



Public Citizen Files First Lawsuit Challenging ‘National Emergency’



BY ANGELA BRADBERRY

When President Donald Trump stepped into the White House Rose Garden to announce that he was declaring a national emergency to fund a border wall, Public Citizen was ready.

Anticipating that Trump would declare an emergency to sidestep Congress, Public Citizen already had spoken to people who live along the Texas-Mexico border and on whose land the government wants to build a wall.

So on Feb. 15, just hours after Trump’s declaration, Public Citizen filed suit in the U.S. District Court for the District of Columbia on behalf of three landowners in

South Texas who were told by the government that it would seek to build a border wall on their properties if money was available in 2019, as well as the Frontera Audubon Society, whose members’ ability to observe wildlife will be severely curtailed by the wall and its harmful effects on wildlife near the border.

Public Citizen’s lawsuit was the first in the country to chal-

lenge the declaration, and it generated media coverage in major outlets, including The New York Times, Bloomberg, Reuters, ABC, CBS, CNN and MSNBC. Four more lawsuits subsequently were filed by other groups and by 16 state attorneys general.

Public Citizen is urging the court to hold that Trump exceeded his constitutional authority and see **Lawsuit**, page 4 ►

Medicare-for-All Truths Drown Out Industry Lies

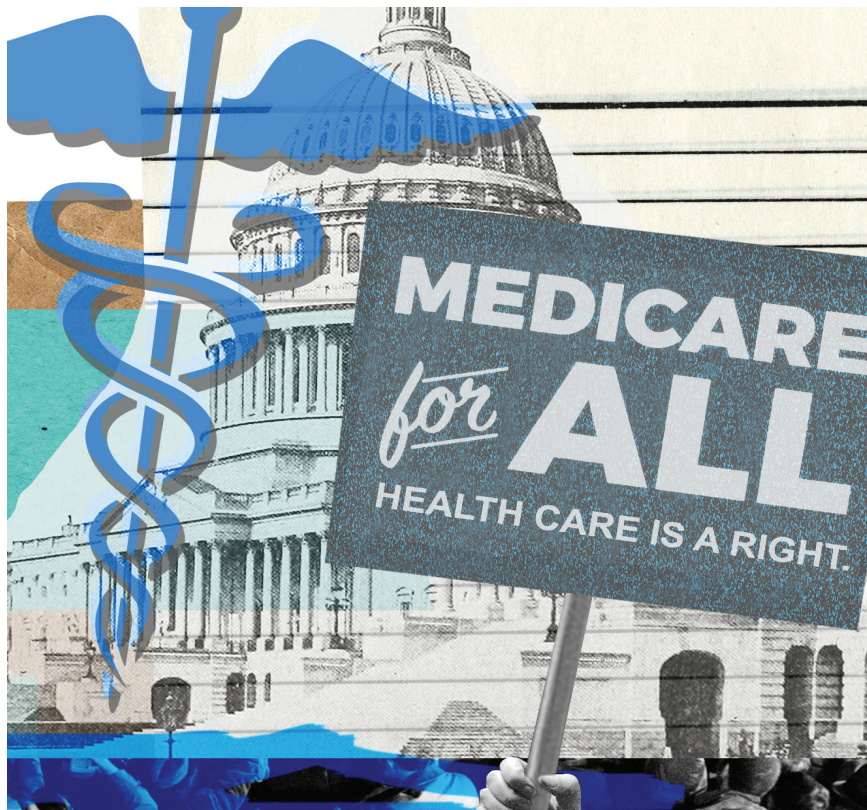
BY MIKE STANKIEWICZ

Maryland resident Andy Brodbeck stood outside the U.S. Capitol in late February and described to reporters how he battled his insurance company in his wife’s dying days to have her cancer treatments covered.

Jennifer Epps-Addison, a California resident and co-executive director of the Center for Popular Democracy, similarly described how she and her husband struggle with their insurer to get the care he needs for his multiple sclerosis.

The stories are all too common – with Americans poor and middle-class, urban and rural, black and white – wrestling with an inefficient and wasteful system that makes it difficult, if not impossible, for them to get health

see **Medicare**, page 8 ►



Graphic courtesy of Isabelle Cardinal.

