2018 Year in Review



Citizens participate in the "Nobody Is Above the Law" protests in Washington, D.C., in November against President Donald Trump's effort to undermine Special Counsel Robert Mueller's investigation by firing Attorney General Jeff Sessions. Photo courtesy of Zach Stone.

2018 was marked by unprecedented challenges. We faced an administration hostile to the rule of law, dominated by corporate interests, rife with authoritarian tendencies, dismissive of ethics and scornful of facts.

Congress was dominated by a party that didn't stand up to — or question — the administration, instead focusing on pushing extreme corporate policies. And the political, social and economic crises gripping the country grew worse in part because of the staggering political and economic inequality stemming from the corporate dominance of government.

But together, we defended our democracy, advanced justice, protected the nation's health and safety, battled against corruption and stared down corporate power. We undertook groundbreaking research, mobilized massive nationwide protests, successfully sued the Trump administration and got dangerous substances removed from the market.

And we scored some amazing wins.

We helped launch a bold and broad coalition to win transformational democratic reform. That work has helped make reform the first order of business for the incoming U.S. House of Representatives.

We helped lead the massive national network of activists ready to respond whenever President Donald Trump works to undermine Special Counsel Robert Mueller. The work paid off when Attorney General Jeff Sessions was fired; in just a day, the network organized nationwide demonstrations involving more than 100,000 people to condemn the acting attorney general's threats to Mueller.

We coordinated national support for the Florida Second Chances initiative, which restored voting rights to 1.4 million people with a past felony conviction.

And we successfully urged the Federal Election Commission to begin rulemaking on disclaimers for Internet advertising.

We exposed pervasive conflicts of interests and violations of ethics standards, filing 29 separate ethics complaints against former lobbyists working in the Trump administration in violation of the administration's ethics order.

And in the summer, a year and a half after Public Citizen called for an investigation into the stock trading activity of U.S. Rep. Chris Collins (R-N.Y.), the lawmaker was arrested and indicted on charges of insider trading.

We also helped force out of office — amid ethics scandals — U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt and U.S. Secretary of Interior Ryan Zinke.

In 2018, we also advanced bold and innovative proposals to limit the power of Big Pharma and the health insurers, and slash medicine prices.

We organized, lobbied and built momentum for Medicarefor-All. And we brought to light unethical trials being conducted throughout the country.

On the legal front, one of our successful lawsuits forced the administration to implement important protections for students victimized by predatory for-profit colleges.

Another successful lawsuit forced key White House agencies to make public their visitor logs, so the public knows who is influencing policy.

Our litigation preserved funding for grant recipients from the Teen Pregnancy Prevention Program, and we helped force the U.S. Department of Housing and Urban Development to implement an important low-income housing rule that it had tried to delay.

Through an open records request, we discovered the systematic mismanagement of a U.S. Department of Education grant program for school teachers, forcing major reform.

In 2018, Public Citizen pulled out the stops to win a final NAFTA deal we can support — or to block one that fails to deliver for people, not just corporations.

We also worked feverishly in 2018 to address climate change. In July, with the United Farm Workers and more than 100 organizations, we filed a petition with the U.S. Department of Labor demanding the first federal heat protections for workers.

We also released research detailing the extreme heat conditions faced by tens of millions of U.S. workers and how climate change will continue to exacerbate these dangerous temperatures.

We shamed Ford Motor Company over its hypocrisy in supporting the Trump administration's rollback of the clean car standards. And we bolstered our Cover Climate initiative to encourage the major media to start covering climate seriously. We pushed for major climate action plans in Austin, Dallas and San Antonio. Because of our activism, a large San Antonio coal power plant shut down on Dec. 31.

Public Citizen also led the fight to defend the nation's health, safety, consumer and other regulatory protections from attacks coordinated by Big Business and the Trump administration.

We published groundbreaking research showing that fines levied against corporations plunged once Trump took office. And we played a leading role in winning reforms to the congressional procedures for addressing and responding to claims of discrimination and harassment.

We did all this and more not only with the extraordinary and committed Public Citizen staff, but also the 500,000 Public Citizen members and supporters who work alongside us every day. Together, we are making extraordinary things happen.



Lisa Gilbert, vice president of legislative affairs for Public Citizen, speaks to activists during the Confront Corruption, Demand Democracy vigil in front of the White House in Washington, D.C., in July. Photo courtesy of Courtney Fuller.

Democracy

- The District of Columbia Council has long been plagued by ethics scandals and allegations of undue influence by contractors and big donors. In 2018, Public Citizen's Democracy Is For People campaign scored two important victories that will help curb corruption in the nation's capital city. First, the Council approved a proposal that would create a system of small-donor public financing of political campaigns in the District. Later in the year, the Council addressed a longstanding "payto-play" problem by restricting major D.C. government contractors from making campaign contributions to those responsible for issuing the contracts. Public Citizen worked with local and national groups to mobilize residents and lobby the Council to approve both measures.
- After being bombarded by calls and emails from Public Citizen members and activists from other organizations we work with, Congress passed a spending bill in March that increased funding levels for federal agencies and excluded nearly all of the special favors for big corporations and ideological extremists, including a provision that would have blocked enforcement of the Johnson Amendment. That amendment prohibits tax-deductible nonprofits – including churches – from endorsing or opposing political candidates. Without it, tax-deductible secret money could flow through churches and charities into our politics, which would have unleashed an estimated additional \$1 billion in secret political spending into our election system.
- In 2018, Public Citizen was at the center of the Let NY Vote coalition, which worked to win early voting, automatic voter registration and other election reforms in New York, which has one of the lowest voter turnout rates in the country. This vibrant coalition of unions, civil rights organizations, community-based groups and good government groups expanded a statewide network of activists and advocates. We organized rallies, lobby visits and call-in days, and did press outreach. As 2018 ended, the coalition was gearing up to push for reforms during a new session of the New York Legislature.

With the Trump administration's corruption reaching epidemic proportions, voting rights under full-scale attack and election systems still vulnerable, Public Citizen championed measures to defend the investigation of possible Trump campaign misdeeds, win campaign finance reforms, restore the eligibility to vote to 1.4 Floridians, protect our elections and support grassroots campaigns for democracy at the national, state and local levels.

Trump is not above the law

One of the most ominous threats to our democracy — and one that could result in a constitutional crisis not seen since Watergate — is Trump's continual attempts to undermine Special Counsel Robert Mueller's investigation into the 2016 elections and place himself above the law. To warn Congress and Trump himself that such a move would be met with massive resistance nationwide, Public Citizen helped spearhead a coalition of national organizations and initiated a rapid response network to mobilize people and stage protests nationwide if Trump fires Mueller or takes comparable steps.

