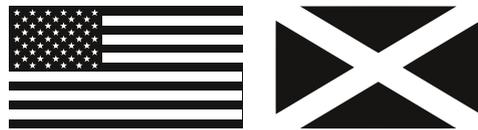






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European Merchants is a Scottish political analysis firm based in Edinburgh. Our mission is to bring clarity and insight to Scottish, European and global politics. As *Purveyors of Political Insight*, we are dedicated to providing innovative analysis and bold ideas to the major questions facing Scotland and Europe. From our unique Scottish perspective, we decipher turbulent political currents to interpret the trends which shape our world. Thoroughly informed and connected, we are a foundry for political intelligence on Scottish, European and global affairs. We have particular expertise in European Union politics and institutions, Scotland's European and external relations, and Scottish debates on the constitution, devolution and independence. European Merchants is committed to furthering public debate and we freely offer our perspective through our own publications and external comment and analysis. We intend to make our contribution to understanding our times.

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Introduction

Every US presidential election is highly consequential, producing significant domestic and international impacts. Yet, it is no overstatement to suggest that this November's election will prove a defining moment for the United States. So stark are the contrasts between Democrat Joe Biden and Republican Donald Trump that it would probably be easier to compare them by what little they share in common.

When American voters cast their ballots, whether in person or by post (the latter of which should prove exponentially popular due to the coronavirus pandemic), they will choose between two main candidates who not only proffer markedly different policies, but who espouse fundamentally opposing worldviews. To the outside world, Trump is a maverick president and Biden would be a 'normal' president. However, whoever wins next month, the United States cannot return to the past – it can only move forward.

Unwelcome as it is, this election is the coronavirus election. The pandemic and all its implications have eclipsed traditional campaign issues, and they have redefined every aspect of the presidential contest. Nevertheless, the pandemic and the response to it (or otherwise) have become further sources of division in an already divided America. On the coronavirus and wider issues, voters will soon decide whether the US keeps the unpredictable course set by Trump, or adopts the mainstream vision offered by Biden.

Their decision will substantially shape the future of the United States. Given America's pre-eminent global status, it will also produce direct and indirect effects for Scotland, the United Kingdom, the European Union and the wider world. Having regrettably left the EU, the UK is itself currently undergoing a transformation of its foreign policy and its position in the world. In the Brexit era, the UK's bilateral relationship with the US is considered ever more vital – yet, the US has competing demands for its attention and, outside the EU, the UK is geopolitically diminished.

Scotland consistently rejected Brexit, and the Scottish Government is decidedly ill at ease with the tenor of the UK Government's purported 'Global Britain' foreign policy. In practice, Scotland's public debate on European and external relations has become overwhelmingly focused on Brexit and the European Union. However, the relationship between Scotland and the United States is also important, in its own way, and it merits greater attention. This imperative holds true regardless of the constitutional debate – whether Scotland remains part of the UK or becomes an independent state.

This report assesses the ramifications of the 2020 US presidential election for Scotland in several dimensions. It considers the US electoral endgame, the global consequences of the vote and the impact on US-UK relations. It then weighs the resulting prospects for the US-Scotland relationship as part of the UK, under independence and overall. European Merchants will continue to provide its analysis of Scotland's global relations.

Anthony Salamone

20 October 2020

1 | US Electoral Endgame

This presidential election campaign has been fractious, bitter and more partisan than any in living memory. In that regard, it is reflective of the overall condition of American politics since the 2016 election. While increasing partisanship has defined successive electoral cycles, it has markedly intensified during the Trump administration. In large part, profound division is now the ground state of national politics. Disputes are not confined to liberal or conservative outlooks on political, economic and social questions – but sharply contrasting views on the role of facts, the value of cooperation and the tradition of governing in the centre ground.

