

Cozen Currents: Why Biden (and Trump) Aren't Going Anywhere

THE COZEN LENS

- Conventional wisdom is saying that President Biden won't run for re-election, but don't count him out yet. Biden is likely to be on the ballot come 2024 — and he is likely to face former President Trump for a second time.
- The 2022 primary season is ramping up this month, beginning with elections in Ohio today. While neither President Biden nor former President Trump will be on the ballot, the two will cast a long shadow on the races.
- If House Republicans regain their majority, current House Minority Leader Kevin McCarthy (R-CA) is poised to take the Speakership, though this power will come with constraints from the far-right elements of his party.

Why Biden (and Trump) Will Run for Re-Election

Why Biden Is Likely to Run Again. After President Biden took office at the age of 78, some have seen him as a transitional figure who won't run for a second term. A March *Wall Street Journal* poll found that only 29 percent of Americans think that Biden will run for re-election, including just 41 percent of Democrats. This view isn't supported by the evidence, however.

- First, there are no strong signs that Biden doesn't want to run for re-election. The Oval Office has been a long-held ambition for Biden. He has run for president three times, in 1988, 2008, and 2020, finally winning on his most recent attempt. Why walk away when he's at the height of his political career? For a US president, winning a second term is a sign of validation, an opportunity that Biden may not want to pass up. Since World War II, only two presidents have opted to voluntarily walk away from a re-election bid: Lyndon B. Johnson and Harry S. Truman. Moreover, the Hill reported recently that Biden has told former President Obama that he will run for a second term.
- Second, there's likely to be a view within the Democratic Party that Biden would be the most electable nominee if Donald Trump runs again. An anonymous source familiar with the Biden-Obama conversation interviewed by the Hill said "I believe [Biden] thinks he's the only one who can beat Trump. I don't think he thinks there's anyone in the Democratic Party who can beat Trump and that's the biggest factor." Electability was a major concern for Democrats when selecting a nominee for 2020, and with the risk of Trump making a comeback, it could once again take priority.
- Third, there's also no evidence that indicates Biden's health could be an obstacle to re-election despite questions, primarily from Republicans, raised about his cognitive ability. The president's health is a sensitive subject, but it will likely factor into his decision. Last November, the White House released a medical report in which Biden's doctor said that he "is fit to successfully execute the duties of the Presidency." Though Biden is the oldest president to hold office, he is not likely to pass away in the near future. According to the Social Security Administration's most recent actuarial table, released in 2019, a 79-year-old man can expect to live for 8.98 more years, which would allow Biden to finish his current term, serve an entire second term, and enjoy a few years of retirement. It would not be ahistorical to have a short post-presidency.
- In addition, there's not an obvious successor in the Democratic Party to replace Biden at the top of the ticket. If Biden opts not to run, Vice President Harris would be the natural next choice, but she is less popular than the president. According to FiveThirtyEight, Biden's most recent polling average is 41.7 percent, while for Harris, it's 39.4 percent. Other 2020 also-rans, including Transportation Secretary Pete Buttigieg, Senator Amy Klobuchar (D-MN), and



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Senator Elizabeth Warren (D-MA), each had their own problems with their previous presidential campaigns, and it's unclear how competitive they would be in 2024.

Why Trump is Likely to Run Again. Analyzing a potential Trump 2024 campaign is like looking into a Magic Eight Ball: "Signs point to yes." Trump remains actively involved in GOP politics and is doing everything that one would expect a presidential candidate to do.