In July, the coalition held "Confront Corruption, Demand Democracy" candlelight vigils in cities throughout the country. The vigil date was set well in advance, but just a few days before the vigils, Trump held his infamous meeting with Russian President Vladimir Putin in Helsinki, at which Trump undermined U.S. intelligence agencies' assessment over whether Russia interfered with the 2016 election. The ensuing outrage helped spur tens of thousands of people to attend nearly 200 vigils nationwide.

The day after the November midterm elections, Trump fired Attorney General Jeff Sessions, and the rapid response network faced its first test. Within a day, an estimated 100,000 people participated in hundreds of protests nationwide, calling on the acting attorney general not to interfere with Mueller's probe. At press time, more than 400,000 people in more than 950 locations nationwide have signed up at TrumpIsNotAboveTheLaw.org to be part of the network and mobilize again at a moment's notice to protest if Trump crosses another line.

With an eye toward turning activists' energy into action, Public Citizen this year helped launch a bold and broad coalition called Declaration for American Democracy that aims to win transformational democratic reform. At press time, 125 organizations have signed on to this effort. Our work helped make reform the first order of business for the Democratic-controlled U.S. House of Representatives in January 2019. Legislative leaders introduced — and pledged to pass — a raft of reforms around money in politics, campaign finance reform, voting rights and more — all designed to create a political system that works for all of us, not just the privileged and the powerful.

One of the most egregious examples of voter suppression has been in Florida, which until this year permanently excluded from voting anyone who has a past felony conviction — even if they served their time, no matter how long ago the conviction was. Public Citizen worked with the Second Chances Florida campaign to help pass a ballot measure (Amendment 4) to restore the eligibility to vote to 1.4 million Floridians who were permanently excluded from voting because of a past felony conviction. We reached out to our members in Florida and worked with other national organizations to get them involved as well. We mobilized activists across the country to make calls to Floridians to support the measure and generated social media memes and messages to spread the word about the importance of the amendment. Florida voters approved it overwhelmingly in November.

Despite extensive media coverage of the vulnerabilities of voting systems, many still are vulnerable to hacking and interference. Public Citizen helped coordinate the Secure Our Vote coalition, which pushes for more secure voting systems that have a paper record and for rigorous post-election audits. We engaged citizens to take action on election security through email, webinars, guides and toolkits, and we focused on certain states prone to problems, including New Jersey, Wisconsin, Washington, Pennsylvania and South Carolina. We also warned state and local election officials about efforts by voting machine vendors to sell new insecure machines.



Public Citizen President Robert Weissman speaks at a news conference held in April in Washington, D.C., to call for the firing of U.S. Environmental Protection Agency Administrator Scott Pruitt. Photo courtesy of Allison Fisher.

Donald Trump – and, by extension, those in his orbit – has brought a new, combative style of governing to the White House that thrives on chaos, flouts the law, evinces a fundamental disregard for ethics and facts, and has tested our system of checks and balances. But an energized, engaged resistance movement has risen, and Public Citizen is at the forefront.

In 2018 alone, we filed dozens of ethics complaints, conducted insightful research on Trump's business dealings and highlighted for media and the public the myriad conflicts of interest of Trump and top administration officials. Our efforts – along with intense media scrutiny – helped pave the way for two administration officials to resign.

One of those was U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, who used federal funds for travel in first class and business class on commercial airlines as well as travel on private aircraft. Public Citizen called for Pruitt to reimburse taxpayers for any improper travel expenses. After news broke in March that Pruitt received a sweetheart rental agreement for a luxury Capitol Hill apartment from a coal industry lobbyist, Public Citizen filed an ethics complaint against Pruitt, which was referred to the U.S. Department of Justice (DOJ) for further action. In July, before further action could be taken, Pruitt resigned.

Another official to leave in disgrace was U.S. Interior Secretary Ryan Zinke, who took part in a multimillion-dollar real estate development project in his hometown of Whitefish, Mont., arranged and funded by the chairman of the oil giant Halliburton. The project was a potential financial windfall for Zinke's family and a foundation he started. The project developers even penciled in a microbrewery long sought by Zinke. In June, we called for an ethics investigation. In December, Zinke resigned.

We also remained vigilant for conflicts of interest posed by administration officials who had been corporate lobbyists. Through an open records request, we showed that corporate lawyer Andrew Smith, who now leads the U.S. Federal Trade Commission's Bureau of Consumer Protection, will have to recuse himself from matters involving 120 companies, including Equifax and Facebook.

And immediately after Trump delivered the 2018 State of the Union address, we filed an ethics complaint alleging that U.S. House of Representatives Speaker Paul Ryan violated congressional rules by allowing the Trump campaign to use the live broadcast of his address on the floor of Congress for campaign fundraising; new donors were encouraged to make a contribution in exchange for having their names listed in a crawl at the bottom of the screen.

We also in May called on the DOJ, the U.S. Senate and the House to investigate whether Michael Cohen, Trump's personal attorney, violated lobbying laws — both the Foreign Agents Registration Act and the domestic Lobbying Disclosure Act — by signing consulting agreements with foreign and domestic companies that had business before the administration while failing to register as a foreign agent or as a lobbyist. In December, Cohen was sentenced to three years in prison for tax violations, lying to investigators and, in the words of the judge, for "a veritable smorgasbord of fraudulent conduct."

In 2018, we saw results in a matter we flagged for investigators in 2017. In that year, we called for an investigation into the stock trading activity of U.S. Rep. Chris Collins (R-N.Y.). In the summer of 2018, Collins was indicted on charges of insider trading. Collins allegedly gave his son confidential information about a clinical drug trial so that his family could sell their shares in a biomedical firm — on whose board Collins sat — before news about the trial became public.

Public Citizen also was behind a congressional rule change to prohibit lawmakers − like Collins − from sitting on publicly-owned corporate boards of directors. ■

Regulations & Ethics

- Throughout 2018, Public Citizen sounded the alarm about the war on regulation waged by the Trump administration and conservatives in Congress. We organized a June event at which U.S. Sen. Elizabeth Warren (D-Mass.) delivered a national address about the threat to public protections in the Trump era. We also disseminated information throughout the year to help the public and policymakers better understand what's at stake.
- Public Citizen worked with lawmakers to better protect the congressional workforce from discrimination and harassment, and hold lawmakers personally liable for claims of harassment against them. Congress passed stronger protections in December.
- In late April, after we and other groups urged popular music producer DJ Khaled to stop posting paid endorsements for alcohol on social media, Khaled complied. He also edited his previous posts to disclose paid endorsements and since then has not posted any advertisements for alcohol. This came as part of our campaign to curb commercialism that targets children.
- After a NASA administrator pitched plans in September to explore selling corporate naming rights for rockets, we launched a campaign to stop it (see story on page 1).

