



## ***Corporate Capture Report Card: Day 100***

How has the Biden administration fared thus far at preventing corporate capture?

**The Revolving Door Project**

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# Introduction

As the Biden administration approaches its 100-day mark, voices in the media and political onlookers will soon begin tallying up the administration's legislative wins and losses. Traditionally, at this time in a President's term, there's been far less attention paid to the actual work of the Administration — that is, running the executive branch of the federal government, which the President does primarily by nominating and appointing individuals to Cabinet departments and federal agencies to carry out this work.

Traditionally, one of the most powerful ways corporate interests capture the federal government has been to ensure their allies and alumni fill these roles. The “**revolving door**” refers to the trend of corporatists both entering government in positions that oversee their former businesses, usually leading to lessened oversight and regulation (“**revolving in**”), as well as officials leaving government for well-compensated jobs at firms regulated by their former public office (“**revolving out**”). In the latter case, officials can then monetize their insider knowledge to help firms lobby against public-interest regulation and for lucrative contracts.

Although the bar is low, Biden has proven to be the least captured and most public-oriented President of any of our lifetimes. Certainly compared to the Trump administration, which was the most corrupt in American history, Biden has fared incalculably better at limiting corporate influence over governance. Thanks to the tireless work of progressive groups, Biden has also done appreciably more to limit the industries that negatively influenced policy under the Obama administration, such as the finance and technology sectors. This all represents a genuine sea change from the neoliberal era of the 1980s-2010s. This did not just happen. Instead, progressives recognized that personnel is policy, that the executive branch is a key locus of policymaking, and they got organized. This engagement could help bring about a real revitalization of American governance for the public good.

That said, Biden's administration thus far is certainly not spotless. Allies of Big Tech, Wall Street, Big Pharma, the military industrial complex, and the fossil fuel industry have secured jobs in various corners of the executive branch — typically not as high-profile heads of agencies, as they had been under past presidents, but in advisory or sub-appointee positions. Because Biden has inherited so many interlinking crises of public health, economic inequality, racial injustice, and

climate change, the existential stakes, and crucially short window of time, to act on each of these means that the shortcomings of his administration – fewer though they are, compared to recent past presidents – carry more weight. Therefore, it is vital that the Biden administration redouble its efforts to prevent undue influence by powerful corporate interests, especially as these industries push for policy at odds with the clear public interest.

**Our overall grade for the Biden administration’s performance at resisting corporate capture is: B-.**

# *Influence By Corporate Actors*

In this section, we look at how well the Biden Administration has kept out both direct revolvers from different industries, and individuals with a history of allying with industry through direct financial or political ties. An A grade in this section indicates that Biden has kept this sector from influencing his policy in any way whatsoever, while an F indicates that this sector effectively dictates policy to the President.

## Wall Street: B/B+

Nominating independent voices like Rohit Chopra and Gary Gensler to lead key financial regulatory agencies has proven to be one of the Biden executive branch's wisest choices. While we were disturbed by early reports that Biden was considering Michael Barr for the crucial Comptroller of the Currency position, the administration ultimately backed down, although the role has yet to be filled. Still, by all reports, Wall Street banks are apoplectic that their new overseers have both significant issue-area expertise and an historic streak for independent scrutiny of abusive practices. Biden's regulators, in other words, actually believe in regulation. That should be celebrated in any era, but especially one that has seen mass financialization, deregulation, and historic economic calamities.

However, while banks feel chastened, \$9 trillion asset management titan BlackRock staffed its top [greenwasher Brian Deese](#) at the powerful National Economic Council. Biden Climate Envoy John Kerry has also floated private equity mogul Mark Gallogly as an aide and voiced support for letting the same banks that have financed Big Oil drive the policy response to the climate crisis. Despite her excellent work on fiscal policy thus far, Treasury Secretary Janet Yellen has also revealed a dangerous hesitance to fully regulate and scrutinize BlackRock and banks.

All of this means that Biden's picks for the several open Federal Reserve seats, [as well as](#) the OCC, CFTC, FHFA, FDIC, and more, over the course of his four-year term will be hugely consequential.