Public Citizen Sheds Light on Sexual Misconduct Among Nurses

BY RHODA FENG

In January, Nathan Sutherland, a nurse at Hacienda HealthCare in Phoenix, Ariz., was arrested based on DNA evidence for the sexual assault of an incapacitated adult female patient at the long-term care facility. Sutherland had worked at Hacienda since 2012 and cared for the woman in 2018 when he allegedly assaulted her. The assault led to a pregnancy; the woman gave birth to a boy in late December to the surprise of her caregivers, who were not aware of her pregnancy. As of press time, police were still trying to find out whether Sutherland assaulted

see **Nurses**, page 6 ►



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GET TO KNOW PUBLIC CITIZEN MELANIE FOLEY

An ongoing series profiling Public Citizen leaders and staffers



As the international campaigns director of Public Citizen's Global Trade Watch, Melanie Foley is a jack-of-all-trades. Since joining the organization in 2013, she has represented Public Citizen in several international coalitions that strategize and conduct public education and policy outreach on various international trade agreements. She works with Public Citizen's allies in unions, environmental organizations, consumer groups and others around the world to influence trade negotiations so that trade agreements meet progressive demands – and to fight against them when they do not.

A Maryland native turned Washingtonian, Foley obtained her bachelor's degree in government and politics at the University of Maryland, where she also obtained her master's degree in public policy. She worked on the global warming solutions campaign on campus and interned on Capitol Hill.

Prior to joining Public Citizen, Foley worked as a legislative policy and research assistant at Appalachian Voices in Washington, D.C., where she advanced legislative efforts

to end mountaintop removal coal mining in Appalachia. Readers might also recognize Foley as a regular contributor to "Public Citizen News" and writer of Global Trade Watch's email action alerts.

How was interning on Capitol Hill?

Foley: In college, I interned in then-Congressman Chris Van Hollen's (D-Md.) Capitol Hill office. It was an incredible and educational experience – but I was particularly inspired by the scrappy public interest advocates who would visit the office to lobby us on their consumer or environmental cause, and knew that was the path for me.

Which accomplishment at Global Trade Watch are you most proud of?

Foley: Last fall in Vienna, I presented before United Nations delegates at a forum on international investment. I argued that they should use the opportunity of this meeting (where they were discussing small tweaks of Investor-State Dispute Settlement) to step back from the corporate-rigged system altogether. The meeting had been dominated by those seeking to maintain the status quo, but my presentation compelled the South African delegation to deliver a strong intervention echoing my message. More broadly, what makes me take pride in my job is that in the past five years, I have witnessed firsthand how trade has been recognized as a major news story and important political issue. More and more people are realizing the impact that trade deals can have on income inequality, medicine prices and the ability of our government to regulate in

our interests – particularly when multinational corporations are given privileged access to negotiations. I can tell that we are making a difference.

What was your first job like?

Foley: Working at Appalachian Voices was a great first foray into advocacy. I learned about the destructive form of coal extraction known as "mountaintop removal," which devastates ecosystems and poisons communities downstream. Fighting to end this practice taught me invaluable skills that I continue to use at Public Citizen.

What do you do for fun?

Foley: I like to travel and spend time with family and friends. I often go hiking and camping when the weather is nice, or when it isn't, get too competitive playing board games. ■

– Compiled by Griet Van Acker

"I have witnessed firsthand how trade has been recognized as a major news story and important political issue."

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Public Citizen is a national non-profit membership organization based in Washington, D.C. Since its founding by Ralph Nader in 1971, Public Citizen has fought for corporate and government accountability to guarantee the individual's right to safe products, a healthy environment and workplace, fair trade, and clean and safe energy sources. Public Citizen is active in Congress, the courts and government agencies.

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On Trump's 'Emergency,' the Law Is on Our Side

President Donald Trump's declaration of a national emergency to secure funding for his racist and need-less border wall is an outrageous abuse of power – perhaps the most dangerous yet by the unstable and increasingly autocratic president. If this invocation of emergency on false pretenses is tolerated, we fear it could justify almost limitless abuses of presidential and military power, including far-reaching clampdowns on civil rights.



PRESIDENT'S VIEW
ROBERT WEISSMAN

That's why we jumped into action to push back on the emergency declaration. The day Trump declared the national emergency, we filed suit to challenge it. We also helped spearhead a quickly formed coalition to demand Congress overturn Trump's emergency order with a resolution of disapproval.

Public Citizen lawyers had been monitoring Trump's wall construction plans since his election. When rumors started swirling that Trump might declare an emergency to break the deadlock over wall funding, our attorneys intensified their preparation. Several Texas landowners and a Texas environmental organization who will experience firsthand the immediate impact of Trump's illegal emergency declaration asked us to serve as their attorneys. Once Trump formally issued his declaration, our lawyers feverishly worked on the complaint – the first filing in the case,

alleging the president's action was unlawful – and managed to get it filed the same day. Our lawsuit received prominent media attention across the country and around the world.

Meanwhile, we joined with other democracy and immigrant rights groups to push Congress to adopt a resolution of disapproval, a procedure that by the terms of the National Emergencies Act overrides the emergency declaration. The U.S. House of Representatives moved quickly by a 245-182 vote to support a resolution of disapproval. Under the special rules of the National Emergencies Act, the House vote forced a U.S. Senate vote within three weeks. We delivered more than half a million petitions supporting the resolution to the Senate. With allies, we generated tens of thousands of calls. And we coordinated with conservative organizations critical of Trump.

