

Cozen Currents: All the President's Men and Women

The Cozen Lens

- More focus has been on former President Trump's chances of winning in 2024 than on what a second Trump term would look like.
- While Democrats did very well in last week's elections, it remains to be seen how President Biden's lack of popularity will factor in to 2024.
- House Speaker Mike Johnson's (R-LA) first few weeks suggest that even the goodwill he enjoys from his caucus' various factions cannot bridge the deep cracks in the conference.

What If Trump Actually Wins?

Trump's Chances. Though former President Trump is a highly contentious figure, it's a mistake to discount – and not prepare for – his chance of winning a second term in 2024.

- Trump is widely expected to win the 2024 Republican presidential nomination as he sustains a dominating lead in polling. In the latest RealClearPolitics (RCP) polling average, Trump leads the field with 58.5 percent support, followed by Governor Ron DeSantis (R-FL) with 14.4 percent.
- Skepticism remains about Trump's ability to win the general election despite polling that shows him effectively in a dead heat with President Biden. The latest RCP average shows Trump with 45.6 percent and Biden with 44.5 percent. Arguments against a second Trump win range from his legal troubles to a belief that he is radioactive for suburban voters in key swing states to a sense that he just can't win.
- Given the level of polarization in US politics, it's difficult to predict the outcome of the presidential election with any certainty. Americans are firmly divided into red and blue camps with a narrow band of swing voters in the middle. Landslides like President Reagan's 1984 victory over Walter Mondale are a thing of the past.

Planning Ahead. Trump's allies are taking steps to prepare for a second administration.

- The Heritage Foundation and a coalition of other conservative groups has launched an initiative called **Project 2025** with the goal of staffing the next Republican administration with MAGA true believers. The \$22 million effort has set a goal of amassing a database of up to 20,000 potential appointees. The New York Times reported this month that Trump allies including Stephen Miller are seeking to recruit like-minded lawyers willing to challenge institutional norms and use aggressive legal means to advance their agenda. More traditional yet still conservative attorneys disappointed the president by pushing back against some of his policies during his first term, and in the most extreme case, resisting his efforts to overturn the 2020 presidential election results.
- Trump has proposed bringing back his "Schedule F" executive order, which would strip tens of thousands of civil servants of job protections and bring them under greater presidential authority. Through this personnel strategy, a second Trump administration would be better positioned than the first to erode federal agency regulatory authority.
- In a second Trump administration, there will not be any appointees who saw themselves as



Howard Schweitzer

CEO, Cozen
O'Connor
Public
Strategies

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

Related Practice Areas

- Government Relations - Cozen O'Connor Public Strategies

“guardrails” such as his second chief of staff, General John Kelly, and former Secretary of Defense James Mattis. During his first term, Trump surrounded himself with both MAGA stalwarts like advisors Stephen Bannon and Stephen Miller as well as establishment figures like his first chief of staff, former Republican National Committee Chair Reince Priebus. A second Trump White House is poised to be staffed only by MAGA loyalists.

Policy in a Second Trump Administration. As is always the case, “personnel is policy,” and that particularly applies to Trump.

- As president, Trump was never overly focused on policy during his time in the White House. He cared deeply about a few issues, such as the trade deficit, but left many policy areas to be driven by others in the administration and Republicans in Congress. In the eyes of Trump and the hardcore MAGA circle, appointees with traditional conservative bona fides were responsible for thwarting many of Trump’s policies during his term and failing to support efforts to keep him in office. They won’t let it happen again.
- A second Trump White House is likely to focus on greatly restricting immigration. Trump reportedly plans to conduct mass deportations of undocumented immigrants, limit asylum claims, and ban individuals from some Muslim-majority countries from coming to the United States.
- Many individual tax provisions from the Tax Cuts and Jobs Act, passed during Trump’s first term, will expire in 2025. If elected again, Trump would likely defer to Congress to extend or widen the tax cuts passed in 2017. If Republicans hold their House majority, Speaker Mike Johnson (R-LA) and House Ways and Means Committee Chair Jason Smith (R-MO) would likely have significant room to run in developing a Tax Cuts and Jobs Act 2.0.

What 2023 Does and Doesn’t Tell Us About 2024

A 2023 Post-Mortem. The Iowa caucuses are just two months away.