"Donald Trump is aiding and abetting the wholesale capture of our government by corporations and Republican political donors. To tackle corruption on such a massive scale, we depend on principled, knowledgeable watchdogs like Public Citizen working on behalf of the American people. I am enormously grateful for their work."

— U.S. Sen. Sheldon Whitehouse (D-R.I.)



Public Citizen President Robert Weissman speaks at a press conference outside the U.S. Capitol in July to announce the launch of the Medicare for All Caucus, a group of more than 60 U.S. House of Representative lawmakers pushing to ensure all Americans have affordable health coverage. Photo courtesy of Emily Prechtl.

In a year when health care protections came under attack and prescription drug prices continued to be a top concern of Americans, Public Citizen's doctors, health researchers, lobbyists and organizers worked to develop and promote solutions.

A Medicare milestone

In 2018, the Trump administration's continued attempts to erode Affordable Care Act protections helped drive Medicare-for-All into the mainstream. Such a system would expand health care coverage to everyone in the U.S., regardless of income. Grassroots support is growing, with more of the public mobilizing around the tenet that health care is a human right.

In February, activists from Public Citizen and a large coalition delivered more than a million signatures to key U.S. senators, urging them to support a Medicare-for-All proposal introduced by U.S. Sen. Bernie Sanders (I-Vt.) known as S. 1804. Sanders' bill attracted 16 co-sponsors, while more than half of Democrats in the U.S. House of Representatives, a record level of support, co-sponsored Medicare-for-All legislation (H.R. 676)

In July, activists across the nation celebrated the 53rd anniversary of Medicare being signed into law. Public Citizen organized — in Congress and in communities across the country — to push elected officials to support Medicare-for-All. Also in July, lawmakers formed a Medicare-for-All caucus, which nearly 80 members of Congress have joined. The announcement was made at a press conference at which lawmakers and Public Citizen President Robert Weissman spoke about the need for everyone in the U.S. to finally have access to the care they need, without high out-of-pocket costs or insurance companies getting between them and their doctor. The caucus is poised to do the hard work of organizing to build a legislative majority, but it won't be easy; a study Public Citizen released in October found that three-fourths of health care lobbyists in 2017 worked on behalf of Big Pharma, insurance and hospital industries.

As the year ended, Public Citizen laid the groundwork to significantly ratchet up its Medicare-for-All campaign. We hired a full-time campaign director to build a strong grassroots movement that will translate public demand into political power and capitalize on the momentum.

Making medicines affordable

As a candidate, Donald Trump pledged to lower prescription drug prices. In 2018, when the White House released proposals it said would address high medication prices, Public Citizen responded quickly, pointing out the many ways the Trump administration failed a major litmus test on medicine affordability. We also seized the opportunity to provide the media and public with a detailed analysis of Trump's budget as well as recommendations for reforms that truly would lower prices.

Our analysis helped policymakers and the public understand how the Trump administration did not target the root causes of high U.S. drug prices. It failed to leverage government negotiating power, stop price spikes or curb the monopoly abuses of the industry. The analysis also laid out potential paths forward to make a real difference in the lives of

Americans struggling to afford their medicines.

Public Citizen experts and activists worked with lawmakers to turn those proposals into reality. We provided expertise to U.S. Rep. Lloyd Doggett (D-Texas), who in July unveiled the Medicare Negotiation and Competitive Licensing Act of 2018 to allow Medicare to negotiate directly with pharmaceutical corporations and authorize generic competition when negotiations fail. This legislation would authorize the federal government to negotiate directly with pharmaceutical manufacturers, just as the government already does for veterans. At a press event in July, representatives from Public Citizen joined Doggett, and Reps. Peter Welch (D-Vt.) and Elijah Cummings (D-Md.) in speaking about the benefits of negotiations and relying on generic competition to address monopoly pricing abuses. To date, Doggett's legislation has more cosponsors (100) than any other medication pricing bill in Congress.

We also worked with Sanders and Rep. Ro Khanna (D-Calif.) on the Prescription Drug Price Relief Act of 2018, which they introduced in November. The act requires the U.S. Secretary of Health and Human Services to license generic and biosimilar competition on patented prescription products when they are deemed excessively priced or cost more than the median in Canada, the United Kingdom, Germany, France and Japan.

An important component of the access to medicines movements is cultivating a grassroots base — and you showed up in 2018. About 90,000 Public Citizen supporters took action on drug pricing; 15,000 called their legislators. And we organized a conference in June that drew more than 100 advocates, organizers and lawmakers from around the country to share tips on how to effect policy changes that will make medicines affordable.

Victories

In May, almost four years after Public Citizen first petitioned the U.S. Food and Drug Administration (FDA) to do so, the agency announced that it had directed companies to stop marketing over-the-counter infant teething products containing the topical pain reliever benzocaine. Public Citizen first sounded the alarm on benzocaine's harmful side effects in 2014, and in 2017, it sued to compel the FDA to respond to the citizen petition. The agency action means parents can rest easier knowing their infants are safe from an ingredient that can cause a life-threatening blood disorder.

And in July, the FDA partially granted a December 2017 petition from Public Citizen to temporarily prohibit the use of heart-toxic cesium chloride — which has been promoted as an alternative treatment to cancer — in pharmacy compounding. In 2016, the agency's own reviewers concluded that cesium chloride is "not safe for human use" and "has not been shown to be efficacious for the prevention or treatment of any form of cancer." The FDA's action came just hours after Public Citizen sued the agency for not responding to the petition.