We went to press before the Senate vote was held, but it was widely anticipated that enough Republicans would join all Senate Democrats to win passage of the resolution of disapproval. Trump is expected to veto the resolution.

We believe the stake are incredibly high in the emergency declaration fight, which is why have devoted so many resources to it.

The danger of Trump's action to America is not limited to the outrage of wasting taxpayer money or the immorality of building a wall that is designed only to symbolize disdain for and antagonism to people of color seeking refuge in our country.

Trump has declared an emergency to circumvent an explicit congressional decision not to fund the wall and to redirect funds in a way that would be illegal in the absence of an emergency declaration (and which we believe is illegal even with the emergency declaration).

If the president can merely cry "emergency" to override national law and contravene explicit congressional action – particularly when the claimed emergency is transparently fraudulent – then it is hard to know what limits exist on presidential power. What's to stop the president from declaring an emergency and limiting the right to protest? To round up people of color en masse to combat purported gang activity? To deploy the military on the streets to maintain order? To censor social media and Internet conversations?

Prior presidents have, for the most part, exercised self-restraint against use and misuse of emergency powers. But this president does not know the meaning of self-restraint. If the slide to authoritarianism and tyranny is to be averted, he will need to be restrained – in the first place by the Congress and hopefully the courts, but ultimately by the American people.

We believe the law is on our side and that we should prevail in our lawsuit. (We are not likely to get even a first ruling in the case before late summer.) But we know better than to assume the courts will rule in our favor.

That said, we are hopeful that the work that we and others have done – both the litigation and the public mobilization – has exhibited enough resistance, and unearthed enough Republican opposition and concern, that Trump will not feel empowered to declare another fake emergency. We are hopeful, but we are not taking anything for granted. With this president, that's asking for very dangerous trouble. ■

Robert Weissman



Three days after President Donald Trump declared a national emergency to claim funding for a border wall that Congress refused to fund, nationwide protests took place. In Washington, D.C., protesters on Feb. 18 showed support for speakers from Public Citizen and other organizations that disputed Trump's national emergency declaration. Photo courtesy of Griet Van Acker.

Public Citizen Files First Lawsuit Challenging ‘National Emergency’

► Lawsuit, from page 1

authority under the National Emergencies Act.

The court also should bar Trump and the U.S. Department of Defense from using the declaration and funds appropriated for other purposes to build a border wall, the complaint says.

“Words have meaning,” said Allison Zieve, Public Citizen’s counsel for the plaintiffs. “The facts make clear that the premise of the president’s declaration – that the absence of a wall in the areas where construction is planned is an ‘emergency’ – is legally untenable and an impermissible basis for seeking to obligate funds that Congress has refused to appropriate for a border wall.”

As the complaint notes, Trump himself said during a press conference announcing his declaration that he “didn’t need to” invoke emergency power to build a wall, but that he was doing so because he “wanted to do it faster.”

Public Citizen also helped organize protests around the country on Feb. 18 opposing the declaration.

Although Congress was slated

“Every halfhearted and palpably fabricated rationale to justify claims of emergency has been thoroughly and embarrassingly debunked. Unauthorized immigration is not surging. Terrorists are not invading from Mexico. Illegal drug traffic is coming primarily through legal ports of entry, not open border areas.”

—Robert Weissman, president of Public Citizen

to vote on a resolution blocking the declaration, it appears unlikely that the measure will pass by enough votes to sustain a veto.

The Frontera Audubon Society is headquartered on a 15-acre nature preserve in Weslaco, Texas, in the Rio Grande valley. The non-profit is dedicated to preserving wildlife and the native habitat of the Rio Grande valley – one of the most biologically diverse regions in North America.

The valley is a major migration corridor and provides more than three-quarters of America’s bird species with migratory, nesting and feeding habitat.

Construction of the border wall and an accompanying enforcement zone would destroy a significant portion of the small amount of remaining habitat along the Rio

Grande river.

In addition to the Frontera Audubon Society, the plaintiffs in the suit are three individuals whose families have lived on land near the border for generations.

The home of one of the three is about 200 feet from the Rio Grande river and just feet away from where the wall would be built. Her lot is adjacent to an approximately six-acre tract of land bordering the river that has been in her family for at least five generations. She would be cut off from the portion of her property south of the wall and would lose the use of almost her entire backyard.

Her father, another plaintiff, lives on an approximately one-acre lot adjacent to the six-acre tract of land bordering the Rio Grande river that has been in his family for at

least five generations. He would be cut off from his family’s property south of the wall.

