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**Subject:** Businesses & Economics/Trade & Foreign Policy

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## Trade/Economics/corruptionForeign Policy

How might Trump personally profit from some of his actions?

How will this affect the 99%? Any particular parts of the 99% Why?

Do you know anyone who has suffered in this past economic melt down? How?

The 1%?

Do you think he'll stop all the wars? Why? or why not? Who benefits?

What's a corporate shill?

What did droning the swamp mean and is it happening?

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Donald Trump's election upends extensive plans about how Public Citizen would operate with Hillary Clinton as president — from our strategy for overturning *Citizens United* to new pushes for checks on Wall Street's runaway greed.

We, intentionally, did not game out a Trump presidency. Not because we thought another outcome was a sure thing. But because life under Trump would be too unpredictable to plan for.

Here's what I do know:

**One thing we simply will not do — not today, not tomorrow, not ever — is give in.**

- We will be a leader in the movement to reject corruption and bigotry.
- We will work with allies to find a path forward.
- We will fight day in and day out to prevent a wholesale corporate takeover of America under a president who feigns concern for the working class.

Three weeks after the election, most things remain uncertain. But the contours of the struggle ahead are taking shape:

1. Trump's economic and regulatory agenda is pretty much everything Big Business and its attack dogs at the U.S. Chamber of Commerce have ever wanted.
2. Trump is on course to preside over the most corrupt administration in American history.
3. Trump appears set on carrying out at least some of his most alarming pronouncements, including mass deportations and possibly even the creation of a Muslim registry.

**What follows is a sketch of some of our early thinking, evolving strategy and new priorities as we adjust to this new reality.**

## EXPOSING CORRUPTION

As a candidate, Trump's core message and appeal was anti-establishment and anti-corruption. We have an opportunity to hold him accountable for the startling disconnect between that rhetoric and the fast-evolving reality of his incoming administration.

The leading edge of this work right now is the massive conflicts of interest that flow from Trump's refusal to cut ties with his corporate empire. He plans to maintain ownership of his businesses while transferring control to his children, who of course will also be centrally involved in policymaking. Trump says there's no problem because voters knew what they were getting and because there's technically no law requiring the president to avoid conflicts of interest.

There is an issue here of Trump and/or his family enriching themselves on favors conferred via his presidency, as well as the prospect of him intervening in particular matters, such as labor disputes involving his companies. This outright kleptocratic impulse degrades everything about our democracy.

But far more important is the reality that Trump's business interests will influence policymaking. The span of his corporate empire gives Trump a direct personal interest in a vast array of policies — including, just to name a few: taxes, labor rights, consumer protection, bankruptcy and access to the courts.

There are also staggering conflicts involving the conduct of foreign policy. Trump's businesses have operations in upwards of 20 countries. Trump just took a meeting with businessmen who are developing a Trump-branded property in India. He has reportedly requested during calls with world leaders that they solve problems for his businesses.

But the worst problems occur without Trump doing anything at all. They are structural and inescapable. Deutsche Bank's stock rose 20 percent after the election on the perception that Trump would end the Justice Department's prosecution of the bank — to which he owes hundreds of millions. Foreign diplomats told *The Washington Post* that they of course would stay at the Trump Hotel just blocks from the White House as a way to curry favor with the new

president.

And things that are easily imaginable — almost unavoidable — will pose tremendous problems. For instance, a foreign government-owned business giving a contract to a Trump-affiliated operation, or a foreign government agency granting a building permit, or a local military providing security. There's almost no way to tell if subsidies are built into these arrangements. Based on personality and history, Trump will plainly reciprocate favors — even at the expense of national interest, and likely without realizing the compromising impact.

Public Citizen has already done a lot of work around Trump's conflicts of interest, with prominent coverage by Huffington Post, *NBC Nightly News*, NPR, *PBS NewsHour*, Politico, *The Wall Street Journal* and more.

A second prong of our anti-corruption work is focused on the revolving door between Big Business and government. Immediately after the election, the transition team — which had barely been functioning — was taken over by a rogues' gallery of lobbyists, corporate lawyers, investment fund chiefs, business executives and hacks from corporate-funded think tanks (especially Heritage Foundation). We rushed out press statements and a report profiling the transition team. News coverage reached Trump himself, and he quickly moved to force lobbyists out — but only *registered* lobbyists. Other Big Business insiders continue to staff the transition.

Just yesterday, we issued a report on the “landing teams” for each agency, which are also loaded with corporate skills.

The third piece of our anti-corruption work will be comparing and contrasting candidate Trump's propagation of a faux-populist agenda with President-Elect Trump's delivery of an extremist Big Business wish list — underscoring again and again that this is for the sake of corporate donors and entrenchment of the insider deal-making culture that Trump claimed he would eliminate.

### **How we see our work to expose and counteract Trump's conflicts of interest unfolding:**

- emphasis on rapid response to breaking developments
- quick-turnaround communications strategy
- quick-hit research pieces
- additional in-depth reports
- increasing engagement on social media
- development, dissemination and adoption of a shared narrative among a broad range of allies
- collaboration with congressional allies to amplify the message

### **PROTECTING THE PUBLIC**

Trump is making anti-regulation a top priority, saying regulatory cuts are even more important than tax cuts. We're facing a frenzy of deregulation that will be at least comparable to, and likely worse than, what we experienced under Reagan and Bush II.