Though the agency denied Public Citizen's additional request — also contained in the petition — for the agency to make the ban permanent through regulation, it indicated it may eventually pursue such action. ■

Consumer Health & Safety

- In March, Public Citizen called on the U.S. Department of Health and Human Services (HHS) Inspector General to launch an investigation into officials at the National Institutes of Health (NIH), including staff of the National Institute on Alcohol Abuse and Alcoholism, who had solicited donations from the alcohol industry to fund a major study on the health effects of alcohol – a violation of NIH rules. The NIH announced in June that it would halt the study, based on recommendations from an NIH advisory committee.
- An updated Public Citizen report released in March found that criminal penalties against drug makers that engage in illegal activities have plummeted and prosecutions of drug executives remain extremely rare. The report, which looked at federal and state criminal and civil penalties from 1991 through 2017, also noted that despite government authority to do so, parent pharmaceutical companies never have been banned from participating in Medicare and Medicaid because of their illegal activities, which have endangered public health and hurt taxpayers.
- In May, we teamed up with Baltimore's health commissioner to demand that the Trump administration authorize generic competition for lifesaving naloxone therapies with easy-to-use delivery devices, such as Narcan and Evzio. Generic competition would slash prices for these critical therapies for victims of opioid overdose. Narcan sells to public providers like Baltimore for \$37.50 a dose while generic naloxone is available for 15 cents per dose in India.
- Also in May, 21 physician leaders, including two experts from Public Citizen, published a comprehensive pharmaceutical reform proposal that would lower prescription drug costs and improve medication safety.

- In August, we demanded that HHS halt and investigate a clinical trial involving seriously ill sepsis patients that is funded by the NIH and carried out at dozens of institutions nationwide. The design of the trial is deeply flawed and exposes subjects to unacceptable dangers, included increased risks of organ failure and death.
- In October, Public Citizen called on the U.S. Food and Drug Administration (FDA) not to approve a new, superpotent opioid known as sublingual sufetanil tablet that is to be sold under the brand name Dsuvia. Public Citizen partnered with Dr. Raeford Brown, chair of the FDA's Anesthetic and Analgesic Drug Products Advisory Committee, to speak out against the medication.
- Following a request by Public Citizen and 64 experts, FDA inspectors in October found serious violations in high-risk clinical trials conducted by a Minnesota hospital. The investigation confirmed Public Citizen's suspicions that the medical center performed risky sedation experiments with the dangerous general anesthetic ketamine on unwitting emergency patients who were agitated. Public Citizen is demanding that the agency impose severe sanctions on the Hennepin County Medical Center for the serious ethical and regulatory lapses that occurred during the oversight of the ketamine trials and other studies.
- In December, Public Citizen released a groundbreaking study
 that found that nurses rarely face reportable punishment for
 sexual misconduct. Over nearly 14 years, fewer than 900
 U.S. registered and licensed nurses had adverse-licensure
 or malpractice payment reports in the National Practitioner
 Data Bank because of sexual conduct, which suggests many
 nurses who engage in such misconduct go unpunished.

JUSTICE

In addition to holding the Trump administration accountable in court, Public Citizen's attorneys continued to work on a range of headline-making consumer and worker rights issues.

Among those who benefited from Public Citizen's legal advocacy during this tumultuous year was Eden Selispara, a nurse from the Philippines whose employer threatened to report her for immigration fraud and threatened financial consequences when she tried to find a new job after waiting weeks for an assignment.

In 2017, Selispara came to the U.S. to work for MedPro, a Florida health staffing agency. When she arrived in Sunrise, Fla., she was assigned to a three-bedroom apartment with eight other immigrant health care workers and attended mandatory orientation and training conducted by MedPro. She remained there for two months and was prohibited from obtaining other work or from traveling outside of South Florida. Over those two months, after deductions from payroll taxes, she received \$2,500 — which she was told she would need for relocation costs for her first assignment. In those two months, she did not receive so much as a placement interview.

When Selispara confronted MedPro about her lack of employment, the company threatened to report her to U.S. immigration officials. When Selispara decided to find a job for herself, MedPro demanded an immediate payment of more than \$150,000, then filed a lawsuit against her for breach of contract when she didn't pay. Represented by Public Citizen attorney Adam Pulver and the firm of Varnell & Warwick, PA, Selispara filed counterclaims under Florida and federal law. As part of a settlement reached in August, without any party admitting wrongdoing, MedPro agreed to dismiss its claims against Selispara; modify its recruitment, placement and compensation practices for the nurses and health care professionals it brings to the U.S.; pay the nurses for time spent in mandatory training and orientation; and not to threaten the nurses with lawsuits or reporting to immigration authorities.

Protecting consumers from forced arbitration

Forced arbitration clauses deny people the right to hold corporations accountable for wrongdoing in court, instead funneling them into a private, corporate arbitration system. The ubiquitous clauses are slipped into the fine print of everything from cell phone and credit card agreements to employment contracts.

In February, we organized a coalition of nearly 50 groups and launched a campaign to push 21 tech giants — including Amazon, Apple, Facebook, Google and Microsoft — to remove forced arbitration clauses from their employment contracts. In May, Uber and Lyft quickly responded and eliminated forced arbitration agreements that kept employees — as well as drivers and passengers — from pursuing their rights in court if they were sexually harassed or assaulted.

In June, approximately 8,500 activists sent a Public Citizen-led letter to Amazon urging its board of directors to prohibit forced arbitration in worker contracts. As of press time, Amazon had not responded. And in November, Google announced that it will end the practice of forcing employees into arbitration for claims of sexual harassment and assault. Public Citizen will continue to lead the coalition in 2019 to pressure tech companies to remove forced arbitration clauses from worker contracts.

Public Citizen also is fighting against unfair applications of forced arbitration provisions. In 2018, we won an appeal in a case brought against a company alleged to have committed fraud by leading consumers to believe they were signing up for a free credit report when actually they were enrolling in a \$29.95-per-month credit monitoring service.

Vicki Forby filed the lawsuit in 2015 under the Illinois Consumer Fraud Act against One Technologies. For two years, she litigated the case against One Technologies in court. After the court denied One Technologies' motion to dismiss the case, the company filed a motion to force the case into arbitration. The district court granted that motion. Forby appealed that order, and Public Citizen represented Forby in the U.S. Court of Appeals for the Fifth Circuit, arguing that the company had waited too long and waived its right to seek arbitration.

In November 2018, the Fifth Circuit ruled in Forby's favor and reversed the decision of the district court. The case will now return to district court for litigation and trial.



Public Citizen attorney Sean Sherman appears outside the U.S. District Court for the District of Columbia in Washington, D.C., in June after challenging the Trump administration's termination of Teen Pregnancy Prevention Program grants. Photo courtesy of Nadia Prupis.