The third plaintiff also grew up on property along the border. If a border wall was constructed on her property, she would lose access to her land south of the wall.

“Every halfhearted and palpably fabricated rationale to justify claims of emergency has been thoroughly and embarrassingly debunked,” said Robert Weissman, president of Public Citizen.

“Unauthorized immigration is not surging. Terrorists are not invading from Mexico. Illegal drug traffic is coming primarily through legal ports of entry, not open border areas. The real emergency is Trump’s unconstitutional attempt to circumvent Congress and grab power.” ■



After President Donald Trump declared a national emergency in February to fund his border wall, 25,000 Americans in more than 200 cities took to the streets to protest the fake national emergency. Above, Robert Weissman, president of Public Citizen, rallies a crowd in Washington, D.C., on Feb. 18 to protest Trump’s declaration and show solidarity with immigrant communities. Photo courtesy of Griet Van Acker.

Drug Price Battle Heats Up in Congress

BY ANGELA BRADBERRY

For 23 years, Wisconsin resident Diane Whitcraft took a medication for multiple sclerosis that helped keep the disease in check. But two years ago, when she switched to Medicare, her out-of-pocket costs soared from between \$50 and \$100 per month to \$7,000 per month.

During the years she had been taking the drug, the price jumped from \$10,000 annually to \$86,000 annually. Whitcraft had “a discussion with her husband that you wouldn’t wish upon anybody – whether to keep taking the medication,” said U.S. Sen. Tammy Baldwin (D-Wis.), who relayed Whitcraft’s story during a Feb. 7 press conference. “They decided that she would stop. The financial impact of her continuing was too much.”

At the press conference, organized by U.S. Rep. Lloyd Doggett (D-Texas), lawmakers introduced the Medicare Negotiation and Competitive Licensing Act, designed to make medications more affordable by allowing the government to negotiate drug prices for Medicare Part D directly with pharmaceutical corporations.

Currently, the government is not allowed to negotiate with drugmakers on the prices of medications provided under Medicare Part D. The drug company names its price, and the government – the taxpayers – must pay.

“The prohibition on Medicare negotiation is utterly irrational,” said Robert Weissman, president of Public Citizen. “It is the law of the land for one reason only:

the corrupting political influence of Big Pharma. This proposal responds to the overwhelming demand for action on drug pricing, introducing a dose of common sense and overcoming one of the most shameful and corrupt corporate giveaways in American history.”

The same day, U.S. Sens. Sherrod Brown (D-Ohio) and Kirsten Gillibrand (D-N.Y.) and U.S. Reps. Mark Pocan (D-Wis.) and Marcy Kaptur (D-Ohio) introduced the Stop Price Gouging Act, which would penalize corporations that raise pharmaceutical prices beyond the level of inflation.

What the bills would do

Americans are furious about Big Pharma’s rip-offs. An astounding 92 percent of Americans favor Medicare negotiation, a 2017 Kaiser Family Foundation poll found. While the government can’t negotiate for Medicare Part D drug prices, the Veterans Health Administration (VHA) can. Public Citizen in 2015 found that had Medicare Part D paid what the VHA did for prescriptions, it would have saved \$16 billion – in just one year.

“The savings almost surely would be larger now than five years ago. And if empowered to negotiate for Medicare Part D drug prices, the government could obtain savings significantly greater than the VHA is able to, simply because of the scale of Medicare purchases,” said Steve Knievel, advocate for Public Citizen’s Access to Medicines program. By not negotiating bulk purchases,

pharmaceutical corporations can – and do – price gouge taxpayers.

Under Doggett’s legislation, if a brand-name manufacturer refuses to agree to a reasonable price, the government would authorize generic competitors to enter the market and provide the product affordably, while paying a reasonable royalty to the brand-name company. The licensing approach avoids even the hypothetical problem of important drugs not being available. It also increases the government’s leverage, and therefore would increase the savings from negotiation.

In his State of the Union address, President Donald Trump claimed that the cost of prescription medications is falling. In fact, the Associated Press found that Big Pharma spiked drug prices 96 times for each reduction in price.

“Big Pharma has baked constant increases into its business model,” Weissman said. “The Big Pharma corporations raise prices constantly simply because they can, without regard to the economic impact on patients, or even the fact that high charges lead to rationing of lifesaving treatments.”

The Stop Price Gouging Act would remove the incentive for spikes by imposing financial penalties proportionate to companies’ unjustified increases.

The battle ahead

Passing the bills will not be easy. The pharmaceutical industry is one of the largest spenders on lobbying in Washington, D.C., and some of the tactics it uses are

questionable.