- Trump hasn't publicly committed to another bid for the White House, but he hasn't ruled it out either. In a speech at the Conservative Political Action Conference (CPAC) in Orlando, FL, in February, Trump suggested he would run in 2024. "We did it twice, and we'll do it again," The Washington Post quoted him as saying. "We're going to be doing it again a third time." Notably, Trump hasn't taken steps to establish a presidential library as his predecessors did. Doing so would admit that his political career is over.
- Trump is a prolific fundraiser. In the first quarter of 2022, his Save America Joint Fundraising Committee raised \$19 million from individual donors. Total donations to the committee amount to \$110 million.
- The 45th president has also continued holding political rallies. The first rally of his post-presidency occurred last June in northeastern Ohio, where Trump promoted his baseless claims of fraud in the 2020 election and criticized Rep. Anthony Gonzalez (R-OH) for his impeachment vote, and the most recent took place in Nebraska last weekend, where Trump spoke with Charles Herbster, a Republican candidate for governor.
- Trump remains the unofficial leader of the Republican Party, frequently meting out endorsements and meeting with GOP officeholders and candidates at his Mar-A-Lago club in Florida. According to a tracker maintained by Ballotpedia, Trump has endorsed over 140 candidates since leaving office. Some of his high-profile endorsements include Mehmet Oz and J.D. Vance for open US Senate seats in Pennsylvania and Ohio, respectively, Kelly Tshibaka to defeat Senator Lisa Murkowski (R-AK), and Harriet Hageman to defeat Rep. Liz Cheney (R-WY). The New York Times last month called him a "modern-day party boss" for his hands-on leadership over the GOP.
- If Trump seeks the GOP nomination, it looks like it will be his for the taking. The former president remains popular among the Republican base. In a Harvard CAPS/Harris poll cited by the Hill in January, 57 percent of respondents chose Trump out of eight potential GOP presidential primary candidates. The options with the next highest support were Governor Ron DeSantis (R-FL) and former Vice President Mike Pence with 12 percent and 11 percent, respectively. These results are similar to a straw poll conducted at the Conservative Political Action Conference held in Florida earlier this year in which Trump netted 59 percent, but there DeSantis, the home state governor, got 28 percent.

A Trump vs. Biden Rematch Would Be Good for Biden. It's too early to make a prediction about whether Trump or Biden would win if they face each other in 2024, but a Trump nomination would be the best thing that could happen for Biden.

- If Trump declares his candidacy for the White House, it would position Biden to consolidate support for his own campaign. People would look to Biden's re-election as the best chance to defeat Trump and it would set up a clear justification for a second term: vote Biden to keep Trump out of office. Notably, poor performance by Democratic candidates in the midterms don't spell doom for Biden's re-election chances. Several previous presidents, including Barack Obama, Bill Clinton, and Ronald Reagan, presided over losses by their party in the House of Representatives and went on to win a second term.
- Historical trends would be against Trump in a bid to win the White House after losing it previously. Only two losing major-party presidential candidates have later won the general election: Richard Nixon in 1968 (after losing in 1960) and Grover Cleveland in 1892 (after losing as the incumbent in 1888). Neither offers a convincing winning template for Trump.
- Nixon won in 1968 after a new team of advisors helped him rebrand as the more statesmanlike "New Nixon," as described by Joe McGinniss in his 1969 book "The Selling of the President 1968." Political consultants shouldn't expect a "new Trump." Trump, after dominating US politics for years by being himself, is unlikely to significantly change his public image.
- Moreover, while presidential re-election campaigns are usually a referendum on the incumbent, Trump is such a polarizing figure that Biden could shift the focus of the race from

his own performance in office to the need to keep Trump out of the White House. Cleveland won the presidential election of 1892, becoming the first and only president to serve nonconsecutive terms, amid frustration over Harrison's policies, such as high tariffs. It's not certain whether Trump would be able to make 2024 a clear referendum on Biden. As much as he excites the Republican base, he enrages Democrats and risks repelling independents. Trump may have too much baggage to follow in Cleveland's footsteps.

- The first stage of the 2024 presidential campaign is likely to kick off following the 2022 midterm elections this November. If Republicans perform well in the midterms, as they are likely to do, Trump could leverage the election results as an opportunity to announce a 2024 bid for the White House. He could claim credit for bringing candidates across the finish line with his endorsements and in the intervening two years, rely on a GOP House and/or Senate to fight Biden's agenda and strengthen the Republican brand. In an interview with Fox News last November, Trump said he would "probably" make a 2024 announcement after the midterm elections.
- Trump's timing puts other potential contenders for the 2024 GOP nomination, such as Ron DeSantis, Senator Ted Cruz (R-TX) or former Vice President Mike Pence, in a tricky situation. Announce your candidacy too soon and you risk becoming a target for Trump if he runs, but wait too long and you could be upstaged by a rival if Trump doesn't run.