The prevailing features of the presidential contest – notably, its test of endurance and exorbitant cost – have been overshadowed by the coronavirus pandemic. Regrettably, the US has been severely impacted by the pandemic, with 220,000 people having died with the coronavirus to date.¹ Presidential campaigning, debates, candidate health and voting have all been affected.² However, the public health situation has not inspired a unity of purpose in politics. It has instead become yet another focal point for division and argument, defined by a lack of consensus at federal level on the direction and scale of the response to the pandemic. In its absence, state and local authorities have largely pursued their own strategies based on their assessments of the disease profile.³

With Election Day fast approaching, opinion polls show that Joe Biden is consistently ahead of Donald Trump in the national popular vote.⁴ Nationwide polling is of course not inherently indicative of prospective victory, given that the president is indirectly elected through the Electoral College. However, analysis suggests that Biden could well secure a clear majority of electoral votes and that he has more College pathways to the presidency than Trump.⁵ Consequently, it appears increasingly probable that Biden will win the presidential election. We await the ultimate determination of the voters.

The coronavirus pandemic will have a major logistical impact on voting. Americans are likely to vote by postal ballot in record numbers. In-person voting will undoubtedly take longer than normal, considering ongoing public health measures. Taken together, counting the vote could prove uniquely complex and laborious. The ultimate result, comprising the totals from every state and the District of Columbia, could emerge later than in past elections. For his part, Trump has continuously raised doubts – without evidence – about the integrity of the electoral process, and postal voting in particular, though chiefly as his preferred explanation for the eventuality where he does not win.⁶

Given the state of American politics, the prospect is real that the election outcome will not be accepted outright by both main candidates. Current data indicate that Trump could only win relatively narrowly, whereas Biden could win very decisively. For Biden, the objective would be to secure a definitive majority in the Electoral College – perhaps on the order of 300 or more electoral votes (of the 538 total, with 270 required to win). Such a clear and large victory for a candidate would substantially weaken the plausible receptibility and practical consequences of potential claims of electoral irregularities. It would be evident that a candidate in this position had won unambiguously.

The primary vehicle to concretely dispute the election result is legal action. This route has been pursued before, most recently and notably for the 2000 presidential election in *Bush v Gore*.⁷ However, the argument advanced by Trump implicitly questions the entire election, not the post-vote process in one state (which was the case in 2000 with Florida). Needless to say, it is not readily conceivable how the national result overall could be challenged directly in federal court. Separate cases would have to be raised in the courts of individual states, which could ultimately be escalated to the federal level.

The practical effect of potential legal action would be dependent on the shape of the election outcome. A large and decisive national victory by a candidate would be more likely to remain intact, even if court rulings were to change the result in one or more states. By contrast, a small and narrow national victory would be more susceptible to being handed to the other candidate, were court action to reverse the outcome in only one state. While the default presumption is that Trump would initiate such legal cases, Biden could certainly do so instead, depending on the circumstances in question.

A scenario in which one or more of the candidates – and potentially the parties, their supporters and the wider public – did not accept the presidential election result would be highly damaging to American democracy. Even if that scenario does not materialise, the fractured state of politics means that a significant proportion of the US electorate will likely be extremely dissatisfied with the eventual outcome. Over the course of the Trump presidency, partisan polarisation has reached new profound depths – such that consensus is absent not only on how to heal the divisions, but whether it is even desirable to attempt to do so. The task of rebuilding widespread public confidence is enormous.

The compounding difficulty for American politicians is that trust in federal political institutions was already remarkably low before the Trump presidency.⁸ The discontent is not new – and it is arguably well-founded. Federal leaders have been unable to solve the major challenges facing the US. In reality, the only antidote to public disaffection is real progress on the new difficulties of the present and the structural problems which have accrued – for the former, the coronavirus pandemic and economic recovery; for the latter, the massive national debt, the precarious state of Social Security and the convoluted tax code, among many others.

Under the American system, the president-elect will not take office until the following year. As a result, Donald Trump will remain president until 20 January 2021, when he will either begin a new term as president or be replaced by his successor. Were Biden to win, this ‘lame-duck’ period would traditionally be an opportunity for the outgoing president to shape their legacy and to prepare for their retirement from active politics. However, Trump is far from a conventional president and, in that eventuality, he could conceivably use the period to cause disruption and to vent frustration at his loss.

