

## Cozen Currents: The Senate and the House's Role Reversals



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### The Cozen Lens

- The Senate has historically portrayed itself as the adults in the room compared to the House. Senate Republican fissures, however, threaten this historical dichotomy.
- House Speaker Mike Johnson (R-LA) finds himself hemmed in with a razor-thin majority and conservative members of his caucus controlling key legislative procedural levers. This has left him reliant upon bipartisan support to pass meaningful legislation.
- Democrats' victory in the New York Third special election last week was a road test for their strategy to defuse GOP attacks come November.

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### The MAGAfication of the Senate

**Trump's Growing Influence.** What started as a fringe set of members is becoming a significant bloc as more and more MAGA supporters have been elected to the Senate in recent years.

- While Republicans have struggled to win the general election with more extreme candidates in swing states, MAGA nominees have succeeded in safer red states. In these races, former President Trump's endorsement has carried significant weight and driven election outcomes.
- The growth of this group also gives Trump significant sway within the Senate Republican conference. Though the upper chamber advanced the foreign aid legislation recently despite his objections, his criticism of the border security package and desire to deny President Biden a political win in an election year were seen as reasons that bill failed.

**The Disappearing Moderate.** The growth of the MAGA wing in the Senate has contributed to the erosion of the middle and the traditional deal-making that defined the upper chamber.

- The MAGA Republicans are more ideologically motivated than other members of their caucus. This frequently leads them to focus on total victory instead of partial wins. The objective of this group then becomes blocking the bills they deem unacceptable. This tactic sometimes works but often sees the group left out of negotiations, given the need for compromise.
- During Trump's first term, the Senate sometimes served as a check on the president, led by Senate Minority Leader Mitch McConnell (R-KY), who frequently clashed with Trump. However, there is significant speculation that McConnell may step down as GOP leader after this term.
- Some senators see the growth of the MAGA wing in the Senate Republican conference also leading to more public discord within the caucus, driven in part by increasing personal attacks. The MAGA members, though, view this as a way to rock the boat, gaining conservative media attention and showing they are independent thinkers and not just following leadership.

**Filibuster on Thin Ice.** After being unchanged for decades, calls for filibuster reform and removing it have become increasingly common.

- In 2013 and 2017, the Senate's filibuster rules were changed for the first time since the 1970s. These changes now allow the chamber to confirm the president's nominees with a simple majority instead of needing to clear the 60-vote threshold.
- The filibuster is one of the most significant differences between the Senate and House, given the power it gives the minority party on most legislation. While calls for the filibuster's removal have primarily come from Democrats, they are not alone, and Trump, when he was in

office, called for its end. Further reform or a complete lift of the filibuster could empower the MAGA Republicans when in the majority, as has happened in the House during this Congress.

## Understanding Speaker Johnson's Approach to House Leadership

**A Failure of a February.** It has been a difficult February for House Speaker Mike Johnson (R-LA) who set records for legislative defeats in the House.

- It took Johnson and the House GOP two tries to pass articles of impeachment against Homeland Security Secretary Alejandro Mayorkas due to a whip counting mistake. Later that day, the speaker's Israel aid package failed on the floor in the face of bipartisan opposition. Last week, the House set a modern *record* for failed procedural votes.
- Part of the challenge Johnson faces is structural. The speaker inherited a slim GOP majority, a Rules Committee stacked with conservative House Freedom Caucus (HFC) members, and a one-vote threshold to introduce a motion to vacate the speakership. The unusual set-up gives the HFC and conservative lawmakers veto-power over much of Johnson's agenda.
- The HFC's power is putting House leadership and the HFC in a familiar place: in conflict. Johnson is dedicating much of his time to managing intra-party fights. The speaker cannot advance most legislation the HFC opposes without risking his speakership.

**The House Becomes the Senate.** House GOP in-fighting is forcing Johnson to focus exclusively on "must-pass" legislative priorities with bipartisan support.