*More On Financial Regulatory Policy:*

- [Janet Yellen's Blind Spot On Regulation](#) | The American Prospect

- [Even After The Cabinet Selections, Personnel Is Policy](#) | The American Prospect
- [The Trump Holdovers Biden Still Needs To Fire](#) | The American Prospect

## Fossil Fuels: B

The brightest spot in the Biden administration may well be Interior Secretary Deb Haaland, who has fought valiantly to limit oil leasing of public lands and give Native American voices long-overdue power in the policymaking process. Biden EPA director Michael Regan has also performed admirably so far. Overall, Biden has made good-faith efforts toward a promised “whole-of-government” climate change policy, even if the execution thus far is perhaps not where we would like it to be. Particularly important here is the Office of Information and Regulatory Affairs (OIRA), which reviews proposed regulations across the federal government and can veto most new rules which it deems too costly. Past OIRAs stonewalled necessary climate regulations on behalf of big polluters. While Biden has not yet named his own OIRA Director, the interim leadership has been far more open to putting the planet ahead of polluters’ bottom lines.

That said, the administration’s recent choice of John Morton — who has called for pricing and trading “natural capital” like water, soil and air — as the Treasury Department’s climate czar is [worrying to say the least](#). This follows general confusion about whether publicly-vocal Climate Envoy John Kerry is driving administration climate-finance policy, or the Treasury Department officials with actual jurisdiction over the issue. The administration has also failed to confirm if private equity mogul Mark Gallogly is an aide to Kerry. The administration is also considering bringing in Amos Hochstein to negotiate over a Germany-Russia oil pipeline. Hochstein is a [notorious petro-diplomat](#) who believes heavily in a continued US presence in the Middle East to secure access to oil markets.

*More On Climate Change Policy:*

- [In Latest Disappointment From Yellen, John Morton Is Treasury’s New Climate Counselor](#) | Revolving Door Project Blog
- [John Kerry Must Choose — Wall Street Or The Planet](#) | The American Prospect
- [Will Todd Kim Promise To Defend The Environment In The Face Of Industry Pressure?](#) | Revolving Door Project Blog

- [Financial Disclosures Reveal Fossil Fuel Industry's Pipeline To The White House](#) | Revolving Door Project Blog
- [The Industry Agenda: Fossil Fuel](#) | The Revolving Door Project

## Big Tech: B

Maybe the surest sign of the difference between the [Obama](#) and Biden years is the fraught political fighting over antitrust officials at the Federal Trade Commission and Department of Justice – anti-monopoly policy was barely a blip on the political radar in 2008. Amazon critic Lina Khan was tapped for the FTC, and fervent neo-Brandeisian Tim Wu holds a coordinating role for competition policy. The DOJ's antitrust AAG remains unfilled, in part due to an [absurd false equivalence](#) between defending monopolistic tech companies and litigating on behalf of small businesses against them.

That said, Commerce Secretary Gina Raimondo comes out of a background in venture capital, and Amazon maintains a direct line to Biden through White House counselor Steve Ricchetti, whose brother is an Amazon lobbyist. Amazon shareholder and career corporate fixer Jamie Gorelick is also a mentor and close friend of Attorney General Merrick Garland. Vacancies at the FTC, FCC, and the DOJ Antitrust Division remain, and several Big Tech allies have been floated for top antitrust-related jobs.

### *More On Technology And Antitrust Policy:*

- [Letter To Biden Chief Of Staff Ron Klain Regarding Amazon And Google Influence Over Antitrust Appointments](#) | Revolving Door Project
- [Facebook Strengthens Defense Against Break Up By Hiring Another DOJ Antitrust Official](#) | Revolving Door Project Blog
- [Jamie Gorelick: Amazon's Anti-Union Shadow Advisor At The DOJ](#) | Revolving Door Project Blog
- [The Industry Agenda: Big Tech](#) | Revolving Door Project



## Big Pharma: INCONCLUSIVE

Biden's appointing Xavier Becerra as Health and Human Services Secretary was a clear win for opponents of America's exploitative and rent-seeking pharmaceutical industry. Appointing Sackler ally Gina Raimondo as Commerce Secretary...not so much.

Most of Biden's public health energy thus far has rightly focused on curbing America's COVID-19 pandemic, which has enabled the incredible turnaround we've seen from January to a country where half of adults are at least partly vaccinated. Now, the fight against the coronavirus turns toward vaccine access in the developing world, especially whether the United States will support waiving intellectual property restrictions on producing vaccines in developing countries. If nothing changes, these countries may not have vaccine access until 2023, by which time COVID-19 may have mutated to overwhelm our current vaccines. Every region of the world has at least some facilities capable of manufacturing FDA-approved vaccines, but which simply lack the legal rights to do so.

