

Cozen Currents: Trump Version 2.0

The Cozen Lens

- Last month's debate shone a spotlight on President Biden's age and fitness for office, shifting focus away from former President Trump's controversies, at least for now.
- Arguably the most important consequence of a second term by former President Trump is that the unspoken institutional framework built up over decades, used to analyze how policies are made and implemented, will no longer apply.
- Former President Trump's return to the White House would not mean a return to his exact same America First foreign policy, but rather a more emphatic version.

—

The Biden Show Overtakes The Trump Show

The Debate Debacle. Last month's debate was the most consequential event yet in the 2024 presidential race.

- President Biden's poor performance in the debate has put the focus squarely on his age and competence for the Oval Office. Post-debate polling reveals that former President Trump has emerged with a six-point national lead, while 74 percent of voters, including 59 percent of Democrats, see Biden as too old to run for re-election. Beginning with Rep. Lloyd Doggett (D-TX) last week, some Democratic members of Congress have begun calling on Biden to withdraw from the race.
- The debate shifted attention away from Trump, who is poised to capitalize on it. Sentencing in his New York hush money case, originally scheduled for this week, has been delayed to September 18th. Trump has held off on naming his vice-presidential pick, instead letting Biden's foibles dominate the news cycle. Next week's Republican National Convention may also give him a boost. In an uncharacteristic move for Trump, he has largely remained quiet and out of the spotlight since the debate, allowing Biden's mental acuity to remain the focus, free of distractions or unforced errors from his side.

Now Airing: The Biden Show. Biden has replaced Trump as the center of drama, at least for now.

- Trump's penchant for showmanship and firing from the hip has led him to dominate the news cycle since he launched his first presidential campaign nine years ago. A steady stream of controversies has kept the Trump Show reliably at the top of the ratings, but it's now been displaced by the Biden Show.
- The most-discussed topic in politics right now is Biden's ability to serve and whether he should be replaced at the top of the ticket. Many have cited the president's age as a concern previously, but this was largely dismissed by the administration, Biden campaign and Democrats. The debate forced the issue and now the genie is out of the bottle. Biden is on defense. The president held rallies and an ABC News sit-down interview with George Stephanopoulos last week, hoping to right the ship, but this may not be enough to change the narrative even if he remains at the top of the ticket.
- Both candidates are unpopular with voters. Winning the so-called double haters who dislike Trump and Biden is key to victory in November. Biden's best chance of winning is to make the election all about Trump and remind voters of negative qualities from his term four years ago. That's currently a challenge. As long as episodes of the Biden Show are running, it benefits Trump. It's unclear if Biden can come up with a plot twist good enough to shift focus away



Howard Schweitzer

**CEO, Cozen
O'Connor
Public
Strategies**

hschweitzer@cozen.com
Phone: (202) 912-4855
Fax: (202) 640-5932

Related Practice Areas

- 2024 Elections
- Government Relations - Cozen O'Connor Public Strategies

from his age and fitness for office and back to his opponent.

- Biden now has a base problem. Trump’s controversies, while antithetical to many independent voters, generally strengthen him with his MAGA base. Biden, on the other hand, is shaking Democrats’ faith in their nominee. Democrats are split on the question of whether he should remain at the top of the ticket, with 47 percent wanting a different nominee after the debate. The focus on Biden’s age depresses enthusiasm among his supporters and risks losing the votes of the double haters.

What is Radical Constitutionalism and Why It Matters

In Their Own Words. Former President Trump and allies in his orbit have openly discussed what they would do with a second term and the answer is massively expand the power of the presidency like we haven’t seen before.

- One of the intellectual architects of the strategy that he himself named “radical constitutionalism” is Russell Vought, the former director of the Office of Management and Budget under Trump and a top contender for White House chief of staff if the former president once again returns to the Oval Office. In an influential 2022 *essay*, Vought wrote that, “the Right needs to throw off the precedents and legal paradigms that have wrongly developed over the last two hundred years” by asserting direct control over “independent agencies” and “civil servants” that he argues represent levers of power that have been taken away from the presidency over time.
- Whether it comes from Trump’s mouth, his campaign website, former members of his staff who’d likely see a return to the executive branch, or in plans like the Heritage Foundation’s Project 2025 (created with input from over 100 conservative organizations), we should plainly understand the changes to the bureaucracy that are intended. Trump has *disavowed* Project 2025 in the last week to distance himself from politically unpopular provisions contained within but that doesn’t change the fact it nevertheless represents the leading conservative policy document for the next administration.
- All of this means that the previous lenses and assumptions that analysts have used for decades, built on unspoken norms and practices in government, are set to warp. From how policies are built, to what powers the president is reaching for, the institutional framework needed to interpret a second Trump administration needs to drastically pivot.

Who Controls the Purse Strings: Trump laid the groundwork for manipulating congressionally appropriated funds the first time around. Expect him to go even further.

