

THE BROOKINGS INSTITUTION
WEBINAR

AMERICAN GOVERNANCE: THE WAY FORWARD

Washington, D.C.
Tuesday, May 10, 2022

PARTICIPANTS:

Panel 1 - The View From The States: Crisis and Response

Moderator:

NORM EISEN
Senior Fellow
Governance Studies
The Brookings Institution

Panelists:

MEL BARNES
Staff Counsel
Law Forward

VICTORIA BASSETTI
Consultant
The Brookings Institution

JEFFREY MANDELL
Founder, President, and Lead Counsel
Law Forward

Panel 2 - Closing the Gaps at the Federal Level

Moderator:

NORM EISEN, Moderator
Senior Fellow
Governance Studies
The Brookings Institution

Panelists:

VIRGINIA CANTER
Chief Ethics Counsel
Citizens for Responsibility and Ethics
in Washington (CREW)

ANDERSON COURT REPORTING
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

PARTICIPANTS (CONT'D):

JOSEPH FOTI
Chief Research Officer
Open Government Partnership

WALTER M. SHAUB, JR.
Senior Ethics Fellow
Project on Government Oversight (POGO)
Former Director
U.S. Office of Government Ethics

ANNE WEISMANN
Former Chief Counsel and Chief FOIA Counsel
Citizens for Responsibility and Ethics
in Washington (CREW)

* * * * *

P R O C E E D I N G S

MR. EISEN: Good morning, everyone. I'm Norm Eisen. I'm a Senior Fellow here at Brookings and I'm delighted to be with you for the launch of my new book, "Overcoming Trumpery."

Today each of my expert coauthors, seven of whom you will meet will address different aspects of Trump's style of governance in depth. The effects that that had on our nation and on American democracy when he was in office. And the continuing impacts it is having today as others learn from and adapt that style of governance. And what appropriate responses to it are?

I want to thank the Brookings Institution, our President John Allen, the Head of the Governance Studies Department where I work and where this book was written and edited. Daryl West and all of the coauthors of the volume, our wonderful publisher, Bill Finan at the Brookings Press and all of those who helped us put together today's seminar.

When I went over everything in the book, all of the chapters to prepare for our book launch today -- today is the official publication date -- and for this webinar, I have to admit that even I was shocked by the full extent of the harm to American governance that was done during the Trump administration. And that is continuing because as you'll hear today, Trump maybe out of office but Trumpery is very much alive and spreading throughout our nation.

It's important to capture that for posterity. Contrary to the popular view of former President Trump making ad hoc, chaotic reflexive reactions. There actually was a coherent, if corrupt, philosophy that emerged from his four years in office. Initially, when my coauthors and I were working on the book, we were calling it Trumpism. But then my brilliant English professor wife came up with an even more fitting term, Trumpery.

And if we can have the slide, please? Here is the Oxford English Dictionary

on the meaning of the term Trumpery. As you can see, it says two definitions. It dates back to 1578, the first usage and it is defeat, fraud, imposture or trickery. And the second definition from Samuel Johnson's Dictionary, something of less value than it seems. Something of no value, worthless stuff, trash and rubbish. But even trash and rubbish can be very, very dangerous if enough of it accumulates. You can take down that slide now.

Even trash and rubbish can represent a peril. And the same is true with Trumpery. I have extracted with the help of my authors, coauthors, the following seven characteristics from the deceitful, fraudulent style of governance that we refer to as Trumpery. I should hasten to add that each of the authors did a deed dive in their area of expertise as you'll hear from a number of them today. And then I extracted the analysis of these seven characteristics that you see on the screen before you.

I alone am responsible. And some of my coauthors may or may not necessarily agree with all of the characteristics of Trumpery. We'll discuss that on the panel today. It's a signal characteristic disdain for ethics. We saw that from the very beginning of the Trump administration moving to the assault on the rule of law. And going through a series of other harms culminating with the final crescendo of four years of Trump. The big lie campaign and the attack on democracy itself.

I argue in the book that that is the logical consequence of this new and distinctly American flavored version of autocracy that we see erupting all over the world. And we can take down that slide, please.

So that brings me to why it is so important that we address Trumpery because even though Donald Trump is no longer in the White House, he is showing every sign of attempting to return. And his imitators are scrambling for the mantle of Trumpery. We see that, for example, in hundreds of pieces of legislation or laws that actually have been enacted and candidates in congressional gubernatorial. Secretary of State (inaudible)

AG races up and down the ballot across the country.

It's no secret that Trumpery is running rapid. It takes the form when it comes to that legislation, for example, of needlessly changing our election rules and making it harder for people to vote especially people of color. One of the metastasized forms of Trumpery is the new Jim Crowe. And then, of course, there's the continuation of the Big Lie campaign with Trump and many others such as Dr. Oz running for Senate in Pennsylvania. Herschel Walker running for Senate in Georgia. David Purdue seeking the governorship in that state. Carry Lake seeking office as governor in Arizona. And on and on and on. Almost 100 candidates from coast to coast complementing these hundreds of Trumpery bills.

We have the Trumpery tickets on the ballot from coast to coast. And that is a clear and present danger represented by Trumpery going strong. Of course, one solution would have been a comprehensive package of federal reforms addressing the needed fixes to elections, to voting rights protections and to our democracy.

And our book, "Overcoming Trumpery" talks at length and preserves for prosperity what those federal fixes should be. And I'm confident we're going to come back to them for the last -- not in this Congress. For the most part, we'll talk about a couple of exceptions. A comprehensive legislation did not work. That should not lead you to believe that there's no hope for pushing back on Trumpery.

On the contrary, you'll hear today on our two panels about Trumpery and its discontent. One focused on the state level and one on the federal level. There is still ample hope. There are still remedies for Trumpery across the country. But don't just take my word for it. Before we get to our panels, I had a chat with Senator Raphael Warnock, the senator from the state of Georgia about his views about the federal battle in which he was so engaged for many of the reforms we write about in the book.

And where we go from here? We thought we would kick things off by playing an excerpt for you. Here we go.

MR. WARNOCK: Hey, everybody. It's Senator Warnock. Thank you so very much for the privilege of being with you today.

I want to take a moment just to talk to you about the pressing issue of our time. One of the central moral issues of our time and that is the state of our democracy. Our country is under threat by rampant voter suppression and it's happening all across the nation. From the North to the South, the East and the West. And especially, we know a little bit about voter suppression here in the state of Georgia.

And those of us who still believe in democracy have to take up this fight. We have to push on and against these tactics and make sure that every voice and every vote is heard.

I still believe that democracy is the political enactment of a spiritual idea. Democracy, it is this idea, this notion that all of us have within us a spark of the divine. And so, we ought to have a voice in determining the direction of our country and our destiny within it.

But instead of having voters pick their politicians. There are some politicians who are trying to turn our democracy on its head so that the politicians are cherry picking their voters. And that's why I'm continuing to fight for federal voter protections in the Senate.

So for example, partisan state actors can't just take over local elections or make it illegal to hand out food and water to people who are waiting in lines. Lines often made long by their actions. Make no mistake, this is Jim Crowe in new clothes. And I won't rest until we protect the right to vote.

In 2020 and in the last year alone, Georgians turned out in record numbers.

The voters made their voices heard. And because of their support, the people of Georgia did an amazing thing. They sent their first African-American senator and their first Jewish senator to the halls of the U.S. Senate in one fell swoop.