We will be closely monitoring picks for positions that advise the President on these intellectual property issues to see whether the drug industry will again win allies that support artificially restricting the world's supply of life-saving treatments. The agencies in question include the Patent and Trademark Office (PTO) and the National Institute of Standards and Technology (NIST).

*More On Drug IP And Patent Monopolies:*

- [Break Big Pharma's Stranglehold On COVID-19 Vaccines With Existing Powers, 16 Groups Tell Admin](#) | Revolving Door Project Press Release
- [Why You Should Care Who Leads The Patent And Trademark Office](#) | Revolving Door Project Blog
- [Secretary Raimondo Must Act Quickly To Support The TRIPS Waiver](#) | Revolving Door Project
- [Pharma In The White House: Financial Disclosures Reveal Officials' Stake In Vaccine Manufacturers](#) | Revolving Door Project Blog



## Military-Industrial Complex: D-

While Biden’s executive branch has seen genuinely enormous strides against corporate corruption of domestic policy, foreign policy is another matter. The announced withdrawal of U.S. forces from Afghanistan by the end of 2021, if actually executed, would be a genuine achievement, and one which the defense industry is already vociferously opposing (the retention of U.S. [civilian contractors](#), [remote bombing campaigns](#), and [“off-the-books” intelligence officials](#) in the country notwithstanding). Despite not appointing the ultra-hawkish Michéle Flournoy as Defense Secretary, Biden’s pick of Lloyd Austin — a former Raytheon board member — has done little to challenge the military-industrial complex when it comes to staffing the administration.

We are particularly alarmed by Biden’s hiring of several alumni of the Center for a New American Security (CNAS), a hawkish think tank funded by weapons manufacturers like Lockheed Martin and Northrop Grumman. Over a dozen CNAS alumni — including Director of National Intelligence Avril Haines, Deputy CIA Director David Cohen, Deputy National Security Advisor Daleep Singh, and Counselor to the Deputy Treasury Secretary Elizabeth Rosenberg — have joined the Biden Administration since January. Given CNAS’ record of making policy recommendations that would [benefit donors](#) like Northrop Grumman, its revolving door into the Biden administration raises concerns over whether Biden can deliver on his promise to have a [“foreign policy for the middle class”](#) rather than one for defense contractors. We are similarly troubled by Biden’s hiring of alumni from other defense-funded think tanks, including CSIS’s Kathleen Hicks and the RAND Corporation’s Christine Wormuth and Stacie Pettyjohn.

*More On The Military-Industrial Complex:*

- [New Report Finds “Serious Conflicts Of Interest” At Top National Security Think Tank Sought Out By Biden Administration](#) | Revolving Door Project Blog
- [The Industry Agenda: Military-Industrial Complex](#) | Revolving Door Project Blog

## Influence Industry: D

When the Biden team trumpeted an early ban on lobbyists serving in the administration, they were exploiting a common misconception of how Washington’s influence industry works: Many of corporate America’s most powerful political hatchet-men never register as lobbyists, instead either taking roles as “consultants” for high-powered industries, or litigating on behalf of corporations from white-shoe legal firms. These consultants and “BigLaw” lawyers may not engage in the narrow, legal definition of lobbying (telling a legislator or regulator to vote yes or no on a specific bill or regulation), but they do engage in the activities that the public disdains about K Street: using personal connections, corporate cash, and political stagecraft to nudge policy in directions opposed to the public interest.

Secretary of State Antony Blinken founded the consultancy WestExec Advisors, whose clients included Google’s “Jigsaw” foreign affairs think tank and the surveillance drone manufacturer Shield AI. Director of National Intelligence Avril Haines is also a WestExec alumna. National Security Advisor Jake Sullivan consulted for Uber through the firm Macro Advisory Partners before revolving back into government. On the BigLaw front, the Department of Justice – a crucial chokepoint for all of corporate America, since it litigates on behalf of the rest of the federal government – has welcomed appointees including a former for-profit college attorney issuing Department opinions defending Betsy DeVos. Attorney General Merrick Garland’s establishmentarian style blinds him to the problems that already existed in the DOJ establishment – and it is a blind spot which could have enormous consequences for every other policy area.