“Dear Members of Congress,” began a Jan. 15 email from the National Osteoporosis Foundation to lawmakers. “As the 116th Congress begins, 224 patient organizations have joined together to express our concerns with proposals that would repeal the non-interference (NI) clause in the Medicare Part D program.”

The note urges lawmakers to oppose giving the government authority to negotiate directly to lower Medicare Part D medicine prices. But nearly half of those 224 signers don’t represent patients at all, a Public Citizen analysis found. Instead, the list was dominated by industry groups and organizations that have received money from prescription drug manufacturers.

Fifty-three of the signers were industry groups – including trade associations like Biotechnology Innovation Organization and the U.S. Chamber of Commerce – that have an interest in maximizing pharmaceutical manufacturing profits on behalf of their members. Of the 120 patient organizations that signed, a little more than half have received financial support from prescription corporations.

“Making medicines affordable is one of the most important issues before this Congress,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines program. “It’s critical that lawmakers have accurate information and that groups lobbying Congress disclose their financial interests. Big Pharma has a long history of manipulating this debate. We can’t let that happen.” ■



At a Feb. 7 press conference organized by U.S. Rep. Lloyd Doggett (D-Texas), lawmakers introduced the Medicare Negotiation and Competitive Licensing Act, designed to make medications more affordable by allowing the government to negotiate drug prices for Medicare Part D directly with pharmaceutical corporations. Photo courtesy of Griet Van Acker.

Major Media Commit Errors of Omission on Climate Change

BY RHODA FENG

Seven in 10 Americans say they are interested in climate change and that the media should cover it more, according to a national survey conducted by the Yale Program on Climate Change Communication.

And Public Citizen believes journalists and media outlets should give climate change the media coverage it deserves — that is, a lot more coverage. The organization launched its “Cover Climate” campaign in 2017 to push for more and better media coverage of the climate crisis and solutions.

A recent 2018 year-end report by Public Citizen reveals, for the second year in a row, that media outlets do a poor job of linking climate change to extreme weather events like heat waves, droughts and hurricanes.

The report surveyed transcripts from six national television news networks (ABC, CBS, CNN, Fox, MSNBC and NBC) and articles from the top 50 U.S. newspapers by circulation, as well as top online news sources. The analysis, “Carbon Omission: How the U.S. Media Failed to Connect Extreme Weather to Climate Change in 2018,” found that a low proportion of news pieces mentioned climate change in relevant contexts, such as extreme drought and floods. Even when discussing extraordinary heat, the media mentioned climate change just 34 percent of the time.

The year also saw multiple hurricanes whose destruction was

exacerbated by climate change, like Florence and Michael, and media connections to climate were even scarcer in that context.

Major online news sources published more than 10,000 pieces on the two storms, but only 10 percent of those pieces mentioned climate change. For television news, a mere 8 percent of segments made the connection, while print media fared even worse at 5 percent. However, these numbers are an improvement over the previous year (6 percent for television and online media and 3 percent for newspapers).

“It’s tough to solve a crisis that people aren’t talking about,” said David Arkush, managing director of Public Citizen’s Climate Program. “News outlets need to