There will be several pathways for Trump's deregulatory push.

First, much of what the Republicans label "regulation" was done through executive orders and other administrative actions. Trump can undo many of these actions unilaterally.

Second, Congress can use the innocuously named Congressional Review Act — a holdover from Newt Gingrich's Contract with America — to rescind any regulation adopted in the last 60 legislative days of the current Congress (meaning rules adopted since about May 30). A resolution of disapproval under the act requires only a majority of both houses, with limited debate, no Senate filibuster and no possibility of judicial review. And here's the kicker: A rule revoked under the act cannot be reissued in "substantially similar" form — ever! — unless Congress allows it.

Third, Congress can override any regulation through legislation, and can legislate to overturn all or parts of previous statutes, such as the Dodd-Frank Wall Street Reform Act or the Affordable Care Act. Only the filibuster — if it isn't abolished — will enable us to block such efforts.

Fourth, the Trump administration may undo regulation on its own by issuing new rules to rescind prior ones. That would require the administration to go through the full rulemaking process, giving us space to work in and block their deregulatory proposals. Trump's administration may also choose not to further defend Obama-era regulations that are mired in ongoing litigation. And Trump may choose not to enforce existing rules, or to enforce them minimally.

Fifth, Trump appears set to adopt an overriding policy of "one-in, two-out," by which his administration would have to rescind two rules for every one adopted. This makes no sense to people who understand the administrative process. For one thing, most rules have to do with the normal functioning of government. For another, the mechanism to rescind a rule is to issue a new, deregulatory rule. The idea that the number of rules matters or that we need fewer of them, *per se*, is incoherent. Nonetheless, it looks like we are going to face such a policy.

Sixth, with Republican control of both the legislative and executive branches, we may see a new push for anti-regulatory bills that we have fended off for the past five years. These generally add lengthy procedures to the rulemaking process and/or further entrench corporate-biased "cost-benefit" analysis as the standard for rules.

We will have a multi-pronged response.

Messaging, rapid response, communications and quick-hit research will be crucial. We are going to hammer home the point that deregulation is a giveback to corporate donors. And we will tirelessly expose how Trump's extremist anti-regulatory agenda betrays his campaign promises to aid the middle class.

We will expand our regulatory coalition, the Coalition for Sensible Safeguards. We know that

when we all stand together around common messaging, we all do better.

We will serve as a hub of expertise and information-sharing for allies, members of Congress, the media and the public.

We will work with congressional allies on any possible maneuvers to decelerate the anti-regulatory locomotive — including aggressive work for filibusters to block any legislative rollbacks.

We are exploring every opportunity for litigation to block the anti-regulatory agenda. Where specific rules are repealed, public interest advocates will in many cases have an opportunity to challenge agency action as arbitrary and capricious. We will also have openings to sue in many cases to block unilateral executive actions to roll back regulation.

## TAKING THE FIGHT TO THE COURTS

The *best* we can hope for under Trump is a continuation of what we've seen over the past 15 years: a five-to-four conservative majority on the U.S. Supreme Court. That would mean we drop our ambitious plans to move the law in a progressive direction and continue as we have been, trying to keep public interest victories from the lower courts out of the Supreme Court.

Of course, a Trump administration poses legal challenges beyond the composition of the Supreme Court. Our litigation practice will engage actively in fighting the administration's harmful policy agenda. Drawing on our considerable experience with administrative law litigation, we will sue in an effort to block harmful legislation, deregulation and regressive executive action. In vast swaths of policymaking — involving consumer protection, access to courts, money in politics, the regulatory process, financial reform and more — we expect to have a leading role, representing not only Public Citizen itself but partner organizations.

We also see a much-heightened role for our longstanding Freedom of Information Act (FOIA) practice. Public Citizen intends to submit even more FOIA requests than we have in the past and to develop a more systematic approach to doing so. In an administration that shows every sign of susceptibility to scandal, no regard for ethical standards and procedural requirements, and complete alignment with the corporate agenda, we expect that explosive information can be obtained through FOIA.

Our litigation team has tremendous FOIA expertise. While we have always had a robust FOIA litigation practice, we anticipate even more FOIA litigation, both of our own FOIA requests and for those filed by allies, to challenge delays and unlawful denials.

## DEFENDING DEMOCRACY

We had bold plans for a proactive democracy agenda in the event of a Clinton presidency. Now that fight looks very different.

We know we'll be doing a few things:

- Fighting — in Congress and the courts — any efforts to roll back the minimal campaign finance rules that remain, especially limits on contributions to candidates.
- Connecting the corporate extremist legislative agenda with campaign contributions, to pound the message of corruption and insider dealmaking.
- Running corporate campaigns urging key companies to disclose all political spending.

**We also know something else: The nature of democracy campaigning in America has changed fundamentally with the election of Donald Trump.**

We can't have a functioning democracy when people are fearful of participating in public spaces and engaging in civic acts. There's no democracy when Muslim Americans are forced to, or fear they will be forced to, register. There's no democracy when Latinos and other recent immigrants fear they may be harassed and intimidated, or plucked up by the police and deported.

Stay tuned for more — a lot more — from me in the days and weeks ahead.

Onward,

Robert Weissman  
President, Public Citizen

**P.S. Fighting Trump and a corporate takeover of our country won't be easy. If you can, [please make a donation now](#) or even [consider joining our monthly giving program](#). Thank you for anything you can chip in.**