Whether under Biden or Trump, the new presidency will in large measure be defined by the composition of the US Congress. This November, voters will elect the full House of Representatives and one-third of the Senate (Class II), while also deciding various state and local contests.⁹ Beyond immediate concerns from the coronavirus pandemic, the next administration will set the direction of US domestic and foreign policies.

2 | Global Consequences

The strong divergence between a Biden presidency or second Trump presidency would be evident on matters of foreign policy. In his current term, Trump has pursued what can only be described as a confused, unpredictable and unstable US foreign policy – significantly unilateralist and favourably isolationist, marked by hyperbolic rhetoric, nonchalant reversals and contradictory decisions. We could expect a continuation (or intensification) of this approach in a second term for Trump. By contrast, Biden would surely develop an entirely different foreign policy, much more resembling that of the two-term Obama administration, which he shaped as vice president. We can envisage a strategy rooted in multilateralism and a clear direction on the US's place in the world.

During his tenure, Trump has built a foreign policy legacy of retrenchment. The United States has withdrawn from UN institutions – UNESCO, the UN Human Rights Council and the World Health Organisation; initiated its exit from the Paris Agreement; left the Iran nuclear deal; abandoned trade negotiations on the Trans-Pacific Partnership (since concluded by all the other parties) and the Transatlantic Trade and Investment Partnership with the EU; and repositioned US forces abroad, including moving many from their long-established presence in Germany.¹⁰ Biden would undoubtedly reverse such decisions, but that process would take time – and some cannot be easily undone.

The starting objective for a Biden foreign policy would presumably be to stabilise the US's global orientation and engagement. Beyond that initial task, attention would turn to definitively resetting US foreign policy.¹¹ We can imagine that core aspects of a Biden vision could include supporting the UN and other multilateral institutions; repairing relations with the European Union; bolstering NATO and Atlanticism; adopting a clear and firm approach to Russia; and addressing the rise of China in a strategic and clever way. Nevertheless, not every dimension of US foreign policy would necessarily change. The long shadows of active American involvement in Afghanistan and Iraq mean that openness to new direct military engagements should remain limited.

While the United States still retains its global pre-eminence, the world is undeniably evolving. The central guiding premise in Washington should be to deploy US foreign policy, in all its dimensions, to manage the power shifts and shape them in a manner which sustains the global institutions and values which the US was so instrumental in establishing. The US continues to have an indispensable role in the world, for which it requires a cogent and effective foreign policy.¹² This sphere has the greatest potential to rekindle a measure of bipartisanship and return common purpose to US politics.

This election will therefore have an extraordinary impact on the US's global direction – which will produce significant effects for Scotland and the UK. It is good for Scotland when the United States has a purposeful and grounded foreign policy. It would serve Scotland's values and interests for the US to resume its support for multilateralism, participate once more in the Paris Agreement and reinvigorate transatlantic relations. Scotland and the UK depend on a robust and functional international system, and it is vital that the US returns to its role as underwriter rather than disruptor of that system.

3 | Brexit and US-UK Relations

The US-UK bilateral relationship is historic and long-standing. Yet, it is not fixed – the relationship evolves as both partners change themselves. It is also plainly unbalanced. Beyond the disparities of size, relations with the US will always remain essential to UK foreign policy, but the reverse is not particularly true. In reality, the operative value of the relationship to the US is based on what the UK can offer. Influence in the European Union was a strategic advantage for the UK in this regard. Having left the EU, its loss of this dimension to US-UK relations is a significant negative geopolitical consequence of Brexit. In order to construct a new realistic and effective foreign policy, the UK must recognise the substantial challenges of its newfound position outside the EU.¹³

Brexit is a foundational geostrategic reorientation, not a modest policy shift. It would be a great error to presume that the US-UK relationship can somehow compensate for the voluntary forfeiture of power and prestige inherent in the UK's departure from the EU. Moreover, in detracting from the clout and capacity of the EU, Brexit runs counter to US strategic interests and steadfast support of successive US administrations for European integration.¹⁴ In clear opposition to that tradition, the Trump presidency has instead been supportive of Brexit and antagonistic towards the EU.¹⁵ Bilateral political relations have therefore been temporarily insulated from the US's full interests-based response to Brexit, but that reprieve is entirely predicated on the personality of Trump.