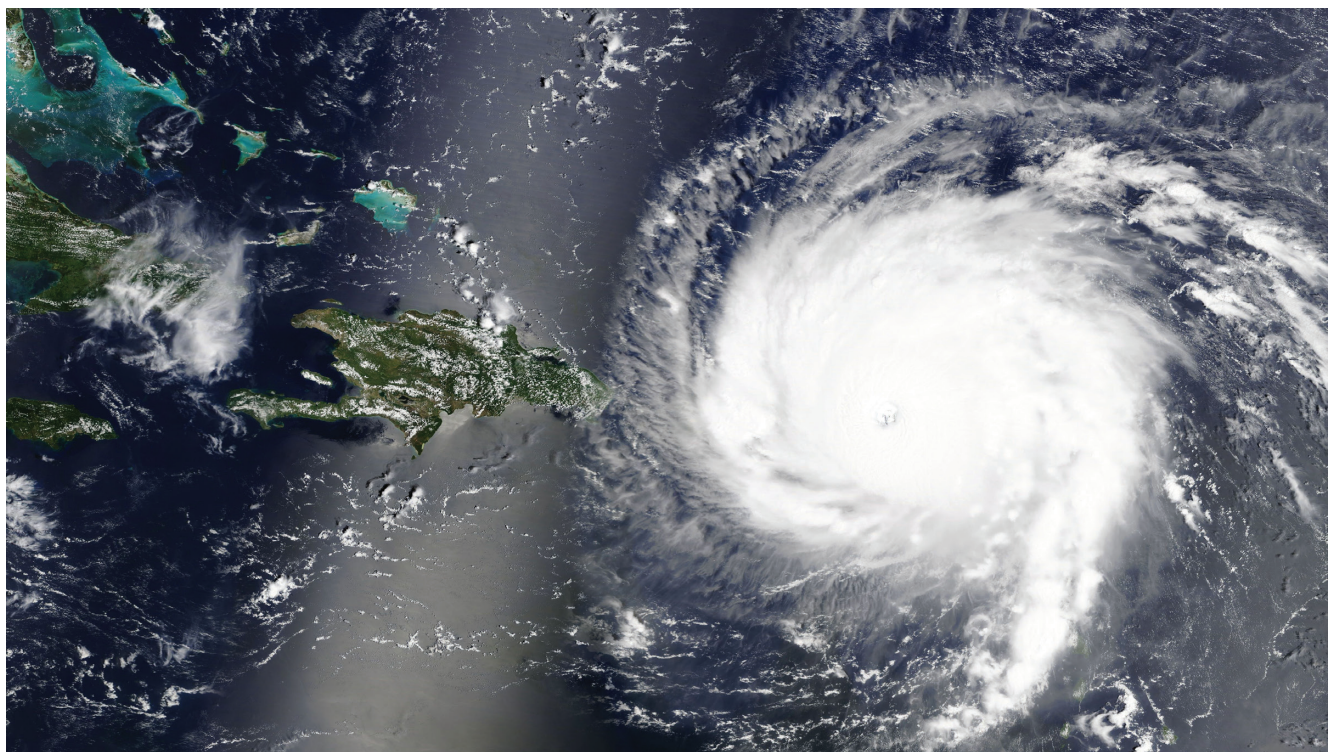
report accurately and more frequently on the urgency and severity of the crisis, as well as the fact that we have excellent, extremely popular solutions for most of the problem.”

One bright spot is that the media did better in 2018 on most topics than in 2017 — often significantly better. A number of publications stood out as producing much high-quality work. Perhaps most notable was the launch of the Invading Sea project, a collaborative effort by the Miami Herald, The Palm Beach Post, the South Florida Sun Sentinel and WLRN Public Media to spur action on the threat of sea-level rise in Florida.

One of the most important aspects of climate change is solutions, the report notes — in partic-

ular that we already have feasible, affordable and popular solutions for most of the problem. But news media mentioned mitigation or solutions just 13 percent of the time when discussing climate change. For newspapers, the figure was 8 percent and for television news just 5 percent. Online news significantly boosted the average, with a rate of 16 percent.

“News outlets are giving the crisis of climate change far less attention than it merits — and far less than the public wants,” said Arkush. “The media have a major role to play in jump-starting the kind of national conversation we need to rise to this challenge, and there is plenty of reason to believe better climate coverage would engage audiences.” ■



Graphic courtesy of Shutterstock.

Public Citizen Probes Sexual Misconduct Among Nurses

► Nurses, from page 1

other patients at the health center.

Sutherland’s alleged crime underscores the potential severity of sexual abuse of patients by nurses — made possible in part because of the significant power imbalance between nurses and their patients. Nurses also spend long hours with patients, often providing care that involves close proximity to patients.

Yet nurse sexual misconduct has not received the attention it deserves from the health care community, professional organizations and regulators, who are reluctant to recognize it as a national public health problem. Public Citizen undertook to shine

a light on this problem, releasing a groundbreaking study in December showing that state nursing boards and health care organizations are failing to protect patients from nurses who engage in sexual misconduct.

“The findings of the study and the Arizona case unequivocally show that it is time for state regulatory boards (including boards of nursing) and the health care community to take a zero tolerance stance against all forms of abuse of patients by nurses or any other health care professionals,” said Azza AbuDagga, health services researcher for Public Citizen’s Health Research Group and lead

author of the study.

Only 882 U.S. registered and licensed practical or vocational nurses have been reported to the National Practitioner Data Bank (NPDB) over nearly 14 years (from 2003 through 2016) because of sexual misconduct, according to the study — the first to analyze this national flagging system for sexual misconduct by nurses. While male nurses account for approximately 10 percent of U.S. nurses, they accounted for 63 percent of the nurses reported to the NPDB due to sexual misconduct.

Sexual misconduct by nurses is reported to the NPDB only if it results in an adverse disciplinary

action by state nursing boards (or, less commonly, certain entities such as hospitals) or malpractice payments. The low number of nurses reported to the NPDB because of this misconduct — despite the fact that millions of nurses worked in the profession over the study period — suggests that many nurses who commit sexual misconduct go unpunished, AbuDagga said.

“Our findings, along with other published evidence, suggest that many nurses in the U.S. who exploit their patients are not being held to account,” said AbuDagga. “State nursing boards have full access to the NPDB data. They see Nurses, page 7 ►

Giveaways to Big Pharma Must Be Removed From Revised NAFTA, Says Public Citizen

BY MELANIE FOLEY

It's no secret that the American public is united in fury about outrageously high medicine prices.