- A feature of this Congress is its failure to finalize FY24 appropriations bills. Johnson has spent much of his political capital to keep the government running, passing two short-term extensions of government funding and agreeing to a compromise *framework* on full-year FY24 spending with Senate Majority Leader Chuck Schumer (D-NY). Both decisions have drawn the ire of the HFC.
- The HFC's vocal opposition to Johnson's efforts to fund the government is reducing the speaker's ability to advance other traditionally "must-pass" legislation. Members have *threatened* to remove Johnson if he allows for consideration of a supplemental funding package with aid for Ukraine, Israel, and Taiwan. Internal GOP conflict also forced Johnson to *withdraw* legislation reauthorizing the foreign surveillance powers for a second time. The dynamic is forcing Johnson to only consider legislation with broad bipartisan support.
- To advance legislation, Johnson is *increasingly* turning to a procedural measure known as suspension of the rules which allows the House to bypass the Rules Committee. Bills passed under this method require support from a two-thirds majority of the House, meaning they must be bipartisan in nature. Johnson's tactics are shifting the House from a majoritarian body to something more akin to the Senate and its need for a filibuster-proof majority.

**Election Year Troubles.** A smaller minority and the nearing election will only increase the challenges Johnson faces in the months to come.

- Patience for Johnson's struggle to manage the GOP conference is wearing thin. While the HFC and the larger GOP conference have given Johnson room to learn the ropes of the new job, the high-profile legislative failures of 2024 are creating significant consternation. Rep. Thomas Massie (R-KY) *tweeted* last week, "Getting rid of Speaker McCarthy has officially turned into an unmitigated disaster."
- The challenge for Johnson will only grow as the election nears. Congress typically passes less legislation in an election year as both parties seek to prevent advancing measures that would benefit the other. For Johnson, funding the government ahead of the March funding deadlines alone will be a significant feat.

## What We Learned (and Didn't Learn) from the NY Third Special Election

**A November Preview.** Several special elections were held last week, providing a glimpse into

the general elections later this year.

- Most prominently, the congressional district previously held by Rep. George Santos (R-NY) was up for grabs. The winner will only hold the seat until January and the districts are about to be redrawn, but in many ways this battle is a microcosm of the broader political environment.
- The New York Third, which covers parts of Queens and Nassau County, is heavily suburban. It's one of only 18 seats that voted for Joe Biden in 2020 and was won by a Republican in 2022. As such, it's a top priority for Democrats aiming to flip back the House in November.

**Message Testing.** Perhaps more than anything else, the NY Third presented an opportunity to roll out different campaign strategies to see what works. The particular location resonated with issues in a way that had Democrats on defense.

- New York City has been ground zero for a backlash to a recent influx of migrants. A plurality of voters in the district had identified the topic as their top concern (it's the third highest concern nationally). Crime also resounded with New Yorkers amid a rise in homicides in 2022. The above (with inflation and parental rights) is the GOP's bundle package to win back suburbanites.
- These issues had powered a red wave in the Empire State in 2022 and drove shocking declines in Democratic support on an otherwise good night for the party. The last few years have seen Democrats in free fall on Long Island and parts of New York City. Republicans gained ground by critiquing bail reform and immigration, connecting these local concerns to national issues.
- The NY Third is also one of the most Jewish districts in the country. The Republican nominee was an Orthodox Jew and former Israeli Defense Forces member, displaying an impeccable record for authentically supporting Israel. This comes as many Democrats are increasingly critical of Israel's prosecution of the war.

**And the Winner Is . . .** Democrat Tom Suozzi came out on top in the NY Third. While good news for Democrats, what he had to do to win back swing voters was as important as the fact that it worked, and this was only one data point among many.

- The first thing going for Suozzi was his record and experience. He had previously held this very seat and has a long history of winning in this area. This reputation helped defuse barbs thrown tying him to the left flank of his party.
  - Suozzi tacked hard to the right and significantly criticized his own party's policies to deflect these issues. He won the federal Border Patrol union's endorsement and triumphed a previous compromise plan he co-wrote with then-Rep. Steve King (R-NY). In one of the most Jewish districts in the country, he disowned the Squad and called for continuing aid to Israel without conditions.
  - Special elections are empirically weakly predictive of future results and Democrats have over-performed their baseline in them by six points in 2023-2024. Last week also saw Democrats win in a Pennsylvania State House blowout to retain control of the chamber and almost winning a ruby red state legislative race in Oklahoma (losing by five points in a district former President Trump carried by 26 points). However, in-depth analysis of previous special election results suggests these elections are indeed "special:" Democrat-friendly demographics are overrepresented and even these groups are bluer by larger margins than usual. While good news for Democrats, there's only so much a special election in one district during a snowstorm can tell us.
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