



Session Report

Please know you may design the structure of this report to better suit the session. It's important to capture the key outcomes and solutions proposed for the future.

Session Title: Creative Solutions: How to Pass Anti-Corruption Policies in a Gridlocked Congress

Date & Time: Thursday, 06.12.2022, 9:00 pm - 10:30 pm GMT -5

Report prepared by: Christine Wood, Co-Director, Declaration for American Democracy Coalition

Moderated by: Allison Pulliam, Co-Director, Declaration for American Democracy Coalition

Panellists:

- Justin Kwasa - National Voting Rights Program Director, League of Conservation Voters
- Gabe Lezra - Federal Policy Manager and Senior Counsel at Citizens For Responsibility & Ethics in Washington
- Lisa Gilbert - Executive Vice President of Public Citizen
- Leslie Proll - Senior Director for the Voting Program at the Leadership Conference On Civil and Human Rights

Share the thematic focus of the session, its purpose and corruption risks?

Overarching theme: How to make progress on tackling corruption and protecting our democracy when there is no path to passing federal legislation.

Purpose: To provide a framework for how to identify what incremental reforms can pass through executive action, and how to guide a coalition through the process of prioritizing those reforms and setting a strategy for getting them enacted.

Corruption Risks: This panel addresses the corruption risks of secret money in politics, lack of transparency in government, and lack of access to the ballot.

Summary of panellists' contributions & discussion points (please be as detailed as possible)

Lisa Gilbert - Executive Vice President of Public Citizen has been working on sweeping democracy reform, from money in politics to ethics reforms, throughout her tenure at Public Citizen. She spoke specifically to the problem of secret money spending in politics, and how we can tackle it: In our current system, there are two types of political spending. Direct funding, which is reported, and indirect spending. Whenever you see campaign ads that say “paid for by puppies and happiness” or any other ridiculous and vague name, it’s likely coming from a secret money group. This dark money is flowing through our system and we have no way of knowing where it’s coming from. \$1 B of secret money in 2020. We tried to pass disclosure through legislation (the *DISCLOSE Act*), but it was blocked by 2 Senate votes and inability to reform the filibuster. Now, we’re turning to President Biden, who can make an impact through executive action by issuing an executive order requiring government contractors to disclose their political spending. Government Contractors are often also our largest corporations, like Exxon and Amazon, and while our taxpayer dollars are going to contacts to provide staff with laptops or communities with energy, we don’t know if these corporations are actually the right entities to get these contracts OR if they spent the largest amount on politics. This executive order would have a big impact right away because of the top 100 companies, 52 are government contractors. This leaves a huge possibility of corruption. It’s in President Biden’s best interest to issue a contractor disclosure executive order because it would ensure contracts go towards qualified contractors, and combating secret money in politics is broadly popular.

Justin Kwasa - National Voting Rights Program Director, League of Conservation Voters provided his perspective on how corruption and money in politics impacts our ability to tackle climate change and how organizations that work on various issues can educate and mobilize their members on democracy and anti-corruption reforms through making the connection between the need for a representative democracy and our ability to make progress on other issues people care about. He also spoke about how having a democracy coalition that can provide that policy expertise and resources to pass it along to climate organizations can enable their organizations to participate in advocacy around democracy issues.

Gabe Lezra - Federal Policy Manager and Senior Counsel at Citizens For Responsibility & Ethics in Washington shared his policy expertise on ethics reforms that could increase transparency and accountability in the United State’s political system. Gabe spoke about how he brought the coalition through the process of identifying and prioritizing potential executive orders the Biden administration could issue to tackle corruption and strengthen our democracy. He also spoke to our list of recommendations to the White House on how to tackle corruption through executive action.

Leslie Proll - Senior Director for the Voting Program at the Leadership Conference On Civil and Human Rights represents the Leadership Conference on Human and Civil Rights, the oldest civil rights coalition in the United States. The Leadership Conference has been involved in every major civil rights legislation in the past 50 years. Civil rights legislation doesn't pass in just a couple years. It takes several years to pass, and we're in it for the long hall.

Leslie spoke to the Leadership Conference's effort and success in working with the Biden administration to issue the Voting Rights Access Executive Order, which was signed shortly after President Biden took office. The overarching theme of that executive order was that it's the responsibility of the federal government to ensure the American people have broad access to voter registration, including ensuring voter registration accessible to voters with disabilities, in federal custody, native American communities, and non-English speakers.

Leslie also spoke to the important work in following up with the administration, including its various departments, to ensure the suggested changes were fully implemented, providing an important take-away: that passing legislation isn't the end of an effort. We must see it through to full implementation. "The right to vote is related to all other rights" This executive order is a model.

Main outcomes of session (include quotes/highlights and interesting questions from the floor)

On how the coalition prioritized which Executive Orders to include in our recommendations:

"We started by identifying how our priorities could fit in with the commitments the Biden Administration has already made, and statements of support for various policies. We worked within the framework presented at White House Democracy Summit to demonstrate how our priorities could help them meet their goals and prior commitments.