While Trump may be enamoured with the UK's Brexit-centred 'Global Britain' foreign policy, a President Biden would assuredly resume the US's traditional pro-EU stance and look much less favourably on the fact and the purpose of the UK's withdrawal from the EU. Biden has spoken of his support for the European project.¹⁶ As vice president, he played a major role in setting the Obama administration's foreign policy, including the ultimately unsuccessful Transatlantic Trade and Investment Partnership (TTIP) with the EU.¹⁷ Should Biden win the presidency, the UK Government will confront the reality that it was diplomatically unsound to base its hopes for US-UK relations on the whims of a maverick president whose foreign policy decisions will be reversed.¹⁸

The UK's internal conduct and ongoing relationship with the EU both have an impact on its bilateral relationship with the US. Accordingly, the UK Government's regrettable choice to prepare to breach its commitments under the EU-UK Withdrawal Agreement through the UK Internal Market Bill could further damage US-UK relations.¹⁹ Many American politicians, including Biden, have expressed concern about the implications of the UK's actions for stability in Northern Ireland.²⁰ The 'special relationship' shows its clear limits when Ireland can secure widespread US support on Brexit over the UK.²¹

Congressional Democrats have linked a prospective US-UK trade agreement with the UK honouring its EU commitments on Northern Ireland and the Good Friday/Belfast Agreement.²² Trade negotiations are currently progressing slowly.²³ A trade deal is not dependent on Trump – one could still be concluded under Biden, if concerns about Northern Ireland are resolved and the substantive negotiations concluded.²⁴ Whatever its own future, Scotland will continue to be affected by the shape of US-UK relations.

4 | US and Scotland: UK Union

Throughout the duration of the UK union, Scotland has maintained a distinct identity recognised in the rest of Europe and the wider world. While foreign policy is reserved to the UK state, Scotland's political institutions have opinions, policies and objectives on European and external relations.²⁵ Such engagement is perfectly normal for a polity which forms part of a larger state.²⁶ Nevertheless, Scottish EU and international action is politically contested because it is filtered through the prism of independence. While public debate in these areas has become singularly focused on Brexit and the European Union, Scotland's relationship with the United States is also important in its own way.

Bilateral relations between the US and Scotland are thoroughly rich and precede the founding of the United States. Scotland benefits from close political, economic, social and cultural connections with the US. Such connections must however be constantly renewed, and consideration should be now given to means to develop the US-Scotland relationship from Scotland's present constitutional position. The Scottish Government frames its work through its current US Engagement Strategy, published in 2017.²⁷ The questions now are how to build deeper bilateral political relationships; increase the role of US-Scottish relations in the public spheres; and foster new mutually-beneficial partnerships across government, business and civil society in both countries.

Scotland must be the party to take the initiative to advance the bilateral relationship. While the fundamentals are good for American interest in Scotland, nearly every other territory in the world is also seeking some form of relationship with the United States. Moreover, the US has continual major demands on its foreign policy attention, so the Scottish approach must be adroit and targeted. Additionally, it is imperative that US-Scotland relations are fully insulated from the Scottish independence debate. Internal constitutional affairs should not form part of Scotland's external relations, including at the political level, else their practical value will be limited.²⁸ To be sustained, positive bilateral relations must be focused on matters of mutual interest and opportunity.

Managing the US-Scotland relationship requires the Scottish Government to navigate challenging political circumstances. The Scottish and UK Governments have markedly different approaches to EU and international affairs in the Brexit era and the scope for cooperation is reduced.²⁹ Edinburgh also clearly disagrees with numerous positions taken by the Trump administration. These dynamics are not favourable for building US-Scotland relations. While it is right for Scotland to articulate its values, it is equally important to recognise that much of American society also disagrees with Trump. The relationship must be capable of transcending differences between governments.