- 2023 went just about as well for Democrats as they could have hoped. In April, a Democratic-affiliated candidate won the Wisconsin Supreme Court election by ten points, flipping the body’s ideological majority. Last week, Democrats retained the governorship in Kentucky, flipped the Virginia House of Delegates, and ballot measures passed in Ohio that establish the right to an abortion and legalize recreational marijuana.
- On the whole, Democrats have over-performed President Biden’s 2020 margins by over six points in special elections held this year. While special elections are not necessarily predictive of future contests, they are correlated.
- There’s one common thread between all these data points: abortion. Reproductive rights rose to the fore in the Wisconsin Supreme Court race, the Ohio ballot measures were explicitly focused on the topic, and Democrats in Virginia ran more abortion-focused ads than anything else. Reproductive rights once again motivated Democratic voters (at least in states where access to abortion is credibly threatened).

The Flaws in the Analogy. Notwithstanding 2023, there’s reason to believe that 2024 will be more friendly ground for the GOP.

- The voters who turned out this year aren’t necessarily representative of the voters who will turn up next year. Per Nate Cohn, “The polls also show Democrats with particular strength among the most highly engaged voters, who dominate low-turnout elections like Tuesday’s, while Mr. Trump shows his greatest strength among the less engaged voters who turn out only in presidential races.” Conversely, Biden’s biggest polling vulnerabilities are with the voters who didn’t show up this year — those that are less engaged, lower-income, or nonwhite. Next year, Democrats will face a more challenging coalition while having to work harder to get their voters to turn out.
- Democrats rarely brought up the leader of their party in 2023. The GOP, on the other hand, tried to nationalize their races as much as possible and bring it back to the president, but were mostly unsuccessful. With Biden on the ballot in 2024 Democratic candidates will have to reckon with the President’s negatives (although they certainly will run on Trump’s negatives as well).

Big Looming Questions. A year is an eternity in politics.

- The state of the economy in the months leading up to the election still plays a large role in the minds of many voters. The outcome of such a critical variable nevertheless remains highly uncertain. A year ago, many thought the American economy would fall into a recession by now. Who can say what the rate of inflation will be next year?
- On the political front, each party has not technically yet picked their nominees and there's an entire campaign left to run. Also unclear are the political ramifications of Trump's myriad legal troubles. The possibility of several major third-party bids for president adds further variables into an already uncertain political environment.
- The recent Biden-Trump polls should be taken seriously, but not literally. They only confirm that 2024 will be a close race. The average general-election poll this far out is off by over ten percentage points.

Speaker Johnson's Honeymoon Didn't Last Long

All Good Things Must Come to an End. House Speaker Mike Johnson (R-LA) started his new position with a healthy amount of goodwill from across his conference, but the honeymoon period appears to be ending.

- After successfully passing two FY24 appropriations bills soon after winning the speaker's gavel, Johnson has canceled votes on the Transportation-Housing and Urban Development (THUD) spending measure twice and the Financial Services and General Government (FSGG) spending bill once. Johnson has retained favor within the party, but goodwill and trust only go so far when members must take a recorded vote.
- Johnson's struggle reflects the pre-existing divides in the House Republican conference. Votes on these bills have quickly brought the fault lines back to the surface.

Stuck in the Middle. Part of Johnson's challenge is the pushback from conservative and moderate members of his caucus on the appropriations bills he is trying to pass.

- House Freedom Caucus members continue to demand controversial provisions be included in the House's appropriations legislation despite having no chance of the provisions making the final law. An example from this past week was the group's frustration with the lack of an explicit ban on funding for a new FBI headquarters that led to Rep. Matt Gaetz (R-FL) whipping against the FSGG bill.
- Moderates are also frustrated with being "walked on for nine months," as Rep. Don Bacon (R-NE) stated. The group has consistently blocked appropriations bills with abortion language incorporated, such as a measure in the FSGG bill that would have repealed a provision preventing Washington, DC-based companies from discriminating against employees who get an abortion. Bacon said they are open to having the provisions voted on as amendments but should not be inserted into the underlying bill.
- Part of the moderates' frustration and particular sensitivity to the abortion language stems from last Tuesday's election results.

No Silver Lining? The trouble for Johnson as the legislative headaches pile up is that the worst still may be yet to come.

- While the THUD and FSGG appropriations bills were not the easiest to advance, they are also not the most controversial of the 12 FY24 appropriations measures. Given the struggle to pass these annual spending bills, there is reason to question Johnson's ability to force through the other outstanding bills.
 - Outside of the full-year appropriations bills, Johnson will have to try to pass a continuing resolution by the end of this week to avert a government shutdown. Doing so will require compromise with the White House and Democratic Senate majority, with the resulting agreement sure to upset some hardline conservatives in his caucus.
-