*More On Consultants And BigLaw:*

- [Thinker, Tanker, Scholar, Consultant](#) | American Prospect
- [Garland Must Lock BigLaw Out Of DOJ Leadership To Enact Biden Agenda, 37 Groups Say](#) | Revolving Door Project Blog
- [Biden Must Close The Revolving Door Between BigLaw And Government](#) | American Prospect
- [It’s Looking Like The Department Of Justice Under Biden Will Have Major Influence From Corporate Law](#) | Jacobin

# *Relationships With Public-Interest Actors*

We'd be remiss if we assessed only negative actors' sway in Biden's Washington, and did not give him a chance to prove an affection for public-interest-minded stakeholders. An A in this section indicates that Biden has done everything possible to aid this constituency, while an F indicates that this constituency is effectively cut out of Biden-era governance.

## Labor: B+

Biden is working hard to make good on his promise to be “the most pro-union President you’ve ever seen,” though the task of restoring American workers to their onetime prominence and power is astronomical. Labor Secretary Marty Walsh and Deputy Secretary-nominee Julie Su are committed worker advocates. We are likewise glad to see union experience correctly treated as equal or more valid than private-sector or C-Suite experience when it comes to picking deputies and senior advisors: longtime AFL-CIO attorney Heather Slavkin Corzo’s recent selection as a top aide to SEC Chairman Gary Gensler, for instance, means that worker allies are at last being recognized as genuinely indispensable voices for all elements of economic policy, not just traditional labor issue-areas like working conditions and the right to bargain.

The one notable failing of Biden’s administration thus far as it relates to labor is the selection of Seth Harris as a top advisor to the President. In 2015, Harris co-wrote a policy proposal that later [became a blueprint](#) for California’s Prop 22, which is having a horrific impact on gig economy workers. We hope Harris respects that he is not, in fact, the Labor Secretary, and that Walsh’s outside-the-Beltway background is in fact a positive force when Washington has been this anti-worker for this long.

## Civil Rights: B

The one bright spot in Merrick Garland’s DOJ thus far has been the selection of Vanita Gupta and Kristen Clarke to serve as Associate Attorney General and Assistant Attorney General for the Civil Rights Division respectively. It is no coincidence that months after an attempted white supremacist coup, Republican presidential aspirants are [castigating](#) two women of color nominated for positions focused on racial justice, who each boast long histories and deep

expertise fighting for the powerless in this country. However, Garland's DOJ remains dotted with Trump-era holdovers, as Revolving Door Project's Mariama Eversley [has extensively watchdogged](#). This has enormous implications for civil rights, especially for the Trump-appointed US attorneys, who are meant to oversee state and local courts and law enforcement. What will it take for Garland to clean house of a Justice Department which actively undermined justice, including plotting to overthrow the results of Biden's own election, all to protect the most flagrantly racist, fascistic, white supremacist president in living memory?

Many of the most prominent civil rights issues of our time involve a complex legal interplay between federal, state, and local jurisdictions: most prominently, the federal government has only limited tools to conduct oversight of and sanction municipal police departments. But even there, Biden's team has policy options which are simply a matter of political will: the Department of Justice has never followed through on its duty to gather and release nationwide data on police use of violent force, despite a 1994 law requiring it. Biden's administration has specifically called on the federal government to gather such data, but here, they are the holdups, not Congress. The question is simple: is Attorney General Garland brave enough to do the right thing?

## Progressive Movement: B-

To hear [mainstream pundits](#) tell it, the broadly-defined progressive movement — encompassing environmentalists, consumer groups, racial and economic justice activists, and more — has found their next great hero in Biden, on par with Cesar Chavez, whose bust the President keeps behind his desk. This is not really the case. What progressives have enjoyed is a President who genuinely cares what they have to say, what they think of his policies, and who engages with their movement(s) in good faith. This is, again, a sea change from the neoliberal era, in which progressives were treated as a laughing stock at best by the same Democratic party which claimed to represent them.

Biden's good-faith engagement with progressives reflects two main factors: for one, he is not an ideological politician. For his entire career, he has identified the exact middle of acceptable policy options for a Democrat, and planted his flag there. Thus, Biden is responsive to the second factor at play, which is that the base of the Democratic party has moved in a solidly progressive direction for at least the last decade. None of this means that progressives have won or will win

every policy debate of the Biden era – there are already plentiful examples of the opposite occurring. But progressives now always have a seat at the table and are a constituency that genuinely has to be respected and at least heard out. After so many years in the political wilderness, and facing the high stakes of so many interlinking crises, progressives are not about to waste this newfound opportunity.