Trump Lawsuits

- In February, Public Citizen filed a lawsuit against the U.S. Department of Health and Human Services (HHS) on behalf of four grant recipients alleging that HHS illegally terminated five-year grants previously awarded by HHS under the Teen Pregnancy Prevention Program. After the court issued a strong ruling in favor of our clients in April, we filed a class-action lawsuit on behalf of Healthy Futures of Texas and 61 other grant recipients whose grants HHS also was trying to terminate two years early. In June, HHS was ordered to reinstate those grants as well.
- In May, Public Citizen collaborated with six other groups to urge the U.S. Court of Appeals for the D.C. Circuit to review the Trump administration's plans to roll back fuel efficiency and greenhouse gas standards, also called clean car standards.
- In July, Public Citizen, representing itself and two other organizations, sued the U.S. Occupational Safety and Health Administration (OSHA) for refusing to implement its electronic recordkeeping rule. That rule requires certain employers to submit to OSHA information on worker illness and injury that is important to protecting worker health and safety. The U.S. District Court for the District of Columbia denied OSHA's motion to dismiss the case. Our motion for summary judgment seeking an order to compel OSHA to implement the rule is pending.
- In August, on behalf of four agricultural workers and the Farm Labor Organizing Committee, a farmworker labor union, Public Citizen sued the U.S. Department of Labor over the improper approval of substandard wages for migrant farm workers. The complaint explains that the government has allowed employers hiring foreign workers through the H-2A program to pay those workers, and U.S. workers, a wage less than the wage required by law.

T o counter a reckless administration bent on dismantling public health, safety and environmental protections, Public Citizen continued to pursue numerous lawsuits against the administration in 2018 – and won several.

As a result of a lawsuit brought by Public Citizen in 2017, the government in April 2018 began posting visitor logs for four agencies in the White House complex: the U.S. Office of Management and Budget, the U.S. Office of Science and Technology Policy, the U.S. Council on Environmental Quality and the U.S. Office of National Drug Control Policy. Pursuant to the settlement of our lawsuit, visitor logs for these agencies are posted online monthly, so the public can learn who is trying to influence federal policy.

Protecting students and teachers with student loans

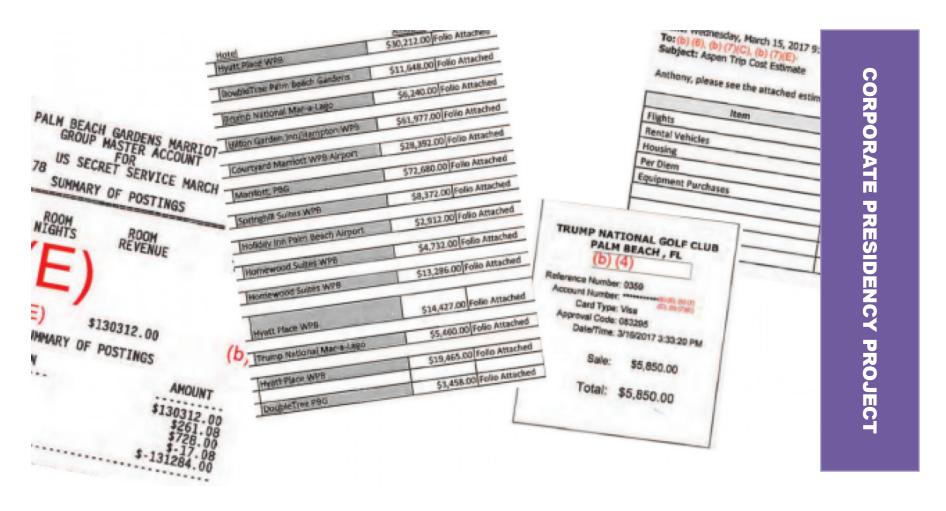
To address widespread evidence of wrongdoing by predatory for-profit colleges, the U.S. Department of Education under President Barack Obama issued "the Borrower Defense rule" — a regulation that revised the process for students to seek discharge of their federal student loans if their schools are found to have committed fraud. The rule also mandates the automatic discharge of loans for students who cannot complete their education because the school shuts down; requires schools to make certain disclosures to potential students; and prohibits schools that receive federal funds from imposing forced arbitration provisions and class-action waivers on student borrowers — provisions that prevent students from holding schools accountable in court either individually or as a group.

The Trump administration, under U.S. Education Secretary Betsy DeVos, delayed implementation of these protections. So Public Citizen, working with the Project on Predatory Student Lending, stepped in, filing a lawsuit on behalf of two students who attended the New England Institute of Art and were left with unmanageable debt and few job opportunities. In September, a federal court ruled that the administration acted illegally when it delayed the Borrower Defense rule. The rule then took effect in October.

Public Citizen and the Project on Predatory Student Lending also represented those students as intervenors in a lawsuit seeking to defend the Borrower Defense rule against a lawsuit brought by a trade group representing for-profit colleges. That challenge is pending. Public Citizen also helped protect teachers who participate in the federal TEACH Grant program. These grants are available to college students who seek to teach in high-need fields in low-income schools. The grants may convert to federal loans if students do not fulfill a teaching service requirement after graduation. Prompted by an email from a teacher whose grant had been improperly converted to a loan, Public Citizen obtained, through the Freedom of Information Act, records demonstrating that one of the Education Department's loan servicers erroneously converted more than 10,000 recipients' grants to loans. Numerous media outlets, including NPR, reported on our finding.

We sued the department in March 2018 after it refused to hand over additional documents regarding mismanagement of the grants or the department's efforts to address erroneous conversions. As a result of the litigation, Public Citizen obtained more documents showing how the Education Department mishandled the program, and we used the documents to prepare an in-depth report on the problem. In December, the department announced changes that may help protect teachers in the program and may help certain recipients whose grants have been improperly converted to loans.

"In today's times, we need organizations like Public Citizen to help put an end to the corruption in Washington so that Americans can rely on a government that works for all of us, not just the wealthy and well-connected. I'm glad to see Public Citizen continue to fight for our democracy." — U.S. Sen. Elizabeth Warren (D-Mass.)



Digging deep to uncover corporate influence

President Donald Trump has turned over the U.S. government to an army of officials who previously worked for or represented corporate interests. While in office, these officials continue to carry water for big business.

Over the past year, Public Citizen's Corporate Presidency Project has worked tirelessly to expose the inner workings of the federal government under Trump and detail the influence of former corporate executives, lobbyists and lawyers. Our researchers have combed through public documents and pieced together data from a variety of sources. The resulting reports have gained widespread coverage from *The Nation*, the Associated Press, *The Washington Post, The Wall Street Journal*, McClatchy and other outlets.

