

ROADMAP FOR RENEWAL

Strengthen Congress's Capacity to Fulfill its Constitutional Role

VII. Ending White House Corruption and Conflicts of Interest

Democracy works only if public officials act—and appear to act—for the people they serve, not for their own interests. We've seen all too clearly now how corrupt officials can evade existing ethics rules or violate them without fear of enforcement.

We recommend:

- Enacting specific reforms to address White House conflicts and apparent or actual corruption; and
- Improving the administration and enforcement of federal ethics laws.

The Problem

Ethics laws are unclear and ripe for exploitation by the President. The Trump Administration has exploited gaps in existing Executive Branch ethics mechanisms and laws and has not followed the ethical norms that presidents have observed for at least the last 40 years. President Trump has not released his tax returns or information about his personal finances. He has not divested himself from his personal business or removed himself from its operations, as previous presidents have done. He has hired family members for government positions, which had been made illegal under the Anti-Nepotism Act of 1967. Far from ensuring that he does not personally profit from the presidency, he has visited his own properties with government resources, conducted government business for apparent personal gain, and marketed his businesses on government time. Previously, presidents paid a political price for flouting existing ethics norms. This is no longer true.

The President has explicitly said that he is not required by law to follow the ethics rules that apply to government employees. The President claims to be exempt from existing conflict-of-interest and anti-nepotism laws. Many of these actions have trickled down and been replicated by other key members of his administration. Now that President Trump has breached these ethical standards, there will be far less incentive for his successors to resume observing them.

The public doesn't know if governmental actions are based on the President's personal interests or the public good. Without disclosure of the President's taxes and business finances, it is impossible to discern whether the President is acting in the public's interest or his own business interests. To complicate matters, the President's businesses have foreign interests. This implicates the Emoluments Clause of the constitution and has national security ramifications. Additionally, lower-level government officials have been permitted to work in agencies that impact their own financial interests, incentivizing

regulated industries to curry favor with the administration through backroom dealing. In this environment, citizens have little reason to believe that their individual votes can affect public policy.

Lack of effective enforcement mechanisms for existing ethics laws. On top of these issues, enforcement mechanisms are too weak to police corruption, protect norms, and disincentive noncompliance. The Office of Government Ethics and other existing investigative bodies do not have the authority to curtail corruption.

Proposed Solutions

Enact specific reforms to address White House conflicts and apparent or actual corruption

- Close loopholes that exempt the President from conflict-of-interest laws;
- Require the disclosure of Presidential and Vice Presidential candidates' tax returns;
- Mandate detailed disclosure of and divestment from ongoing business interests for the President and Vice President. See [Public Citizen/CREW's proposal](#) for more¹;
- Require a national security financial risk assessment to recommend additional divestments by the President, Vice President, and senior national security staff, as [proposed by the Brennan Center](#)²;
- Prohibit the acceptance of foreign and domestic emoluments; and
- Clarify that anti-nepotism law applies to the President and Vice President.

Improve the administration and enforcement of federal ethics laws

- Create a new public integrity agency to police and enforce corruption, along the lines proposed by the the [Roosevelt Institute](#),³ or vest more investigative and enforcement power in the Office of Government Ethics; and
- Implement a series of reforms to strengthen the OGE proposed by former OGE [Director Walter Shaub](#)⁴, including:
 - Enforce the independence of OGE by insulating the Director against retaliation;
 - Strengthen OGE's oversight abilities by clarifying scope, establishing an Inspector General with jurisdiction to conduct ethics investigations; and

¹ Public Citizen and CREW, *Trump Proofing the Presidency A Plan for Executive Branch Ethics Reform* (October 2, 2018), Available at <https://s3.amazonaws.com/storage.citizensforethics.org/wp-content/uploads/2018/10/10191835/Trump-Proofing-the-Presidency.pdf>.

² Brennan Center, National Task Force on Rule of Law and Democracy, *Proposals for Reform* (September 2018), Available at https://www.brennancenter.org/sites/default/files/publications/TaskForceReport_2018_09_.pdf.

³ Rohit Chopra, Julie Margetta Morgan, Roosevelt Institute, *Unstacking the Deck: A New Agenda to Tame Corruption in Washington* (May 2, 2018), Available at <http://rooseveltinstitute.org/unstacking-deck/>.

⁴ Walter Shaub, *Letter to Trey Gowdy and Elijah E. Cummings*, H. Committee on Oversight and Government Reform (November 9, 2017), Available at https://campaignlegal.org/sites/default/files/W%20Shaub%20Legislative%20Proposal%20-%209%20November%202017_0.pdf.

- Increase transparency with online postings of specified ethics actions and government aircraft usage, public disclosure of interests in discretionary trusts, and collection of candidate transition and ethics plans.