The Primaries Begin

The Ohio Bellwether: The saying used to be "As Ohio goes, so goes the nation." While the red state is no longer a barometer for the national political climate, the primary today does provide important clues to some political currents.

- It pays to be a Trump Republican but not a Trump sycophant. All but one candidate sought out former President Trump's endorsement in the open Republican Senate primary. For venture capitalist and author JD Vance, getting Trump's endorsement was just as much "looking the part" of a senator who does well on television than flattering Trump.
- It pays to be a non-Trump Republican governor. While Trump has attacked Ohio Republican Governor Mike DeWine, the former president did not offer a formal endorsement to one of the challengers angling for his support. DeWine is one of several Republican incumbent governors who hold high approval ratings despite Trump's attacks.
- It doesn't pay to be a union Democrat. Rep. Tim Ryan (D) is highlighting his pro-union, anti-China bona fides in the Democratic primary for Senate. But recreating the Senator Sherrod Brown (D) persona as a non-incumbent isn't a winning formula in a state that was 12 points to the right of the nation in 2020 and crossover voting is more the exception than the norm.

What Primaries Mean for Trump: The former president is the ultimate RINO (Republican-in-name-only). He wants the Republican Party to be the Trump Party. That requires having a major presence in the midterm elections.

- Trump needs to take more risks when not in public view. Without Twitter (for now) or the bully pulpit, Trump doesn't drive the narrative like he once did. His relevance comes from being a difference maker and that means wading into competitive primaries.
- Trump says, "Heads, I win, tails, you lose." If Vance in Ohio, Dr. Oz in Pennsylvania, and Rep. Ted Budd in North Carolina win their Senate primaries, Trump can credibly say his endorsement was the difference maker. If his candidates lose, Trump can blame poor performance (or even revoke the endorsement like he did with Alabama Rep. Mo Brooks). With a few exceptions, those who beat Trump-endorsed candidates are not anti-Trump Republicans in the least bit.
- Trump's worst endorsements aren't the ones who lose. They are the ones who are "disloyal." Trump endorsed DeWine in 2018 before attacking him now for saying Biden won the 2020 election. He also endorsed now Georgia Governor Brian Kemp and Florida Governor Ron DeSantis in 2018. Neither have questionable GOP credentials despite Trump's public and private criticisms. It's their perceived disloyalty and lack of fealty to Trump that leaves him irked.

What Primaries Mean for Biden: A president with an approval rating in the low 40s is a yoke on Democrats in 2022. But Democrats aren't ready to leave President Biden high and dry.

- Biden supports the incumbents of Congress, even if they have caused him headaches. His first endorsement of the cycle was for Rep. Kurt Schrader (D-OR) who is facing an organized progressive challenger. The Blue Dog Democrat was one of the biggest critics of Build Back Better in the House yet still earned Biden's support. Schrader gladly embraced Biden's primary endorsement.
- Biden may want to get out on the campaign trail but Democrats want to (respectfully) keep their distance. Several of the frontline Democrats in Congress are not eager to call themselves "Biden Democrats." They may attack some policies, like scrapping Title 42, but don't view the president as a political foil.
- Unlike Trump, Biden does have the power of the White House to impact the agenda. The White House is looking to take executive actions in the coming weeks, like on forgiving some student loan debt, as a way to churn up support among Democrats and, in this case, particularly young voters.

Kevin McCarthy's House

The Case for a McCarthy Speakership. Despite his recent high profile controversy, House Minority Leader Kevin McCarthy (R-CA) is still expected to become speaker of the House assuming that Republicans take control of the lower chamber.