Our voices can make the difference. Our voices are integral to our democracy. And so, while I'm fighting in the Senate to ensure that we protect the vote and preserve the sanctity of our democracy. There are also grassroot folks on the ground who are doing the same. Thank God for them and their work. They are registering voters. Fight unjust voter suppression laws and making sure folks know their rights when they are at the polls.

Without their tireless efforts, we wouldn't be able to make our push towards justice. But I'm hopeful because the people continue to persevere. The people of Georgia and all across our country are saying that this is our democracy and we can't let the politicians have it.

So let me leave you with this. Time and time again in difficult moments it's been the people, just ordinary people coming together to fight for progress. I believe strongly in this. Dr. King used to say that the moral arch of the universe is long but it bends towards justice.

The history of our democracy, the history of our country proves that it is the people who have to bend that arm. So above all else keep fighting and keep the faith and keep looking up. Together we will win.

MR. EISEN: We want to thank Senator Warnock for that message of hope for the future of our democracy and his description of all that is happening at the state level.

And that is where we are going to start with our first panel today. So I'll invite our panelists for the first panel to turn on their cameras now and join us here on the Zoom stage. Wonderful. And you can unmute also, friends. Just so you don't forget to do

that later.

Let me introduce first to address the issues that Senator Warnock touched upon. Where do we go given the failure of comprehensive federal reform? As he noted, there's still hope for reform perhaps for more discrete reforms in Congress if they're real. And we're going to talk about that. And also, the ferment of activity at the state level with three of our coauthors who are very active in both dimensions.

First, I want to introduce Victoria Bassetti. Victoria, give a wave to everyone. One of my oldest friends. And Victoria and I have worked on these issues together in various forms for 30 years. She's currently a Fellow at the Brennan Center for Justice and a Senior Advisor to the State's United Democracy Center, which I cofounded with former GOP Governor Christie Todd Whitman, and which I cochair with Governor Whitman.

We also have with us, Jeffrey Mandell. Jeff say, hello to everyone. Jeff is the Founder, President and Lead Counsel of Law Forward, a nonprofit law firm focusing on advancing and protecting democracy in Wisconsin. Also, one of our coauthors in "Overcoming Trumpery." Let's see. There we are. "Overcoming Trumpery" our new book, which we are launching today.

And then I also want to introduce our third coauthor, the third member of the panel and that's Mel Barnes. Mel is also associated with Law Forward where she is a Staff Counsel and works with Jeff. I'm just what you heard from Senator Warnock that ferment of efforts that ferment of efforts to overcome Trumpery in the states, which is going to be the focus of our first panel.

Welcome everyone. And, Victoria, I'm going to begin with you if I may? Your chapter addresses the question of -- a critical question of -- we saw the seven sins, seven deadly sins of Trumpery on the slide.

And above all, it is an assault on our democracy. Your chapter touches on one of the perhaps the most lethal form of that assault, voter suppression, blocking the underlying act of individuals that gives democracy its legitimacy, voting.

And particular, the openly race-based hostility that we see in these hundreds of bills and candidates from coast to coast or candidates from coast to coast. Will you please launch us by describing the situation in the states today with this form of electoral Trumpery?

And folks, everyone who is watching, there are almost 700 of you. Please start your questions coming. Many of you sent them already. Think about your questions. We're going to come to the audience for questions after we do a couple of rounds with the panel members.

Vic, what does electoral Trumpery look like in the states today?

MS. BASSETTI: So electoral Trumpery is a sort of a pincer movement right now. It basically attacks two important strands of the way we run our elections. The first is voters themselves and that's driven by the myth of voter fraud. And the second thing that it attacks is the very administration of elections and that's driven by the kind of myth of the deep state or sinister forces that are attempting to seize power from a preferred candidate.

And that means it's a pincer movement of suppression and subversion. And in the book, we have an opportunity to discuss both of those movements. The subversion is nothing new in American history. And today, the Brennan Center this year released a report that indicated that by February there were 250 bills that had the sort of tint of voter subversion.

These are bills that make it incredible difficult for people to vote. In many cases, for absolutely baseless reasons. And many of them, as you mentioned, Norm, are tinged with racism and hostility to voters from particular socioeconomic classes. They range

from things like increased -- or making it more difficult for people to get mail-in ballots, decreasing the number of hours that people are able to vote, increasing the use of signature match which is a kind of a notoriously inaccurate technique for assuring a person's identity.

The second prong of this is what we call voter suppression or sabotage. And that's literally efforts to overtake and rework the way we count ballots and announce winners. It's an attack on the professionalism and expertise of independent election administrators.

That's everything from requiring -- for example, there's several states that now seem to hate machines so much that they want to require that every ballot be hand counted. Or it's efforts by state legislatures to essentially take over local professional election administrators and have the legislature itself have the power to declare who a winner is or to require unprofessional or partisan audits.

Unfortunately, that movement as with the voter suppression movement is gaining steam this year. And some reports are coming out that indicate literally hundreds of bills that are suppressive or sabotage like are emerging.

MR. EISEN: Thank you, Vic. Mel and Jeff, what's the perspective from Wisconsin? You wrote about the voting rights crisis in your chapter in overcoming Trumpery as well. And you litigate that and you're engaged in that work every day in Wisconsin to some extent nationally, but with a focus at Law Forward on Wisconsin.

What are you seeing in your home state? Jeff? Mel? Take it away. Mel, you first.

MS. BARNES: Well, I think Wisconsin offers such a clear example of these national trends. And we certainly have both of what Victoria just categorize these bills as, the suppression and then the subversions and sabotage. We see both of these at work here.

So to me, Wisconsin offers such a clear example of why we need federal voting rights legislation and why we can't wait. And this is what we write about in our chapter, right? The need for this and how we can get there. And Wisconsin has had this proud progressive history of being early adopters of things like no excuse absentee voting, expanding the franchise.

But what we see in the past decade because really we're early adopters in this way too is a sharp turn to restricting access to the ballot, making it harder to vote. Wisconsin has one of the most extreme voter I.D. restrictions in the country. And recently, we've seen dozens and dozens and dozens of bills that make it harder to vote absentee, to vote early, to access your voting place. All the way through attempts to undo the results of the 2020 election even though we're years past it at this point.

And these are being proposed by the fringe, right? These bills are -- several of them are passing and being vetoed. But, you know, as Norm pointed out, it's not just new legislation. A lot of what Jeff and I are doing at Law Forward is litigation because we've had bad actors in our states trying to reinterpret our existing laws to ban drop boxes, to make it impossible for disabled voters to return a ballot and to empower politicians to overturn those election results.

And I want to underline that we're struggling with the need to create accountability here in the states for kind of the worker bees of Trumpery and the Big Lie. You know, Law Forward has been pushing for over a year for accountability, for what we call the fraudulent presidential electors in our state. These are 10 individuals who met and purported to cast Wisconsin's 10 votes in the electoral college for a candidate who lost the election, lost the recount and failed in every court to undermine the will of Wisconsin's voters.

But these fraudulent electors sent off their papers to Congress to be

counted on January 6th as if they were Wisconsin's true votes. And when we know this violates Wisconsin's law, there's really a lack of institutional tools and to some extent political will to create accountability for these folks. And that is really dangerous to our elections in that subversion and sabotage sense that Victoria mentioned.

So when we write about needing federal legislation that sets a floor and gives us tools in the states to push back against these attacks on democracy. I want you to know it's urgent here in Wisconsin. And even though Law Forward is working hard to turn the tide, we need these new tools.

MR. EISEN: Jeff, what's your view?