We repeatedly have exposed how Trump's appointees have pushed an overtly pro-corporate agenda, and we have explored the influence of corporate insiders on several specific sectors of government. We revealed that:

- As of March 2018, 76 senior Trump administration lawyers previously represented companies
 with business before the government or worked in the same field they now oversee. Many lawyers previously did legal work and lobbying for BP, Ford Motor Co., Verizon, Koch Industries
 and many others.
- Trump has staffed health agencies with a dozen high-ranking officials with deep industry ties, including the leaders of the U.S. Department of Health and Human Services and the U.S. Food and Drug Administration. Alumni of the oil, gas and auto industries are widespread throughout the Trump administration.
- In 11 of 12 agencies led by a Trump administration official for most of 2017, monetary penalties imposed on corporate violators plummeted. Total penalties sank by 90 percent at the U.S. Department of Justice and 94 percent at the U.S. Environmental Protection Agency.
- Six groups funded by dozens of ultra-wealthy donors have raised more than \$50 million to support Trump and his agenda since his inauguration. Our analysis of Federal Election Commission data found that since the start of 2017, pro-Trump groups had raised \$54.4 million from 136 megacontributors who donated at least \$100,000 each, with an average contribution of nearly \$400,000.
- Corporate executives strongly condemned the president's bigoted comments on the violence in Charlottesville, Va., in 2017 but still were perfectly willing to meet with him. In the 12 months after the Charlottesville incident, we found that more than 100 corporate leaders from 91 businesses flocked to the president's side.

We also catalogued numerous ways in which the Trump administration has squelched information it considers inconvenient, typically to the benefit of big corporations. In one report, we detailed how the Trump administration failed to get input from scientists and other experts and suppressed studies that contradicted its preferred positions on several big business priorities.

Watchdogging Trump's conflicts

Trump's sprawling set of businesses — and his refusal to divest his financial interests in his hotels, golf courses, restaurants and real estate developments around the world — has resulted in previously unimaginable conflicts. Public Citizen has kept a close watch over who is spending money at Trump properties, in June documenting 204 instances of trade groups, companies, religious groups, charities, foreign governments, interest groups and political candidates staying in Trump properties or spending money there. This tally was more than triple what we counted in our first look at the issue in January 2018. Examples ranged from the American Petroleum Institute to the Billy Graham Evangelistic Association to a conference for the electronic cigarette industry.

Public Citizen also compiled all known records of political and federal taxpayer spending at Trump properties and businesses in the U.S. We found that Trump's U.S. businesses have raked in \$15.1 million in revenue from political groups as well as federal agencies during his campaign and presidency. About 90 percent of the spending, or \$13.2 million, came from Trump's own campaign. ■

Trump's Conflicts

- We explored the for-profit college and student loan industry's stranglehold on U.S. Education Secretary Betsy DeVos in a report that analyzed DeVos' efforts to undo student protections enacted under President Barack Obama's administration.
- We took on the fuzzy math used by the Trump administration to justify its reckless regulatory rollbacks. We found that many rules threatened by the administration would benefit the economy by promoting public health, energy efficiency and consumer protection. Of 13 rules repealed, delayed or targeted for repeal by the Trump administration, Public Citizen found that more than \$2.1 trillion in economic benefits would be lost from 2020 through 2040 if the government were to erase the rules or enact toothless replacements. These at-risk benefits amount to \$836 per year for every U.S. household. We studied how the Trump administration has withdrawn or paused more than 1,500 rulemakings, vastly exceeding the number under Obama at the same period of his administra-
- We found that Scott Angelle, a Louisiana politician hired to run the federal agency that regulates oil wells, received campaign contributions from at least 17 percent of the companies penalized by the federal agency he now oversees.



Lori Wallach, director of Public Citizen's Global Trade Watch, speaks in December at the National Press Club in Washington, D.C., about research conducted with Labor Council for Latin American Advancement highlighting the disproportionate damage NAFTA has caused U.S. Latinos and Mexican workers. Photo courtesy of Sally King.

Campaigning to replace NAFTA

The North American Free Trade Agreement (NAFTA) reshaped the North American economy under corporate-rigged terms that harm workers, consumers and the environment in all three NAFTA nations. The NAFTA renegotiation offers a chance to stop some of NAFTA's serious, ongoing damage of job outsourcing, downward pressure on wages and attacks on environmental and health policies. That's why Public Citizen's Global Trade Watch spent 2018 fighting for a NAFTA replacement deal worth supporting.

After more than a year of renegotiations, the NAFTA 2.0 text signed on Nov. 30 contained improvements for which progressives have long campaigned, but also damaging terms that we oppose.

The most important gain is a significant rollback of the Investor-State Dispute Settlement (ISDS) system. ISDS incentivizes job outsourcing and empowers corporations to attack domestic policies that protect public health and the environment before tribunals of three corporate lawyers who can order unlimited compensation to be paid to the corporations by taxpayers. Other improvements include the addition of wage standards, the removal of measures that forced natural resource exports and the restoration of truck safety standards.

However, more improvements are needed. While the new text has improved labor standards, these are not subject to swift and certain enforcement and thus won't stop job outsourcing or raise wages. Environmental standards also need improvement.

The NAFTA 2.0 text has new protections for pharmaceutical corporations that would lock in policies that make our medicine prices outrageously high. These must be eliminated.

The deal will be considered by Congress likely by summer 2019. It must obtain majorities in both the U.S. House of Representatives and Senate to be enacted. That means the new Democratic House majority has leverage to demand progressive changes. This has happened before. Presidents George W. Bush and Barack Obama had to negotiate improvements to trade deals they already had signed to get them through Congress.

But because of the midterm elections, only a deal that can win sig-

nificant Democratic support will get through Congress. That creates an opportunity that Public Citizen will seize. In 2019, Public Citizen will work with its allies to win the necessary improvements. If we secure these changes, we finally may have a replacement worth supporting. If not, we will lead the opposition charge.

In 2018, Public Citizen's Global Trade Watch also:

- Issued detailed analyses of the NAFTA 2.0 text relative to the essential changes we demanded to stop NAFTA's ongoing damage.
- Organized scores of other organizations to launch two national online campaigns that generated millions of emails, calls and petitions to Congress demanding that NAFTA renegotiations remove the agreement's special corporate rights (ISDS) and add strong labor and environmental standards subject to swift and certain enforcement.
- Spearheaded a letter signed by more than 300 Democratic and Republican state legislators from all 50 states urging the end of ISDS in NAFTA.
- Engaged intensively with members of Congress to make sure that NAFTA 2.0 includes needed improvements.
- With the Labor Council for Latin American Advancement, released a timely analysis of NAFTA's disproportionate damage to U.S. Latinos and Mexican workers and whether the NAFTA 2.0 deal would stop it.
- Worked with U.S. Sen. Bernie Sanders (I-Vt.), Now This News and others on videos on the NAFTA renegotiations that reached millions of people.
- Published an updated case list of corporate claims filed under the ISDS provisions of NAFTA and other U.S. trade deals. We continue to lead the global campaign for repeal of these special corporate rights, which we succeeded in getting largely removed from NAFTA.
- Analyzed top administration officials' personal financial entanglements with China and how the entanglements shaped trade policy.
- Created accessible online resources for the public to track Chinese investment in the United States, NAFTA job loss and other outcomes by state, trends in the U.S. trade deficit and the record of 25 years of NAFTA outcomes.