Soaring health care costs were the top issue for voters in the mid-term elections. President Donald Trump repeatedly has made high-profile promises to lower prescription drug prices.

Public Citizen has fought against Big Pharma's greed for decades, including efforts to pass domestic policies to lower medicine prices and fighting to keep pharmaceutical firms from sneaking extra monopoly protections into "free trade" agreements.

But the renegotiated North American Free Trade Agreement (NAFTA) Trump signed at the end of last year guarantees extended monopoly rights for big pharmaceutical companies, enabling them to avoid generic competition and keep U.S. drug prices high.

Now, new Public Citizen opinion research conducted by renowned pollster Stan Greenberg reveals that Big Pharma's success in rigging the revised NAFTA could prove to be the pact's demise, unless it is revised to remove these terms.

To go into effect, the U.S. House of Representatives and U.S. Senate must approve the revised deal.

"The deal includes some essential improvements that progressives have long demanded," said Lori Wallach, director of Public Citizen's Global Trade Watch. "But more work is needed to ensure the deal includes strong labor and environmental standards that are subject to swift and certain enforcement. And, critically, the

New Public Citizen opinion research conducted by renowned pollster Stan Greenberg reveals that Big Pharma's success in rigging the revised NAFTA could prove to be the pact's demise, unless it is revised to remove these terms.

new powers for pharmaceutical firms that would keep medicine prices high must be removed. Absent this change, this and future Congresses would be limited in the reforms they can enact to bring down drug prices."

That is because the revised NAFTA text requires signatory countries to provide pharmaceutical corporations expansive monopoly powers to block generic competition. Among other dangerous terms, NAFTA 2.0 requires governments to guarantee 10 years of special monopoly protections for biologic drugs. This would lock the United States into our bad policies that keep these medicines, including critical cancer treatments, out of reach for too many people and export our failed system to Mexico and Canada.

As Public Citizen pushes for the changes to NAFTA needed to stop its ongoing damage, the overwhelming takeaway from Greenberg's research was voters' visceral hatred of Big Pharma. As Greenberg noted, bringing up NAFTA's giveaways to the pharmaceutical industry "was like throwing a bomb into the focus group."

Focus group participants described pharmaceutical companies with words like "greedy," "criminals" and "devils." The intensity of public concern about the NAFTA pharmaceutical provisions carried across all demo-

graphics and regions.

As Greenberg wrote: "The country is so frustrated with corporations – particularly the pharmaceutical companies that are killing them and the lobbyists and big money that rig the economy against them – that revealing any information about giveaways for these interests in NAFTA 2.0 drives voters to take action and fight back."

The results of the polling, which Greenberg called "game changing," made a splash in Washington policy circles after the Washington Post reported them. Just after the poll was released, U.S. Rep. Earl Blumenauer (D-Ore.), chairman of the House Ways & Means subcommittee on trade, said, "I don't think candidly that it passes out of my trade subcommittee" with the biologics provision intact.

Speaker Nancy Pelosi (D-Calif.) said Democratic concerns "center around workers' rights, center on the environment, center around prescription drug prices." She also remarked, "I have always thought that this was probably one of the easier trade agreements to come to agreement on, but, so far, we're not there yet." Several Democrats noted the hypocrisy of Trump's State of the Union speech, in which he promised to lower prescription drug pricing while urging Congress to pass his Pharma-rigged NAFTA deal.

Public Citizen recently led a

group of more than 70 civil society organizations on a letter opposing the Big Pharma handouts in NAFTA 2.0. The diverse group included Consumer Reports, Doctors Without Borders, NETWORK Lobby for Catholic Social Justice, Social Security Works, Oxfam and the AFL-CIO.

Meanwhile, the corporations that stand to benefit from the revised NAFTA proposal are mobilizing. According to a recent Axios report, two well-connected GOP operatives have just founded "Trade Works for America," a lobby group aiming to win congressional support for Trump's NAFTA rewrite.

According to one of the founders, the group's funding comes from "the pharmaceutical industry, oil and gas, the automotive and agricultural sectors, and traditional GOP donors." This NAFTA 2.0 text is not the transformational replacement of the corporate-rigged trade-pact model that Public Citizen and its allies have demanded. But, as Wallach noted, if we fight to get the Big Pharma giveaways out, swift and certain enforcement of improved labor and environmental standards in, and achieve some other key improvements, then the final package Congress likely will vote on in the first half of 2019 could stop some of NAFTA's continuing, serious damage to people across North America. ■

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need to discipline nurses with malpractice payments for sexual misconduct to protect the public. Without such licensing action these nurses would simply be able to abuse more patients."