MR. MANDELL: Well, I think Mel has got it exactly right. And let me just add that there is a real need for comprehensive and contemporary federal standards. Because Mel mentioned efforts to use legislation to get rid of drop boxes in Wisconsin.

That is happening. It's also, however, litigation to make it impossible for disabled Wisconsinites to return absentee ballots. We have in Wisconsin very clear laws that help people and expressly authorize people who because of age or disability need assistance in completing their absentee ballot. We have laws that allow that help.

All of a sudden, however, we have bad actors trying to convince the courts that while they can have help completing those ballots, they can't have help returning those ballots. So if they can't put them in the mail themselves or they can't walk to their local clerk's office and return them themselves, those ballots cannot be counted.

These are efforts to overturn decades of precedent in Wisconsin. And to ignore the Americans with Disabilities Act, the Voting Rights Act and other federal standards. What we need though -- what we're hearing in court is judges who are skeptical of those recitations of the standards. Because they say, well, that was a long time ago. And that was all before Wisconsin changed the way it thought about absentee ballots and voter I.D.

And got all worried about voter fraud.

And that's one of the reasons that it would be essential to have more of a federal floor because we are struggling with not just bad actors who are bringing these cases, but we're struggling with judges who are buying into the Big Lie.

MR. EISEN: Vic, on the topic of a federal floor, Congress didn't pass the comprehensive federal democracy and election protection legislation that we wanted. And we preserve in addition to analyzing the nature of Trumpery, it's ongoing character.

We preserve what a comprehensive federal package should look like. And I, for one, am confident that we are going to return to that. However, we're not going to get that big package. It is so badly needed in this Congress.

In light of that is there anything that Congress -- that could pass and the President could sign that would help with the crisis of electoral Trumpery? Particularly, if we get another -- I'll call it an attempt coup what happened after the 2020 election?

If we get another situation like that is there anything that it might be possible for Congress to do to help the states with a future coup?

MS. BASSETTI: Yeah, there's a piece of legislation that was enacted in the late 19th century called the Electoral Count Act. And I think, Norm, you recently written about this and spoken about it in some Washington Post articles.

And the Electoral Count Act is essentially what governs the way Congress counts the electoral college votes. And there's widespread consensus that it is a mess of a piece of legislation. It is notoriously convoluted and difficult to interpret. And its ambiguities essentially drove much of the strategic behavior from the Trumpery, you know, strategic behavior in 2020 that culminated in January 6th.

Once again, its ambiguities and complexities are what would likely drive a future coup to the extent that someone wants to use the law to conduct a coup. And as a

result, there does seem to be broad bipartisan consensus on reforming and changing the Electoral Count Act.

What is interesting is that there's also a movement to attach to the Electoral Count Act a few additional provisions that people believe would help our democracy overall. After all, the Electoral Count Act only comes into play once every four years and only applies to one election. There are a lot of other things that need to be fixed.

Broadly, there are two buckets of changes for additions to the Electoral Count Act that people are looking at. One is essentially increased funding for election administration. Our election administration is notoriously unfunded. We spend more on Halloween costumes than we do on running our elections.

And as a result, the ability of local election administrators to run safe and secure elections is always on a shoestring budget. They do magnificently with it. They work overtime. They literally kill themselves in order to be able to do it effectively. If we could get them more money, it would be even more effective and they would be better at it.

In addition, there are a string of proposals that there also seems to be bipartisan consensus on. Everything from it requiring post-election risk limiting audits, requiring a paper ballot to be used. Imposing increased criminal penalties on intimidation of election officials.

I think we probably don't have time to go into it, but the wave violence and threats against local election administrators that has been set off over the course of the last two years is really terrifying for the future of our democracy. Being able to give them security and being able to impose criminal penalties on people who attempt to intimidate them would be very beneficial to our democracy system.

And then there would also be efforts to crack down on perceptive and intimidating practices and disinformation. There is an increasing movement to attempt to do

that even as the larger kind of ominous election legislation seems to have failed. At least for the foreseeable future.

MR. EISEN: Victoria, would you -- and I'll ask Jeff and Mel to chime in as well. Would it be sound policy just -- and I'll tip my hand. I've written -- feel free to disagree with me, guys. I've written in the Post that ECA reformed by itself without the kinds of powerful additional policy solutions that constitute ECA plus would not be sufficient. Would just be a band aid on the problem.

Do you think that that view which is shared by some and vehemently disagreed with by others is too severe? Jeff, what do you think?

MR. MANDELL: No. I think that's exactly right, Norm. I mean ECA reform would as Vic says, it would deal with one election that we have every four years. But it wouldn't deal with all of the myriad other really important elections, partisan and nonpartisan, that we face.

And it wouldn't solve all of the suppression problems. It would solve -- it would address suppression with respect to the presidential election. But we really need a three-prong approach. We need to clarify the Electoral Count Act. But more importantly, we need accountability for those who try to exploit its ambiguities as Mel talked about.

And as you and Vic just discussed earlier, we need a comprehensive federal legislation that makes sure that people have fundamental voting rights and that election administration works for people who are voting in this country.

MR. EISEN: Mel, do you have a view on the following? Since we wrote our chapter and the chapter that you, Jeff and I worked on together. It's one of the ones that I coauthored, talked about the need for a filibuster reform. We didn't get filibuster reform, Mel.

It failed by two. It could have been done if there were two additional votes to support it. But it was not meant to be. It's close and I believe that the battle was a noble

one because the issue will remain on the table.

And we're seeing this also with the Supreme Court. Some of the structural obstacles that have been erected are leading to undemocratic outcomes that were never envisioned by the founders and the framers of the country. Jeff, you know this too because we did a dive for our chapter.

They never thought there would be a 60-person threshold in the Senate as a blockade requiring super majority ascent. Just like they didn't they didn't set a number of Supreme Court justices. And now, we have because of breakages in the democratic process, we have a Supreme Court that has become completely alienated. We're going to talk about that in our questions.

Friends, remember to put your questions, share your questions with us.

The thought, if you've got a really meaningful ECA plus package together that -- and where the plus factor is intruded on electoral Trumpery. So you really took a bite out of this terrible Jim Crowe campaign and more. It targets voters of color, but it hits every voter with such naked partisanship around the country. Do you think you could get meaningful bill through Congress?

MS. BARNES: Well, what I say is we really can't afford not to. And it has to be the plus in the ECA reform plus because, you know, while we didn't get filibuster reform this time from this Congress. One of the -- quite frankly, the depressing parts about this book is how relevant it remains.

We haven't found another fix for any of these issues. They're going to continue to undermine our elections and make it hard for us to do what we need to do here in the states.

MR. EISEN: And, friends, I'm going to start doing the questions momentarily. And thank you for sending them along.

Mel, I wanted to start with that excerpt of my conversation with Senator Warnock precisely because the reaction of some to the crisis and the failure on the federal level is depression. But I think as a policymaker and as a Senator, but also as a pastor who has engaged in civil right battles for his entire life. He makes the point that, look, we all have our emotional reaction, but we have to approach the problem from a posture of hope.

And I think in writing "Overcoming Trumpery," you know, we didn't call it Trumpery. We called the book, "Overcoming Trumpery" because we wanted solutions on a going forward basis. And I think certainly when I look at the work that all three of you are doing, your scholarship but also your work in the field and in the states. I think that that is fundamentally hopeful.

And, Vic, I want to come to you with a question about one of the ways in the states that we maybe approaching a moment of overcoming Trumpery and that is we'll go to the state of Georgia again. It's very central this cycle, but in a different way. And so much is going on there.