- It’s been so long one might reasonably forget that the Trump-Ukraine scandal undergirding his first impeachment was originally sparked by the president’s decision to withhold hundreds of millions of dollars in approved spending from the Ukrainian government. This act — known as budget impoundment — has long been the center of conflict between the executive and legislative branches. The Congressional Budget and Impoundment Control Act of 1974 greatly limits what presidents can do but we’ve seen the Act circumvented previously.
- There are many possible avenues of attack, including claiming the Act is unconstitutional and withholding notification to Congress of delayed funds. Given that budget rescissions can be approved by simple majorities in both chambers and a Trump presidency is likely to come with unified Republican control of Congress, we could see the resurrection (and even widespread use) of a tool that hasn’t been deployed since President Clinton in 1999.
- Dovetailing with budget impoundment is the president’s power to declare national emergencies. Following the longest government shutdown in history, Trump pivoted to using emergency powers in 2019 to find the billions needed for his proposed wall on the border with Mexico, and it’s safe to expect similar strategies applied going forward. As another example, the Trump administration found extra funding to respond to China’s retaliatory tariffs on US crops by using long-forgotten provisions that provided billions in farm aid supplied by the Agriculture Department. Across the board, the way we think about how the government allocates and spends money could require a substantial shift.

Personnel is Policy. Trump aims to eliminate his much-maligned “deep state” by replacing wide

swaths of the federal bureaucracy with hand-picked political appointees, with the possibility of upsetting the traditional process used to create regulations.

- One idea that's long held sway in conservative circles is "unitary executive theory:" the idea that the president holds total control over the entire executive branch. The Supreme Court has recently moved in this direction in a string of rulings affirming the president's authority over the heads of independent agencies, but a second Trump presidency could take it even further.
- At the tail end of his term, Trump proposed removing the civil service protections for tens of thousands of public employees. Many within Trump's inner circle complained that civil servants in the so-called "deep state" actively and passively pushed back against Trump's policy proposals. Even many MAGA-type ideas faced internal dissent from traditional conservatives who served as political appointees over ideological disagreements. The Heritage Foundation is currently working on a "right-wing LinkedIn" to vet and prepare thousands of political appointees ahead of time to hit the ground running in 2025. The end result could be that across the federal bureaucracy, MAGA-style regulations could move faster and could push against the grain more than ever before, upsetting traditional ideas about the speed and scope of the executive branch's reach.
- One last noteworthy point is that even as Trump intends to expand the power of the presidency, the forces set to oppose him seem weaker than ever. A second Trump term would likely also mean a GOP-controlled Congress even more pliant to his desires than last time around. Many internal GOP detractors in both the House and Senate are now long-gone, and his first term highlighted the uselessness of the political remedy of impeachment and conviction if members of one's party in Congress are willing to stand by you. As mentioned above, he'll also likely face less internal pushback from within the executive branch itself. Last week, the Supreme Court declared that he has little to fear from the judicial remedy of criminal conviction for actions taken as president that he can tie back to his "official acts." Any further legal issues of note are sure to matriculate to the Court, which now possesses a 6-3 conservative majority and a third of whose members were personally appointed by Trump.

America First 2.0

Going Above and Beyond. A second Trump term will not mean simply replaying the same foreign policy playbook but instead seeing his first term's approach as a jumping-off point to go further on several key fronts.

- Many of the features of a second Trump administration will look similar, like a focus on tariffs. However, the debates will be different. Rather than arguing over whether to impose tariffs, the question will be how high they should be. President Biden has largely kept in place Trump-era tariffs while increasing or decreasing rates for specific sectors or products.
- Former President Trump has offered little indication that he has deviated from the zero-sum mindset that marked his first term and drove a focus on transactional bilateralism. While he may be eager to work with US allies on issues like containing China, the wariness among other world leaders will complicate this effort after their experience during Trump's first four years.

How to Decouple from China. In his second term, Trump will once again focus heavily on China, but his goals will differ. He will use tariffs and export controls to seek to decouple the two economies rather than use these economic tools as leverage to coerce a trade deal.

- Trump and President Biden both share a desire to be "tough on China," but what that means to each of them differs. Biden's approach is to derisk strategic sectors with a scalpel, whereas Trump seeks to decouple the world's two largest economies with a hammer.
- Given this difference, even though the two would likely use the same economic tools, the nature of their policies will vary, with Trump favoring more sweeping proposals. The broad nature of Trump's actions would have greater impact with US allies and would thus likely damage his standing with them.
- In addition to unintended consequences for US allies, American companies could be caught in the crossfire of Trump's approach. However, it is doubtful that his administration would

offer little sympathy for the affected businesses as Trump and his advisors believe that US companies should not operate in China and move their manufacturing back to America.

An Uncertain Future for Ukraine and NATO. Where Trump and Biden may differ most starkly on foreign policy is how to handle support for Ukraine, with continued aid likely being entirely reliant on the election outcome.

- Trump has repeatedly made clear that he will pull back funding for Ukraine if he returns to the White House. This move would further damage the US's standing as a reliable partner on the global stage and strain US-allied relationships.
 - Trump's approach to Ukraine is, in part, wrapped up in his disdain for NATO. While Trump pressured other NATO members to increase their defense spending during his first term by threatening to withdraw from the alliance, he is more likely to follow through and either formally pull out or effectively curtail US participation in NATO during a second term.
-