"I want to thank Public Citizen for being in the forefront of addressing the major crisis facing our country — a crisis that impacts every other issue: the corruption of our campaign finance system, and the need to overturn the disastrous Supreme Court decision *Citizens United*." — U.S. Sen. Bernie Sanders (I-Vt.)

Three hundred alarm clocks rang simultaneously in April outside the lobbying headquarters of Ford Motor Company in Washington, D.C., to send a message to the company: Wake up and stop colluding with the Trump administration to weaken clean car standards. Photo courtesy of Zach Stone.

Climate change continued to wreak havoc in 2018, one of the hottest in recorded history. Extreme heat helped fuel large and catastrophic wildfires in the West a few months after Hurricane Florence led to unprecedented flooding in North Carolina. A day before Florence reached the coast, researchers announced that human interference in the climate system would increase rainfall from Florence as well as make the storm larger and more intense.

Still, lawmakers are not doing enough to stave off catastrophe. To raise the alarm, Public Citizen is running two campaigns. The first, "Cover Climate," which launched in 2017, regularly calls out media outlets that don't mention climate change in coverage of extreme weather events. In 2018, we reached out to media before hurricane season and the summer heat set in and issued analyses showing that major media failed to connect climate change with extreme heat, wildfires and hurricanes. For instance, in the first six months of 2018, the top 50 U.S. newspapers mentioned climate change just 17.6 percent of the time when discussing extreme heat; among major broadcast networks, the rate was 7.1 percent. After that report came out, the top 50 newspapers and the broadcast networks more than doubled the rate at which they mentioned climate change in the context of extreme heat. As part of the campaign, Public Citizen is building a network of activists to help us push media to cover climate. Through it, we generated hundreds of letters to local newspapers in 2018 about the importance of covering climate change.

Because research shows that many people think climate change doesn't affect them, Public Citizen's second campaign highlights the immediate harms of climate change. One of those is the increasing dangers to people who work in the heat, such as people who work on farms and in unairconditioned warehouses. In July, we released research detailing the extreme heat conditions faced by tens of millions of U.S. workers and how climate change will exacerbate these dangerous temperatures. We amassed a coalition of more than 130 organizations as well as two former administrators of the U.S. Occupational Safety and Health Administration (OSHA), and filed a petition with the agency, calling for a federal heat standard to protect workers. Through a petition drive, more than 60,000 people also have called for federal protections for those who work in the heat.

The filing of the petition marked the launch of a national campaign to raise awareness around the impacts of climate change on the health and safety of workers, as well as other vulnerable populations. We are building a large, cross-sector coalition comprising labor, public health, environmental justice, environmental and faith groups to advance this work.

Upholding clean car standards

Federal clean car standards (also known as fuel economy and greenhouse gas emissions standards) issued under President Barack Obama are the strongest policies on the books to fight climate change. These rules have saved consumers more than \$72 billion at the gas pump and will cut six billion metric tons of dangerous carbon pollution by the time they are fully implemented. But the Trump administration in 2018 moved to roll back those standards. In May, Public Citizen and six other groups filed a challenge to the rollback in the U.S. Court of Appeals for the D.C. Circuit.

Meanwhile, Public Citizen continued to pressure one major automaker — Ford Motor Company — to stop working behind the scenes with the Trump administration to roll back the standards. Public Citizen, the Sierra Club and Safe Climate Campaign held protests and press events in Ohio, California, Michigan, Pennsylvania, Nevada and Washington, D.C. Outside an Ohio conference center where Ford's CEO spoke, protesters took to the nearby Scioto River and floated a raft carrying the message: "Dump Trump, Protect Consumers at the Pump." And at a federal hearing in September in Dearborn, Mich., we set up several dozen vintage-style alarm clocks that rang simultaneously to deliver a wake-up call to Ford.

We also helped generate more than 300,000 public comments condemning the proposed rollback. Public Citizen will sue the Trump administration if it does roll back the clean car standards.

FERC Work

- In a Federal Energy Regulatory Commission (FERC) filing made in September, we argued that federal energy regulators must require the New England Power Pool, an association that sets New England's electricity policy, to open its meetings to journalists and the public. We also recruited congressional lawmakers to the effort; in September, the chair of the U.S. House Energy and Commerce Energy Subcommittee, U.S. Rep. Fred Upton (R-Mich.), and 11 other House of Representatives members wrote to FERC expressing "great concern" with the press ban.
- In February, we filed a complaint with FERC against PJM, the country's biggest utility, for making nearly \$460,000 in political contributions, paid for through customers' utility bills. After exposing the undisclosed lobbying and political spending of PJM, we called on FERC to investigate the utility's secret campaign donations. FERC quickly responded by seeking public comments about our complaint. We generated 3,500 supportive comments to FERC from our members in the 14 states where PJM operates. FERC's decision is pending.
- We exposed efforts by top Trump administration adviser and financial supporter Andy Beal to force radical changes in California power market rules to deliver large ratepayer-funded subsidies to his new power plant. In November, FERC issued an order agreeing with Public Citizen and dismissed Beal's efforts.

TEXAS

In a year that experienced sizzling temperatures, Public Citizen's Texas **▲**office pressed cities throughout the state to take tangible steps toward curbing climate change. We engaged activists and policymakers in three of the state's largest cities – Houston, Dallas and Austin:

- In Austin, we helped the city develop a climate action plan, which creates an inventory of greenhouse gas emissions; establishes a target for emissions reductions; designs an implementation plan; and monitors success. We also successfully pressed for almost \$2 million to be included in the Austin fiscal year 2018-2019 budget to fully implement recycling in all Austin parks and recreation facilities. And our staffers worked with the Austin Resource Recovery department to develop a fair methodology for scoring local landfills based on their ability to capture emissions of methane, a gas linked to global warming. Because of our advocacy, the city will use the scores when awarding future contracts.
- We successfully persuaded the city of Dallas to allocate \$500,000 in its next biennial budget to develop a climate action plan.
- In August, we hosted a climate town hall in Houston that drew 200 attendees. Soon after, the mayor announced that the city will develop a climate action plan, which is to be finalized by winter 2019.