You have the apostles of Trumpery, David Purdue. You have those who refused to count out, to bow down to Trumpery like Governor Kemp, Secretary of State Raffensperger. Herschel Walker who is running for Senate and who is pushing Trumpery. Some would say either taking it to new heights, striking similarities between Trump and Walker.

All of those names I've described within one political party. So you can see the battle over Trumpery. But you also have one of our nation's most talented and fierce district attorneys, DA Fani Willis in Fulton County, Georgia and Atlanta who has embarked upon an investigation of Trumpery. The assault on democracy centering on former President Trump's recorded.

Vic and all our panelists, Mel, Jeff, we have a recording of Trump saying,

whatever he may have believed, saying to a Secretary of State Raffensperger, a member of his own party. Can he just "find 11,780 votes?" This is on tape. One more vote than Biden secured in the state. Seemingly, alleged call for voter fraud.

And, you know, in the United States of America, you can't -- no matter if Trump genuinely believed -- and I think the evidence is to the contrary, strongly to the contrary -- but even if he genuinely believed he was the victim of election fraud.

You can't go out and commit another election fraud as a form of self-help any more than if your family is in the victim of murder. You can't go out and take justice into your own hands. So I think that's very powerful evidence and we've written about that at Brookings with a report on substantial likelihood of prosecution.

Is that -- before we go to the audience's question -- let me ask, Vic but all of you. Is there hope for prosecution in the state of Georgia as a cure for Trumpery? Vic, let's start with you.

MS. BASSETTI: Well, if Fani Willis does indeed appear to have taken this extraordinarily seriously convening an investigative grand jury, hiring some people who are extraordinarily good at investigating and prosecuting these types of crimes. And on top of it obviously, as you mentioned, Norm, we've got taped evidence of Trump saying things that under, you know, kind of a certain set of -- if you look at from a certain perspective might constitute election fraud.

I have to add that in addition to asking Secretary Raffensperger to find a certain number of votes, he did not so subtly threaten Raffensperger with consequences if he didn't find them. But these sorts of cases are incredibly difficult to make and they are very complicated. They very rarely succeed. I think we're on the bubble and we're going to find out shortly what is I think nevertheless incredibly a good sign regardless whether or not Connie Willis indicts and regardless whether or not or Trump is ultimately convicted.

Is that it has been thoroughly investigated and with meaning and with real purpose. A lot of other Trumpery crimes haven't. And that's been the big problem. So Connie Willis maybe blazed a path in terms of taking it seriously, which is very important.

MR. EISEN: All right. We're going to go to Mel, Jeff. You each get a word. I'm going to put it to you. Is Donald Trump and Trumpery going to be prosecuted? This paramount act of Trumpery just find 11,780 votes. Some text whether they exist or not. One more that I need to win.

Is this paramount act of Trumpery going to be prosecuted, Jeff? Yes or no? What's your best guess in Georgia?

MR. MANDELL: My best guess is no. And I would suggest we need more - - even if it is. We need accountability all the way down. Having accountability only at the top does not really help ameliorate the problem.

MR. EISEN: Okay. You're wrong. It is going to be prosecuted. Just my best guess.

Mel, if I'm right and, Jeff, your colleague. No pressure, Mel. Your colleague is wrong. And if others are included which we know the DA is going after a broader array of investigation of people in her investigation. We'll see. I suspect if she prosecutes Trump, he won't be alone.

But if it is prosecuted as we say in our Brookings report, there's a substantial likelihood. Do you find the evidence compelling that crimes were committed in Georgia just based on your personal reaction to the current -- as somebody who does elections every day to the current state of the evidence? What's your visceral and intellectual reaction to the nature of the proof in Georgia?

MS. BARNES: Yes. I think there's evidence. I think there's evidence --

MR. EISEN: I like that answer much better, Jeff.

MS. BARNES: -- around the country. But I want to say, it's not important to prosecute these people just, you know, to punish them. We're going to see this continue to happen in Georgia and around the country if we don't lay down a marker and set some accountability. So this is forward looking and that's why I think it's important that the answer is yes.

MR. EISEN: All right. So we'll see. I want to make clear. Right now, it's just allegations. We don't have all the evidence. The decision will be for the prosecutor. This is a prosecutor who took on Atlanta's teachers. Remember she prosecuted the Atlanta teacher cheating scandal.

I think if she's tough enough. Trumpery got a pass in New York when DA Manhattan, DA Alvin Bragg, despite his prosecutors telling him there was proof beyond a reasonable doubt, he chose not to prosecute that great puzzle to observers. We at Brookings have written about that.

I think there's substantial evidence indicating there maybe a prosecution. I appreciate Jeff. You know, it wouldn't be a very good panel if we just agreed with each other all the time.

And speaking of vigorous but cordial disagreement. I now have some tough questions from our viewers who are going to do a few minutes of questions to close out this very stimulating panel in which our three panelists -- if you see me swiveling around, it's because I'm juggling questions that are pouring in on all of my devices for us.

So let's see. The first question is from Ambassador Don Blissey, retired ambassador. He wants to know. Vic, I'm going to come to you. Should we make election day a federal holiday? And make voting mandatory for qualified voters or provide a tax incentive? Vic, what do you think?

MS. BASSETTI: Well, so indisputably yes to the first question whether or

not election day should be a federal holiday. The United States is an outlier amongst modern democracies in that it schedules its election day on a working day, on a weekday. It is indisputably a practice in America that makes voting significantly harder and actually deprives a large number of people of a real opportunity to be able to engage elections.

That being said, of course, many states have adopted a variety of practices that help kind of ameliorate the problem. They've increased the ability of people to use mail-in voting. They've adopted early voting and weekend voting. All of those practices are good, but I think on top of it if we're really serious about our democracy, we should make election day a national holiday.

As to mandatory voting. The optimistic kind of hopeful part of me says, yes. In fact, E.J. Dionne just recently has a fantastic --

MR. EISEN: Our Brookings' colleague in the Washington Post.

MS. BASSETTI: Yeah, he's got a book out about this right now that just came out, I think last month. It's fantastic. It really lays out the case for mandatory voting.

It's used in a number of countries. In those countries, it has attempted to create more -- to generate more moderate candidates who appeal to kind of the broader swab of the electorate. So it kind of decreases radical polarization. And it does absolutely, I think have a lot of really beneficial effects.

I wonder, however, I don't think you can mandate civic virtue. And I think that mandate in a country like this especially one that doesn't have voting as a national holiday that the failure to comply with it would fall heavily upon people from lower socioeconomic status and on African-American voters. So I do worry about it, but I think it's an idea that's worth a serious debate.

MR. EISEN: Jeff, Diane Robertson says, North Carolina is Wisconsin's southern cousin on voter suppression. Gerrymandering with the history of Jim Crowe

always in the background. She agrees that Trumpery, dangerous metastasized form. It may have even gotten more dangerous after Trump left office. Poses an existential threat but there are historical anticipants that are bigger than one person.

And she asks about what the grassroots can do? And I'll take some liberties with her question. You're working every day, for example, with issues of poll workers and poll watchers. What about grass root's engagement? And you heard this from Senator Warnock placing his faith in people.

What is the role of ordinary citizens, for example, in volunteering to be election workers? And do we need to have a civic education campaign or other form of campaigns to lift them up? And then I'll come to Mel with our last question on this panel. Jeff?