Under a second term for Trump, these existing political divisions would continue and potentially intensify. By contrast, Biden would share many values and positions with the Scottish Government. The focus for Scotland should be to nurture long-term links which can develop whatever governments hold power in Washington or Edinburgh. It must be noted that Scotland will operate within the current limitations of its external action for years to come – as part of the UK or during a transition to independence.

5 | US and Scotland: Independence

Were Scotland to become independent, its foreign policy would be a defining element of the new Scottish state. Where grounded in the realities of its position as a European small state and founded on durable values, it would be perfectly feasible for Scotland to establish a credible and effective foreign policy. Fully-internalised EU membership, active participation at the UN and strong support for multilateralism could be primary tenets.³⁰ Scotland's most important bilateral relationships would be those with the EU Member States, the United States and the residual United Kingdom.

In this eventuality, relations between Scotland and the United States would undergo a transformation. Particularly during the transition to statehood, the main challenge for Edinburgh would be to demonstrate that Scotland would remain a stable and reliable partner, not become a further source of instability in global affairs. The consequences of independence for transatlantic relations would be a focal point for the US, including Scotland's future relationships with the European Union and NATO.³¹ The response of the US administration would be highly relevant to Scotland in multiple respects.

To achieve effective independence, it would be foundational to Scotland for the United States to recognise the Scottish state at the point of independence.³² Formal diplomatic relations with the US would be essential in their own right, including related access to the American economy and financial markets. Moreover, many states will look to the US in deciding their own approach on Scotland. US support would also be needed for Scotland to join the UN and numerous other international organisations. Decisions on state recognition are the prerogative of the Executive Branch.³³ The disposition of the US Government would therefore be vital to Scotland's process of independence.

It would be consistent with American foreign policy tradition for the United States to recognise Scotland as a state, following a democratic process agreed with the UK which endorsed independence – and provided that the UK recognised Scotland as well. Yet, the two main candidates for US president would conduct contrasting foreign policies. Trump's decision-making is largely unpredictable, rarely guided by discernible policy principles. It is impossible to envisage to any reasonable degree how he would respond to Scottish independence. More to the point, decisions related to Scotland made under a renewed Trump administration could not be guaranteed – such positions could be reversed at any time, without warning or reasoning. Managing an unknowable US-Scotland relationship would be challenging at a delicate time for the new Scottish state.

Biden's foreign policy would be informed by his substantial experience in this field, as vice president and as senator. He would be far more likely to base decisions on a clearly defined set of principles for America's role in the world and its global outlook. Under the requisite circumstances, it would seem probable that a Biden administration would recognise Scotland as a state. Whatever his approach, the logic would undoubtedly be consistent and understandable. The next US president will be in office from January 2021 to January 2025 – a period which could include a referendum, the transition and formal independence for Scotland. It would matter who occupied the White House.

6 | US-Scotland Relationship

As a general concept, Scottish public debate on European and external relations would benefit significantly from becoming more realistic, detailed and engaging. Enhancing the quality of this conversation is imperative, given the emergence of regular majority support for independence – though such evolution would be worthwhile regardless of Scotland’s constitutional future.³⁴ Relations with the United States require particular attention. One prevalent latent theme which must be dispelled is that Scotland has to choose between close links with the EU or the US. Ireland is heavily invested in both its membership of the European Union and its bilateral relationship with the United States.³⁵ Scotland should develop its connections with each in their different contexts.

Purposeful consideration should now be given to how to proactively and strategically develop the US-Scotland relationship, whatever the result of the independence debate, in all its various dimensions. We should know what contributions Scotland, as part of the UK, would intend to make to sustaining transatlantic relations. We should be clear on what specific role Scotland, as an independent state and EU member, would seek to play within the European Union to support US-EU relations.