- Some predicted that the revelations unearthed last week surrounding the new book from New York Times reporters Jonathan Martin and Alexander Burns in which McCarthy said he wanted then-President Trump to resign in the aftermath of the January 6th insurrection would cause an uproar among Trump and his supporters and result in an end to McCarthy's bid for the speakership. But McCarthy's position remains secure.
- First and foremost, McCarthy is winning and raising money. In 2020, his first election as the top House Republican, the GOP gained 14 seats even though Trump lost and the Republicans lost control of the Senate. McCarthy is also the top House Republican fundraiser ever, with more than \$100 million raised this election cycle. His record on winning, raising record funds, and recruiting quality candidates should keep him from losing the speakership, assuming the GOP wins back the majority. Most of the members of the far-right House Freedom Caucus (HFC) even backed up McCarthy. And previous McCarthy rival for speaker Rep. Jim Jordan (R-OH) has not backtracked from his comments in March that he would not challenge McCarthy for the speakership should Republicans win back the House.
- Another factor in McCarthy's favor is that Trump did not distance himself from him, who Trump refers to as "my Kevin," after the comments came to light. The former president talked to McCarthy after the airing of the tapes and told the *Wall Street Journal* "I think it's all a big compliment, frankly. They realized they were wrong and supported me." In terms of McCarthy, Trump said, "I like him. And other than the brief period of time, I suspect he likes me quite a bit." According to Jonathan Swan of *Axios*, Trump enjoyed the reporting by Martin and Burns because it shows the strength of Trump over McCarthy and Senate Minority Leader Mitch McConnell (R-KY), who said he'd back Trump if he's the 2024 nominee, despite his clear misgivings over him. Trump therefore enjoys the power dynamic and may not want to risk shuffling leadership to someone who does not defer to him as readily as McCarthy does.

How McCarthy Would Use the Gavel. McCarthy is laying the groundwork for the Republican agenda if/when they win back the majority.

- The possible future speaker is crafting a "governing agenda" that Republicans can tout on the campaign trail and implement next year should they win back control of the lower chamber. These platforms are being developed by ranking committee members and policy-ambitious rank-and-file members who will play an outsized role in the majority. The broader "Commitment to America," a would-be conference-wide campaign platform, focuses on big tech and its supposed censorship, jobs and the economy, future of American freedoms, climate and conservations, American security, healthy futures, and China accountability. House Republicans will be constrained by the Democrats' continued control of the White House (and potentially the Senate) in terms of these bills making it into law, but the House campaign agenda today becomes the policy and oversight agenda next year and beyond.
- McCarthy will still have to work with members of the far-right HFC to move must-pass legislation like spending and defense bills and lifting the debt limit to avoid government

shutdowns. If Cook Political Report's projected seat gain for the GOP proves accurate, Republicans would have 10-20 votes to spare on party-line votes. The HFC has about 30 to 40 members — there is no official membership list — which gives the HFC leverage that they will likely wield as they have in the past.

- However, the HFC has evolved since its founding seven years ago with the goal of taking down then-House Speaker John Boehner (R-OH) and denying then-House Majority Leader McCarthy the votes to take over. The HFC and particularly its members like Rep. Jim Jordan (R-OH) are more integrated with House leadership. Jordan is the ranking member on the House Judiciary Committee and now a McCarthy ally. That makes HFC policies more potent but also may reduce the incentive to take on anti-leadership tactics, though this remains to be seen and it is unclear how far the HFC will go in reverting to its original conservative ideology with less obstructionist tendencies.

What This Could Mean for 2024. House Republicans will likely retake the majority and have the opportunity to showcase their agenda, which will have implications for 2024 and beyond.

- If House Republicans retake the majority, they will have greater powers and command greater attention among the American public to promote their agenda. The Biden administration is already preparing for “a potential barrage of Republican-led congressional investigations next year” by “hiring new staffers and positioning itself to respond to aggressive inquiries if the GOP takes control of one or both chambers of Congress.” Likely areas of inquiry for oversight investigations would be the business dealings of Hunter Biden, the chaotic withdrawal from Afghanistan, and the handling of the pandemic, among other politically-fueled topics designed to lower public approval of Democrats and the Biden administration.

- However, the spotlight on House Republicans could also backfire in 2024 when Democrats have a foil to point to in elections, especially if Republicans overplay their hand. For example, Jordan told the *Washington Times* in March that, on the impeachment of President Biden, “You have to have complete buy-in from the entire conference and the leadership of our conference.” McCarthy has said that Republicans will focus on “holding this administration accountable” but is skeptical of the value of a politically-motivated impeachment. This dynamic will be worth watching on issues like raising the debt ceiling, which could come early next year in the 118th Congress, and negotiating government spending