MR. MANDELL: Well, we absolutely need civic education. You know, we need that engagement. So listening to Vic talk about whether voting should be mandatory. You know, I think when we make democracy meaningful -- here in Wisconsin we have very a high participation rates.

Historically, Wisconsin and Minnesota are the places where the highest numbers of people vote. And I think it's also because we have very close elections for the most part. When you show people that this stuff matters, they engage. And they'll engage by running for office. They'll engage by volunteering to help promote campaigns in things that they care about by being poll workers. And a tremendous amount of it really is about education and outreach.

Unfortunately, North Carolina and Wisconsin have a great deal in common in respect to the challenges to democracy. Not just with Trumpery itself, but with the attempts to undermine by a gerrymandered legislature. Attempts to undermine the power of executive state wide offices who when the legislature doesn't like the will of the voters.

We've seen that in both states in the last three or four years. We face similar challenges and we're lucky to have people who in states around the country are standing up.

MR. EISEN: There's so many good questions in this feed. Oh, that reminds me. We're going to soon move to our second panel. Let me remind everybody to ask questions for the second panel. Please tweet #OvercomingTrumperry or send the question to events@brookings.edu and if you tweet with #OvercomingTrumperry include at @BrookingsGov, Brookings gov at Brookings gov.

And one of the good questions that came in on the first panel is from Dr. Sanford Mayor. Mel, and you and I are going to take this last question for our panel.

Crystal balls aside, what do you envision for our country if we don't overcome Trumperry?

MS. BARNES: Well, I think that is certainly possible that it's going to take us while to overcome Trumperry. I think that, you know, we are going to continue to have to fight this particular side of challenges. You know, certainly for the rest of our lives.

But I don't think that there's an option to not overcome Trumperry. One of the most amazing things about our country and our government is our ability to recognize that we need to fix it. That we need to improve it and make it better. And, boy, is it a struggle along the way, right? We don't want to be dealing with these issues right now. But I have every confidence that we can fix these things when we all come together and work hard. And it may not be pretty but we'll get it done. So I think we are going to overcome Trumperry because it's our only option.

MR. EISEN: You definitely got the memo on the message of hope. I will confess that I bring a methodological bias to the questions of overcoming Trumperry because -- and it's why I -- you know, it is one of the parts of the conversation with Senator Warnock that was not on camera was confessing.

And he has that same bias. So I sort of loaded the deck by having an optimist and not a pessimist. And I think it is very important. And of course, I should hasten to add that there is no guarantee that we will overcome Trumpery. That we'll get robust plus and an ECA plus package on the federal level. Afterall, we saw -- we were hopeful, but we saw the failure of comprehensive election reform to help the states on the federal level.

There's no guarantee we'll get a sufficient plus package to move ECA through. No guarantee that we'll get the kinds of remedies or results in the state. No guarantee as Jeff properly points out that how the evidence will come out. Perhaps Fani Willis will determine the evidence is not sufficient to prosecute Trump. And after all, Alvin Bragg had proof beyond a reasonable doubt and gave him a pass. Utterly inexplicable and wrong in my view.

But when you look at the trajectory of American history. And Trumpery although it has a new name and Trump took it to new heights, it gathers a set of strands. If you look at the seven deadly sins.

We've seen the elements before over the nearly three centuries of our existence. We've been in even more dangerous places than we are today. Although, we're in a dangerous place. And the strengths of the American system, the brilliance of our founders with their separation of powers. And the federal system so the failure of comprehensive federal reform now means the battle moves to the states.

The power of the state leaders Trumpery was on the ballot in 2020. And bipartisan leaders from both parties rejected it. For example, in those 63 some lawsuits. Merit was lawsuits that Trump brought in the effort to have the phony electoral slates go to Congress in the scheme in Congress do. As Trump's own words, overturn the election, the illegitimate scheme. That failed. So that gives me hope that we'll overcome Trumpery again.

But above all, where we ended with the American people. That they will be wiser as they were in the Great Referendum on democracy that was on the ballot in 2020. That the American people irrespective of party have the wisdom to see through Trumpery for what it is and to defend the American project rather than embracing this new Trump flavored version of autocracy.

So I think the anecdotes are there and remains to be seen whether at the state level they will emerge or not. With that I'm going to thank, Victoria, Mel, Jeff for their contributions to the book, "Overcoming Trumpery."

You can order your copy by clicking through at the Brookings' webpage for this event. Click on "Overcoming Trumpery." You'll find your way to a list of links to be able to order the book in hardcopy or electronically to assess the state of play. Whether or not we will overcome Trumpery, but I remain optimistic. Although, the question is up in the air.

And I'm going to be looking very closely at that special grand jury because I think prosecution is an excellent remedy for Trumpery if justified by the facts and the law, of course. It will send a message to the heirs, the legatees of Trumpery that you can't practice this dangerous form, these seven deadly sins without consequences. However, we shall see.

With that we're going to move to our second panel where we're going to take a look at Trumpery at the national level including a deeper dive into how this dangerous ideology, this comprehensive coherent philosophy developed in the first place. How it metastasized?

With that I'm going to invite our panelists for the second panel to join us. Anne, Joe, Walt, turn on your cameras. Ginny. Here. Come on up on the Zoom stage. I see you all popping up. Walt, I don't think I've seen you in a necktie in probably since you came to Brookings in one of the first acts of "Overcoming Trumpery." Long before we even

knew there was such a thing Trumpery. Maybe I'll tell that story.

Let me now introduce our distinguished second panel to address the federal and the global impacts of Trumpery. They're all coauthors or authors of chapters in our book "Overcoming Trumpery." You can click on link to order your copy, hardcopy or electronic from Quality Book Sellers online or in your neighborhood. We have all the independent book sellers linked on there too if you're a neighborhood book shopper as I am.

Going around the screen. Let me introduce our second panel which will do our deep dive into the origins of Trumpery and then bring us up to the minute. And even peer into our crystal balls into the future of Trumpery at the federal and international level.

Joe Foti is the Chief Research Officer of the Open Government Partnership where he leads the analytics and insights team. And we're going to be asking him for analytics and insights today. Welcome, Joe.

Walt Shaub is a Senior Ethics Fellow at the Project on Government Oversight, POGO. He served as the Senate confirmed Director of the U.S. Office of Government Ethics from January 2013 until July 2017 and we welcome him to the panel.

Everyone on this screen is a long-time colleague of mine. So it puts a smile on my face. As with our first panel. I'm lucky to have so many experts among my friends in the field after my own 30 years and got our top national experts to write chapters for this book.

Ginny Canter is certainly one of those. She was my colleague in the Obama White House. She's currently the Chief Ethics Counsel for CREW, Citizens for Responsibility and Ethics in Washington, which I cofounded. It's a nonpartisan organization dedicated to promoting government ethics and accountability. And she has had a long and additionally distinguished career in many capacities in and outside of government, domestically and internationally. So we'll ask her for some of her perspectives on the

international scene as well.

And then finally, last but by no means least, Anne Weismann served as Chief Counsel and Chief Freedom of Information Act Counsel for CREW also. Where she was one of our nation's most distinguished. Personally, I believe our most distinguished and continues to be a Freedom of Information litigator at the federal level. And she was previously the Executive Director of the Campaign for Accountability and was a lawyer at the Department of Justice where she oversaw the government's Freedom of Information litigation. So she's seen the world from both sides now.

And welcome panel to talk about the federal issues. And here we're going to go back to the early, early origins of Trumpery. Remember friends, to give us your questions as we go by tweeting @BrookingsGov and using the #OvercomingTrumpery to ask your questions.