In the same spirit, preconceptions should be challenged. The highly negative discourse on Scotland becoming part of a trade agreement with the US is clearly not conducive to furthering bilateral relations. Scotland and the US have close economic and trading connections,³⁶ and developing them would benefit both sides. The principle of a trade deal should therefore be welcomed – and the question should instead be to ensure that any proposed accord aligns with Scotland’s interests. Under Biden, negotiations on a landmark US-EU trade agreement could well restart. The reality is that Scotland may eventually be covered by a trade deal with the US, whether as part of the UK or as an EU member state. A much fuller perspective should be brought to this salient debate.

Although the US-Scotland relationship will be influenced by political personalities, it should not become defined by them. Trump has Scottish roots – his mother emigrated to the US from Scotland. He could ostensibly be entitled to Scottish citizenship under independence. Such connections to the president of the United States would normally be diplomatic gold for Scotland, leading to possibilities of access, interest and support. Yet, in reality, the official relationship between Trump and Scotland’s political leaders is confrontational and distrusting. These circumstances derive mainly from strongly differing views on Brexit, the EU, US foreign policy and US internal affairs. However, with a Scottish state, the Government of Scotland would have to deploy much greater finesse on its bilateral relations with the US, regardless of its opinion of the president.

Biden often references his Irish roots and his early years in Pennsylvania.³⁷ Given his favourable disposition towards Ireland, it is an open question whether as president he could likewise be receptive to Scotland. These variable dynamics demonstrate that an astute and strategic approach to American politics is required. The objective should be to identify, map and establish diverse connections with a wide range of actors between Scotland and the US, so that the relationship endures changes of political leadership.

Conclusions

This presidential election will be a decisive moment in the American democratic story. The result will produce significant ramifications for Scotland and its political debates. It demonstrates concretely that – particularly under independence, though also as part of the UK – Scotland has to respond to external events and circumstances which are not within its control, but nevertheless have substantial impacts on Scottish society.

Despite its relative absence from the political conversation, the US-Scotland bilateral relationship matters. It is beneficial for Scotland as a continuing constituent of the UK. It would be essential to Scotland as an independent state. Both countries share many values and interests in the world. Increased efforts from the Scottish side should be now made to build this relationship, regardless of the former's constitutional future.

Under independence, a prospective Scottish state would surely make major diplomatic investments in the United States. Depending on the shape of Scotland's foreign policy, we could envisage a comparatively large embassy in Washington and up to five or six consulates across the country. Scotland would have to reprofile its US relations in line with the implications of its EU accession process and its eventual EU membership.³⁸

The essence of high-quality bilateral relations is mutuality – partnerships founded on common values and interests, delivering shared objectives and outcomes. Considering the inherent and perpetual asymmetry between them, Scotland will in general benefit much more from the relationship than the US. Nevertheless, potential will exist for the US to gain in some respects. The Scottish side should carefully consider how to include elements which represent value to the US in the bilateral relationship.

Scotland's engagement with the US should operate, to the greatest extent possible, on the basis of political consensus. External relations should be a field – even if a rare one – where national goals are collectively agreed and advanced. The establishment of the Scottish Parliament's Cross-Party Group on the United States in 2019 could hold some promise in this respect.³⁹ Official relations should include all mainstream parties.

The national approach to the relationship should ensure that the enormous soft power potential of Scotland in the United States is fully capitalised on for benefit at home. It should internalise the multilevel nature of the US and facilitate relevant engagement with federal, state and local actors. The Scottish Government should keep its footprint in the US under review. It should expand the definition of the diaspora to include those educated in Scotland who now occupy leadership roles across American society.⁴⁰

Speaking about the US and speaking with it are distinct pursuits. Every country in the world engages in the former to some degree. The latter is what truly counts. It is time to invest more attention, thought and energy in US-Scotland relations. It is incumbent on Scotland to take the initiative, develop the Scottish caucus in the US and contribute to advancing the existing positive US-Scotland bilateral relationship to a new level.

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