The limits of executive power. We chose a series of actions that remained within the scope of executive power that has already been expanded generally, and we have included executive orders that will actually bring transparency to the executive branch, including more transparency around the Office of Legal Council.

Once we decided on the set of actions, we met with the White House to advocate for these reforms and hear their feedback on them. We're continuing to meet with White House Officials to advocate and provide the information on why these reforms are needed and how they could strengthen our democracy.

*I was proud we made a memo that made recommendations across our priorities, including on election security, voting, good government, anti-corruption, shining a light on secret money in politics, and tracking foreign spending in our elections" - **Gabe Lezra, Federal Policy Manager and Senior Counsel at Citizens For Responsibility & Ethics in Washington***

On the sustainability on executive orders:

- Q from the Audience: How do you think in the longer term about sustainability since executive orders can be easily undone? What can we do beyond raising the stakes for these issues?

- A:

“Something like an EO requiring federal contractors to change forces a corporation to change, and oftentimes when those changes are made, it becomes a norm and is difficult to backtrack. In addition, people believe in democracy when the government can get stuff done and make real change, so from a public standpoint, it also presents political challenges to backtrack.” - Lisa Gilbert, Executive Vice President of Public Citizen

“Another vehicle we've been working through is regulatory change. Many of these EOs would require various government departments to implement changes, which is harder and takes longer to undo.” - Gabe Lezra, Federal Policy Manager and Senior Counsel at Citizens For Responsibility & Ethics in Washington

On working to pass sweeping federal legislation, while also pursuing incremental changes through executive action:

In The Supreme Court, “there is a big case involving state legislature claiming exclusive power to dictate full power over voter rules, arguing that state courts, constitutions, governors, etc. are NOT able to address partisan gerrymandering, voting legislation, and more. And this is a fight. We need to keep going. We cannot sit these two years out because there is a grid-locked Congress. We made a lot of Congress, getting further than we've ever gotten on voting rights protections. We need to keep charging forward. We need to be strategic, potentially incremental, and work across the aisle.”

On the threat of misinformation:

“The misinfo and disinfo issue is large and dangerous. It grew and grew and became one of the most serious impediments to learning how to vote—Particularly in communities of color to give wrong information on how to participate in our democracy. We have a robust effort to combat misinformation. It's not going away. Some election deniers lost, but some won. We must keep it front of mind while shaping our own narrative to push back.”

On creating incentives for the Biden administration and elected leaders:

“The moral commitment is real. There is at least one party that has made a commitment to tackling secret money in politics, it's proven through with every legislative vehicle, and it can also apply to executive order through reminding the President of that moral commitment, and that corruption is poison to democracy. When the population sees corporations playing politics, it destroys their faith in their democratic system.”

Key recommendations for the future and concrete follow-up actions

In order to make progress on tackling corruption and strengthening democracy in the United States in the short term, the Biden administration must utilize the tools at its disposal, including executive action.

Organizations can read our full Executive Order Memo at:
<https://dfadcoalition.org/eo/>

If you'd like to sign on to this effort, please email Christine Wood at:
christine@DFADCoalition.org

What can be done to create opportunities for scaling up the solutions discussed in the session? And by whom?

There is an opportunity right now for organizations based in the United States to join advocacy efforts to enact pro-democracy executive orders. To get involved, organizations can email Christine@DFADCoalition.Org.

In regards to organizations based outside of the United States, we hope this framework and the strategies behind it is a useful tool when thinking through creative solutions on how to build a coalition around reforms and make progress on tackling corruption when legislation may be stalled.

Is there a specific call to action to key stakeholders, such as governments, businesses, funders, civil society, young people, journalists or any other stakeholder that should be noted? Please specify if relevant.

To the Biden Administration: We're calling on President Biden to use the full power of the Presidency to combat secret money in politics, defend our freedom to vote, and increase transparency. Here are several executive order the Biden administration can issue to do so:

1. Contractor Disclosure Executive Order: Require that contractors that receive over \$1 M from the federal government disclose their political spending, which would provide the public with a picture of the indirect federal campaign spending allowed since Citizens United from companies who receive large federal contracts, helping the electorate to make more informed decisions and improving the quality of the contracting process.
2. Direct the Department of Justice to create a high-profile task force to protect voting rights and election integrity.
3. Direct the Department of Justice to use its various new tools to fight the influence of corrupt and/or illegal money on our democracy.
4. Restrict the expansion of executive power over spending authorities and leadership vacancies by issuing guidance to agencies on qualifications for acting

officials and order agencies to report to GAO when acting officials are installed or replaced.

5. Enhance transparency at the Department of Justice's Office of Legal Counsel.

To civil society, young people, and more: join us in calling on the Biden administration to use executive action to strengthen our democracy through issuing the pro-democracy executive orders listed above.

Learn how to join our effort to enact a contractor disclosure executive order here: <https://dfadcoalition.org/cd/>

Rapporteur's name and date submitted

Christine Wood, 06.12.2022