Anne, we'll start with you. And we're going to set the historical context. In the book, you wrote about the origins of the modern system of integrity, rule of law and ethics to control and define the performance of presidents and other government officials after Watergate. Will you describe briefly for us, these Watergate systems that was in place when Trump took office? And that Trumpery challenge reacted and pushed on?

MS. WEISMANN: Sure. Post-Watergate, we went through a period -- which was a real inflection point in our history. We went through a period of analysis trying to figure out, why did the accesses of Watergate happen? What can be done to prevent on the legislative front? Internally, within the executive branch?

And the outgrowth of that analysis was a whole system of laws, norms and policies that until Trump seemed to work fairly well. For example, that's the period that enacted the Federal Election Campaign Act, which recognized the sort of corrosive effect of money in politics and so imposed dollar limitations on contributions by individuals and

political action committees. Set us up a system for funding our election.

This was the time that also produced the Ethics in Government Act, which established among other things a series of disclosure requirements for federal employees in order to address issues of either real or perceived conflicts of interest. It established the Office of the Special Council.

We have the Inspector General's Act which was enacted in 1979. A mechanism for the executive branch to, you know, patrol, evaluate the conduct of its agents, each agency within itself. There was two former reforms that was enacted after Watergate that tried to strengthen the law recognizing that this is a statute that's such an effective tool for our citizens. For people to find out what our government is doing and why?

The Government in Sunshine Act was passed. This was among other things mandated open meetings. To many people surprised, President Nixon tried to take his papers with him. And Congress realized there was no law that prohibited that. So they passed a law that applied to just his papers and that eventually became the Presidential records which established that a president's records belong to the people. And a president has an obligation to create and preserve them.

There was the Civil Service Reform Act which was enacted in part to offer a series of protections for federal employees. There were norms that were set up. The norm that presidents followed of either putting their assets into blind trusts or transferring them. Again, to avoid the appearance even of conflicts of interest.

And there were internal policies. The Department of Justice post-Watergate imposed a series of reforms that reinforced the rule of law and that set up protocols for communications between the Justice Department and the White House, which is so critical to ensure the integrity and the autonomy of the Department of Justice.

So we had what looked like a very robust system in place. This modern

system of integrity that, sure, that kinks and there were issues that came up. But for decades, I think it really did hold until Trump. And that's really where our book comes in as a starting point because just as post-Watergate, there was a lot of reflection and analysis to figure out what went wrong and what could we do to fix it.

That was really our purpose in coming together with this book to look as well. Why did this huge package of reforms, why did it not work?

MR. EISEN: So the Watergate package worked until it didn't. And now, we're going to turn to some of the places where it broke down. And the inspiration, it's the first in our subtitle, How to Restore Ethics through Law and Democracy.

Really, the inspiration for the book and the very first -- the leading indicator of what would ultimately emerge as this integrated corrupt philosophy of Trumpery was where the ethics breakdowns. And to reflect on that a little bit and how they characterize really all seven of the deadly sins can be contained in the ethics violations that my friends, Ginny and Walt write about.

I didn't think of it when I was preparing, but it just sprang to mind when I was doing introductions today. The very first -- Ginny, Walt and I shared the advent of Trumpery because we talked at the time after the campaign. This is what an optimist I am, guys.

I actually helped the Trump transition develop an ethics plan. I was a volunteer advisor talking to the Trump -- both transitions, the Trump and the Hilary before the election. And then continued engaging with the Trump transition.

But then we saw the first moment. I'm going to take us back to the birth of Trumpery. I'm going to go a little bit out of order. I'm going to come to Walt for this then Ginny.

Walt and the three of us talked about this at the time, the hope that Trump would divest his properties and make disclosures as all previous presidents had done. Had

gotten rid of their conflicting properties, but instead Trump had an infamous press conference. And this is the moment that I date the beginning of the philosophy that four years later we would call Trumpery.

He had the infamous press conference with the stacks of documents in which he said, he's going to keep his properties. The law does not require him to get rid of those. And, Walt, I remember you came to Brookings that day and even though you were in the United States government, you spoke out at Brookings later that day, just a couple of hours. We invited you and a couple of hours afterwards, Trump was about to be your boss.

And you spoke out against the ethics. What was the problem with Donald Trump keeping his properties? And why did you choose to speak out? I guess I'll start with you.

Why did you choose to speak out against your future boss who was about to take office on one of the most important things to him when you were the head of the Office of Government Ethics? What a shock that must have been? It made headlines when you said -- and what did you say here at Brookings, Walt?

MR. SHAUB: Yeah, it was definitely not a fun day, I'll say that for sure. I would rather have been almost anywhere else but there as much as I like getting to see you.

And the real problem was that it all flows down from the top. You know, Anne talked about the reforms in the 1978 aftermath of Watergate. And they did, you know, strike a balance. They didn't create a strong of a system as they could have, but they created a system that worked pretty well as long as the president backed it.

And I was leading the Office of Government Ethics at the time, which has, as the world has since learned, virtually no power whatsoever. It can't investigate. It can't hold people accountable. It can't order people to do things. It can give advice and it can flag problems.

But when an agency or an official got out of line and if we couldn't work it out, OGE had a pipeline directly to the White House. And for a tiny, small agency it had a disproportionate access to the White House to enlist them in bringing people around. But if the president is corrupt and if he has his own conflicts of interest, you immediately lose the only hammer you have for forcing people to be ethical and everything falls apart from there.

So I felt that I had sworn an oath to uphold the constitution and I had accepted a position to carry out the mission of an ethics program in the executive branch. And this posed an existential threat. The ethics program such as it was, was going to die. And --

MR. EISEN: What blowback did you get?

MR. SHAUB: Yeah. I mean the next day, I got a letter from Jason Chaffetz, the chair of the House Oversight Committee demanding that I come in for a closed door, sworn deposition, which, you know, is a typically rouse to try to get somebody to say something incorrect and go after them for that. Or to release excerpts of a transcript out of context. And so, it was an immediate strong escalation.

I assumed when I spoke out that I was giving a resignation speech because I called on the president to divest his conflicting financial interest. And I didn't appreciate I'd stay --

MS. CANTER: Walt, let me just interject there because this was really the primary focus of my chapter.

And, you know, unfortunately, President Trump rejected the presidential ethical norms by retaining his personal financial interests in more than 500 companies including the Trump Old Post Office Hotel which had been leased to him by the federal government. And he kept those interests after joining the government.

And unlike each of his modern predecessors which you and I and Norm well

know who divested their financial holdings usually by reinvesting the proceeds in diversified mutual funds or treasuries or creating a qualified blind trust. Unfortunately, President Trump, what he deemed a trust or a blind trust was no blind trust at all. And remember well you saying that.

And so, as a result, he was plagued from the outset with conflicts of interest and constitutional violations. And that actually the most notable violation was involved the foreign and domestic emoluments clause which led through my organization. The one that both Norm and Walt were in.

Were all formally a part of to bring a lawsuit on behalf of the Maryland and D.C. Attorney Generals where we actually received a favorable outcome in the U.S. District Court and then it went through various appeals.

But that foreign emolument clause basically prohibits every government official, not just the president, but, you know, the GS9, you know, sitting at the IRS and DOD from accepting any gift, title or really anything of value from a foreign government.