Public Citizen's Texas office also worked to improve public health. In April, we successfully prompted the governor to reinstate the 46 public health and environmental protections that the state suspended across 60 counties for more than six months in response to Hurricane Harvey. And we continued working with allies to oppose two proposals to store tons of high-level radioactive waste in Hobbs, N.M., and Andrews County, Texas.

In April, equipped with an inflatable full-scale mock radioactive waste transportation cask, Public Citizen and local organizations launched an anti-nuclear waste tour through New Mexico to provide the media and local citizens with information about the dangers of storing highly radioactive waste. The tour started in Albuquerque and stopped in Santa Fe, Gallup, Roswell, Hobbs, Artesia and Carlsbad. In the fall, the tour went through Texas, starting in Houston and traveling to San Antonio, Dallas, El Paso, Midland and Andrews County. We held press conferences at railroad crossings where the radioactive waste might travel, and we hosted educational community meetings.

The awareness campaign paid off; those opposed to the Texas proposal submitted 25,760 comments, 10,561 of which came from Public Citizen supporters. And on Nov. 12, the Midland City Council unanimously opposed consolidated interim storage or permanent disposal of high-level radioactive waste in West Texas and New Mexico, as well as the transportation of the radioactive waste through or around the corporate limits of the city of Midland.

In 2018, Public Citizen's Texas office also:

- Organized a petition calling on Texas Gov. Greg Abbott to take measures to better protect the public from the environmental catastrophe when a hurricane hits. Suggestions included restoring chemical right-to-know standards so that first responders and those living near industrial facilities can fully understand the potential hazards of plants' chemical inventories, and keeping environmental protections in place after major storms, rather than suspending them. At press time, the petition had generated nearly 9,000 signatures.
- Teamed up with University of Houston researchers to demonstrate the benefits of cleaning up emissions from the transportation sector. The failure to implement new emissions control strategies in Houston would lead to an additional 122 deaths in the year 2040, the analysis found.

Jim Quinlan constructs the crossword gratis. Public Citizen appreciates his generous contribution.

FOR YOUR ENTERTAINMENT: Public Citizen Crossword

Answers, page 16

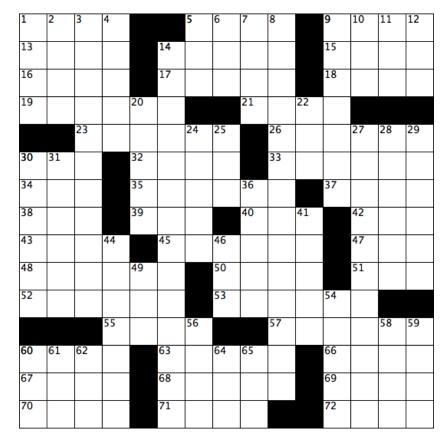
Blast Off BY JIM QUINLAN **Across**

- 1. "Mother __?" (Query in a children's game)
- 5. Frank with a diary
- 9. Offering at most hotels
- 13. Time spans often associated with presidents
- 14. Like Lurch's character in "The Addams Family"
- 15. Apple pick?
- 16. Outlet often described as
- "fake," especially as of 2016
- 17. Hyman Krustofski, for one (father of Krusty the Clown on "The Simpsons")
- 18. Meow Mix alternative
- 19. Patriotic chant at the FIFA World Cup tournament
- 21. Poor, as a chance
- 23. Gawker founder Nick
- 26. "OMG, that's like sooo cute!"
- 30. Oft complained about day of the week: abbr.
- 32. Yard sale warning
- 33. Yet to be hit in dodgeball
- 34. Glass of "This American Life"
- 35. Italian for "frozen"
- 37. Stockings shade
- 38. Soak up, as gravy
- 39. Elvis Costello hit with the lyric "I'll take her laughter her tears, and make them all my souvenirs"
- 40. Take the wrong way?
- 42. Baby goat
- 43. Birds depicted on some Australian coins
- 45. Therapist's concern
- 47. One in a slippery school
- 48. Get back to work?
- 50. City 30 miles north of Des Moines

- 51. "Have some!"
- 52. "So I'm not the only one?"
- 53. Bugs that bug farmers
- 55. Toke on an e-cig
- 57. Quaint bit of laughter
- 60. Unpleasant reminder, perhaps
- 63. Tito Puente's genre
- 66. Mexican cheer starter
- 67. Staffer
- 68. "American __" (Broadway rock opera based on a Green Day album)
- 69. Abbreviation no longer on modern phone zeros
- 70. Hornet's relative
- 71. "Like, yesterday!"
- 72. IDs that follow the formula XXX-XX-XXXX

Down

- 1. Waiter's offering
- 2. Aggressive Greek god
- 3. NASA approved Superman mantra*
- 4. Debatable topic
- 5. Words between "one day" and "time"
- 6. __ Hill, San Francisco
- 7. Ends of pens
- 8. NASA-approved Kramden catchphrase*
- 9. Modern Nintendo controller 10. Letters that beer-snobs adore (the constructor of this puzzle being one of them)
- 11. Casually, group you might see on Thanksgiving with "The"
- 12. They're checked by the TSA (assuming the TSA is still on the government's payroll as of this publication)
- 14. NASA approved inspiration



- from a teacher*
- 20. Hangups
- 22. Altar words
- 24. Edmonton pro
- 25. Onetime Snowden employer 27. NASA vehicles that shoot into the sky, as represented in the
- answers to the starred clues 28. Dog with a bone, maybe
- 29. Like men on Harlequin covers, slangily
- 30. Kathy Bates movie of 1990
- 31. Start of Juliet's balcony plea 36. President who, based on his Twitter messages, is likely to have struggled with third grade grammar lessons
- 41. Count on the keys?

- 44. Course for college hopefuls, perhaps
- 46. Motorist's org. founded in
- 49. Debtor's letters
- 54. Betsy whose \$40 million
- yacht was set adrift in Lake Erie 56. Silly Bandz and fidget spinners, e.g.
- 58. Divisible by two
- 59. Big set for Obama
- 60. Toothy tool
- 61. Cold War org.
- 62. Facebook annoyances
- 64. "Mamma __! Here We Go
- Again" (2018 sequel)
- 65. Charlie Parker's genre

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