So this we knew from the outset that it would present a conflict of interest because one of his biggest tenants at Trump Towers was a Chinese owned industrial and commercial Bank of China where he is estimated to have received more than \$5.5 million from the Trump organization. And the Trump Post Office Hotel, I mean it was just tragic. Right after the election, I remember reading about how they were actually targeting foreign embassies to hold their national day programs there including -- and the Philippine -- our government and the Quadi government actually held them shortly thereafter.

The Trump organization received -- I think it's like 66 trademarks mostly from the Chinese. And Ivana Trump who with her husband was subsequently appointed as assistant to the president. She, herself, received, you know, multitudes of trademarks including for jewelry bags and spa services.

The domestic emolument clause applies solely to the president. And it means that he is not allowed to receive any compensation or emolument item of value from the federal government or any state government or state or local government beyond his compensation.

And so, by virtue of retaining his interest in the Old Post Office Hotel by virtue of receiving payments for hosting White House and state department events at Mar-A-Lago including when he hosted the Japanese (inaudible), albeit, Mar-A-Lago. The payments he received from the secret service when they had room -- you know, in compensation for room and board when they were protecting him.

All of these led to multitude violations and really set up, you know, the lawsuit which ultimately resulted in it being dismissed by the -- at the Supreme Court level because by the time it got to the Supreme Court, he had already left government. But we really needed to codify -- we need statutory action to codify the definition that was given to us by Judge Palmasetti (phonetic) from the U.S. District Court in Maryland. In which he defined emolument as any profit gain or advantage.

We also need to bar the president and the vice president from statutorily from being allowed to enter into or benefit from regardless of when they were awarded the contract. But for many contracts a grantor lease -- and we need to make them divest all of their financial holdings including by making them subject to the criminal conflict of interest law.

And I see Norm trying to get --

MR. EISEN: Yes, Ginny. I'm just texting with everyone. It's like an ethics dinner party. And we can't wait to trade our ideas.

You talked about the international impacts, Ginny, of the emoluments. And you and I wrote at the time, and of course Walt from that moment of that press conference

and beyond. Anne was active on this.

Joe, you worked in the open government partnership so you are seeing how the rest of the world observes what's going on in the United States. Just in your personal capacity, what were the impressions? And we're going to talk. And Joe wrote a chapter with me on some of the international effects of Trumpery and how we can address them right into the present day, for example, with the Biden democracy summit that already had its first convening to try to rebuild.

But, Joe, how did the rest of the world look at this eruption of alleged corruption and the other seven deadly sins of autocracy? So many countries are familiar with that around the world in their own or neighboring nations. But in the United States? How did the world see it, Joe?

MR. FOTI: Yeah, thanks, Norm. I think at the risk of oversimplifying Trumpery is not a uniquely American phenomenon. How it appears here is going to be unique.

But it's a political business model that's increasingly national and interdependent across this country. So we've seen similar things from South Africa, Russia, Philippines, Hungary. I could keep naming all day, unfortunately.

So you stoke the fears to win elections. You redirect the state resources to cement your powers. You start neutralizing independent accountability by which I mean media, government watchdogs, NGOs. Then as we're seeing unfortunately even more and more is undermining elections in any political competition. And you rake in personal profits. Redirect some of those back to the cycle all over again.

So how did it look to the world? I think it's good to zoom in on a particular example, a particularly notorious one. And, Norm, you're probably the last person. I need to remind you that Ukraine was at the center of the first impeachment. And it was the use of

state resources. The office of the president to withhold congressionally given resources to a U.S. ally. And that fits this pattern exactly.

And we see that echoing across with Ukraine. Was people in Ukraine, not all of them, but many of them were reformers in government trying to take this different path. Fighting corruption, limiting that. And that was a threat to Putin's model. It was useful for Trump, but they were struggling with this issue.

And the message -- the shakedown that was at the center of the first impeachment trial was a clear signal that the U.S. was ambiguous on what model Ukraine should follow. And so, there's really three things that I think people are seeing. And we saw all of those in the Trump era which was we had the outright aggressive subversion of the democracy in some cases and of the elections.

And then you saw the retreat of the United States. And even though my colleague professionals at USAID and the State Department continued to carry out work in countering corruptions in democracy. That loss of U.S. as a model was huge. And people watched that all around the world. And saw the exact use of phrases like fake news, catch fire with leaders on every other continent.

And then the big thing where I have the most help actually but where we have a lot of work to do is the business model and the corruption itself and the financing and money laundering. We used to think of these as domestic issues and that there were corrupt countries and not corrupt countries. And now, we know that they are increasingly transnational, right?

The West, the U.S., Canada, U.K. are some of the biggest destinations for stolen money. Why these people are undermining democracy and they are home to some of the law firms and advertising agencies that are some of the biggest enablers of corruption.

So I think moving forward, we're going to need to break the business model.

MR. EISEN: And let me just come in there because I want to put at the business model of Trumpery back up on the screen. And folks, we didn't plan. This is actually a spontaneous conversation that has broken out on this panel. Those are the best kind because I want to emphasize Joe's point, but I think it's a point that everybody is making.

We started with the disdain for ethics that Walt and Ginny talked about against the backdrop of the Watergate reforms. These are all of the different ways that the system that Anne outlined that had fundamentally held in the United States since the '70s for decades. These are the seven ways that it was pushback on. And this is the business model, the first panel we talked about the Big Lie campaign, the ultimate explosion at the end of Trump's administration of Trump lead the attack on democracy itself.

But this is the business model that Joe is talking about. And I want to emphasize, we've gone from the '70s to the origins of Trumpery to the present day in Ukraine. But having worked on the first impeachment as counsel. Here is the thing that this -- we could equally as well have titled this slide, the seven deadly sins of Putinism. Or the autocracy business model.

Maybe I can get two additional books out of it with a little bit of extra work. And these are the characteristics. There's a unique American flavor in the evolution getting us from that first announcement of Trump that led Walt to come to Brookings and cry out against as Ginny put it, the emoluments to the Ukraine crisis now.

Trumpery and Putinism have in common squeezing Ukraine. And I believe that to apply Trumpery now, we've talked so much about domestic. To apply it in the international regime that Trump's handling without consequences of Ukraine as his own for his personal and political interest, not the public interest created a permission structure.

I believe that Mr. Putin thought that Trump would do his dirty work for him

with NATO and otherwise. And the reason we see this squeeze now is because as we said, the American people voted in a referendum on Trumpery. They rejected it. So Putin took the baton Trump passed him that tradition of squeezing Ukraine. And Putin is just pursuing with all of these same traits as these are the seven deadly sins of Putinism as well. Trump just put an American flavor on them. I want to -- Catalina, you can take the slide down now.

So I want to talk for a little bit about antidotes. We'll go back to the domestic scene about antidotes. You know, it's a very arid legislative landscape. There was a lot of good legislation that was discussed. Good policy, I should say that has previously been discussed. But we saw most things are not going to make it through this Congress on the federal level.

Are there any green shoots? Are there any glimmers of hope? We had a big debate about ECA, Electoral Count Act reform plus a robust package moving through. One, before we go to the Q&A from our audience, let me ask all of you. Just quickly, I'm going to go around.

Because we do like to take an optimistic take, I admit. I prefer to view things optimistically. Despite this very tough federal legislative landscape, any green shoots? Short answers before we get to -- you'll have to make your answers much shorter than my rambling questions. Anne, do you see any hope in the foyer freedom of information transparency area for Congress actually doing anything in this Congress?

MS. WEISMANN: Yeah. I'm happy to report that I think there are some very good possibilities here. Right now, there is some bipartisan support for amendments to both the Presidential Records Act and the Federal Records Act. And they may sound like hyper technical laws but these are records that preserve our history and make accountability possible.

There is also a bipartisan package of reforms to the Freedom on Information

Act. Neither one of these amendments have passed yet, but I am hopeful. They are still under discussion. They do have bipartisan and I believe by cameral support.

MR. EISEN: Walt, there's been so much ferment, you writing your chapter about the need for Supreme Court reform. That Trumpery was like it had negative aspects but it also reminded us all of the centrality of that regulatory structure that Anne spoke about and its gaps. Is there anything going on in the judicial space that you think might stimulate at least a conversation of some of the regulations that you wrote about for judges in your chapter?

MR. SHAUB: Yeah, I don't think the big reforms we want are happening any time soon, but I think there is one reform in each of the three branches that could potentially happen. I think particularly in light of the events of the past couple of weeks for a variety of reasons, the Supreme Court could -- and I don't think this is probable, but could revisit the idea of some kind of conduct code.

I think the Congress could wind up passing some sort of congressional trading rule, which might make members of Congress a little less tolerant of presidents having conflicts of interest if they have to be inconvenienced themselves too. And I think in the executive branch there is real possibility for increasing transparency by posting political appointee's ethic records on line so that the public can monitor it.

And even in the Trump administration, he didn't roll back the number of things that were already posted on the Office of Government Ethics' website. So I think if we move forward with transparency in terms of ethic records now that may carry into another administration.

MR. EISEN: All right. And, Joe, just quickly. I'm going to move the viewer questions now. Ginny, we'll come to you for some of those initial viewer questions.

Joe, what are any signs of hope on the international front for overcoming

Trumpery?

MR. FOTI: I think there's actually considerable bright lights here. And I'll just highlight the National Defense Authorization Act that has actually passed at the end of the Trump administration with a veto proof super majority. And that required companies and federal contractors to disclose who their actual owners are in this case.

And that's a huge step forward that people have been waiting for the U.S. to do. So the U.S. can step back into a leadership role.

MR. EISEN: Veto proof reputation of Trumpery by the Congress. Anything else?

MR. FOTI: Well, the Summit for Democracy is in its year of implementation. We will wait to see what that delivers, but the U.S. has some pretty good commitments under there expanding geographic targeting orders on real estate transactions. All these sketchy deals.

And then they have of course their open government partnership action plan this year, which is a chance to take things even further, I hope.

MR. EISEN: Stay tune, friends. Joe and I, our organizations are hoping to do something more in this space. So stay tuned for more in that regard pushing forward.

Okay, we are now going to go to the viewer questions. We're going to do a speed round because we're getting to the end of our allotted time. It's been such a rich conversation.

Ginny, a question that puts a smile on my face. Norms are just norms. Norms will be norms or better stated expectations. We've seen under Trumpery how vulnerable norms are if they are just that. Why not turn them into law? Short answer, Ginny. Why not?

MS. CANTER: Is there a reason why we shouldn't? We just need to get

the legislation through. There's two good -- you know, there's legislation up there that would prohibit contracts with federal, you know, by the federal government with presidents that would codify the emoluments clause. That would require divesting financial interest and disclosure of facts retorts.

There should be bipartisan support. This is an important issue regardless of whatever per diem you might be affiliated with.

MR. EISEN: And you can read much more about those policy solutions in Ginny's chapter and Walt's on ethic issues in "Overcoming Trumpery."

Amy Sherman of PolitiFact asks Walt, Democrats generally are not running on voting rights in the midterms. You certainly are addressing them in your Twitter feed. Is it a mistake for Democrats not to be running on voting rights in the midterms? You're on mute, Walt.

MR. SHAUB: Sorry. I can't really comment coming from POGO on elections, but I think it's a mistake for both parties to not be advancing voting rights. Voting rights isn't partisan. Voter suppression is. And so, I think it's in the interest of everybody to defend democracy by fighting for voting rights.

MR. EISEN: We're not on here in a partisan fashion and just as analysts. But analytically, democracy should be front and center. And actually, if you look at polling, democracy is often a top five issue in the fate of our democracy. There was a big hole on the relative ranking of the issues. So it is, my view, important that that be litigated just as Trumpery was on the ballot in 2020.

And time permitting -- well, I'll Tweet out that pew poll which had democracy and the fate of our democracy after the panel. I believe it was a pew poll. We'll double check.

And Steven Buckley asks for the last question. Nope, I'm going to combine

his and Alex Howard. Our friend, Alex Howard, a great champion of transparency. I'm going to combine their questions and I'm going to put this one to Joe and I'll answer it as well before we bid everyone adieu.

In the United States is Trumpery a form of ethnoreligious nationalism as in Hungary? Does it have political dimension as we see in Europe? And what does history teach us? We could write a book about this alone, Joe. What does history teach us about the risks and the threats?

MR. FOTI: Yeah. Not many historic --

MR. EISEN: And did we blow it? And did the Obama administration blow it in not identifying this as an adequate problem and trend over its eight years?

MR. FOTI: I mean I think -- I'll try to be quick, but I think the open government partnership was started in 2012, but it was -- it saw the --

MR. EISEN: Under Obama?

MR. FOTI: Right, under Obama. And we saw the writing on the wall, right? And it was a way of talking about democracy without using the D word. And increasingly, you have to use the D word because the threats are now moving beyond just corruption to other things.

And that gets me to -- I'm not really qualified to talk about ethnonationalism or how you stop that or whether it's bad. But what you have seen is the EU cut off the funding for Hungary because it's undermining the rule of law. And I don't think I'm in a position to judge cultures or this type of thing, but I think we can stop financing people who are not -- who are fighting against our democracies.

MR. EISEN: One stream of funds cut off to Hungary. Not everything?

MR. FOTI: Not all of them.

MR. EISEN: On stream, yeah. But that is an important message.

I will say that I had the privilege of helping to gestate to develop the open government partnership together with Samantha Power, Cass Sunstein and many others. My friend, Jeremy, a professor at Stanford. Many others in the Obama administration.

We launched this precisely because of the vision led by President Obama. The centrality, the need to keep the well springs. The opposite of the seven deadly sins of Trumpery are the seven virtues of democracy running from allegiance to ethics through faility to the rule of law and ultimately supporting. Instead of attacking democracy our last stand supporting democracy at home and as we've heard interconnectively abroad.

That's why so many initiatives like the open government partnership were driven by the Obama administration. Thank goodness we have them in place. We'd be in even more trouble without that work. But the threat has metastasized. The seeds were there long before Trump took office. Before Obama took office. But they were perfected into a philosophy of Trumpery in the Trump administration.

We've written "Overcoming Trumpery" again. Click on the link to order your copy. We've written in "Overcoming Trumpery" about the nature of that dangerous and corrupt philosophy. Its seven aspects. How it was born and bred in the Trump administration. Perfected I should say in the Trump administration as a coherent ideology, but then pushed forward beyond that administration. It remains a danger, but as you've heard today there are so many ways, so many policies which will allow overcoming Trumpery.

I want to thank my panelists on this panel and on the first panel for their contributions today, for their contributions to the book. I want to thank the other authors of the book for doing so. And above all, I want to thank Brookings for hosting us. And all of you for participating in this very vibrant discussion of overcoming Trumpery. Thank you everyone. Look forward to seeing you again soon.

* * * * *

ANDERSON COURT REPORTING
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2024

ANDERSON COURT REPORTING
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190