According to the study, of the 882 nurses who faced consequences for sexual misconduct that resulted in NPDB reports, 866 were reported by state nursing boards. Nursing boards

administered harsh punishments in most of these cases; 91 percent of such reports involved serious actions –including revocation, suspension or voluntary surrender of the nursing license. In contrast, state nursing boards took serious actions in only 75 percent of the nurse reports for other types of

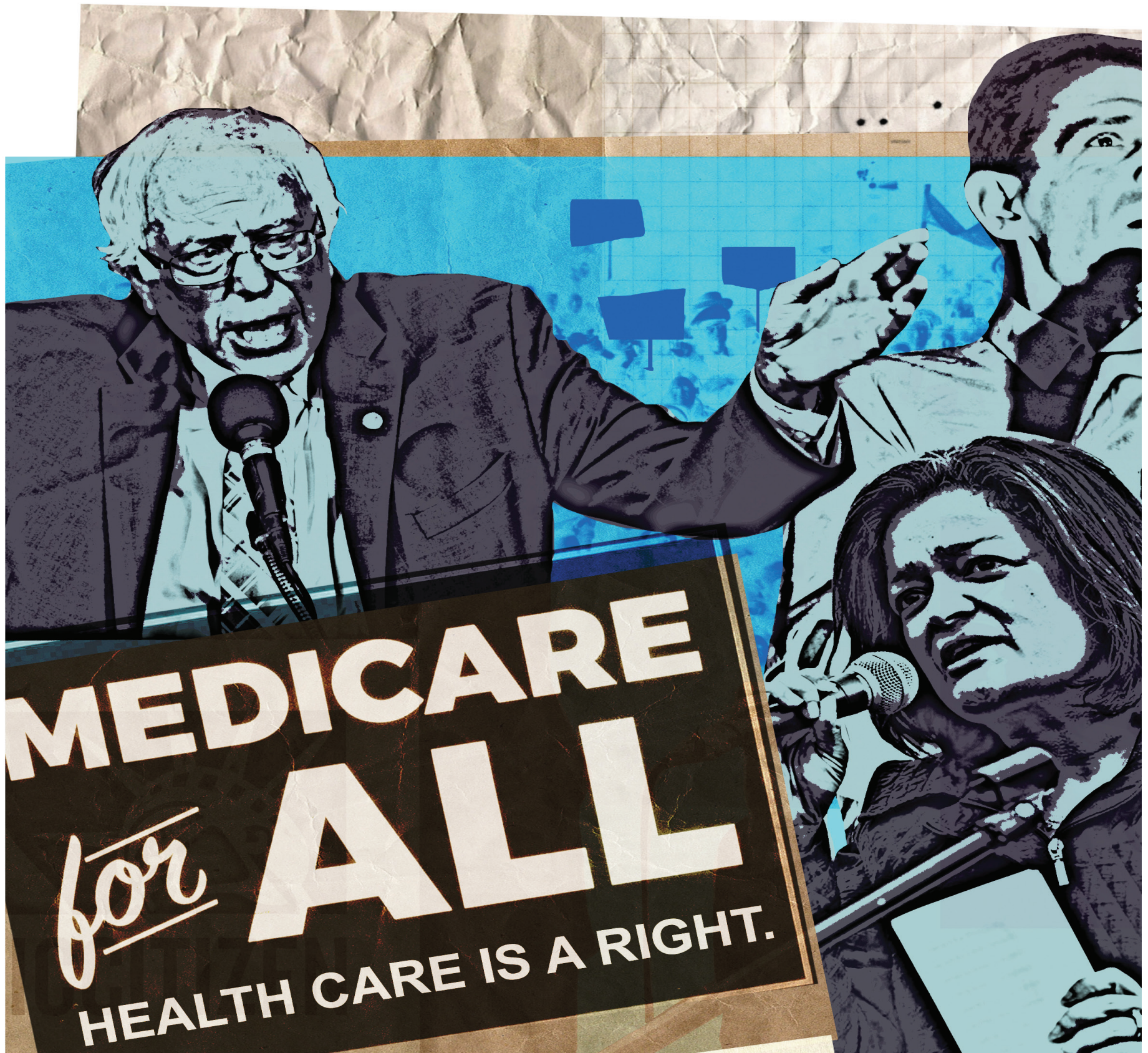
offenses.

However, nearly half of the nurses who engaged in sexual misconduct with patients that led to NPDB malpractice payment reports – 16 out of 33 – were not disciplined by state nursing boards for their misconduct, the study found. The findings for nurses are consistent with those from a 2016 study by Public Citizen that showed that 70 percent of U.S. physicians – 177 out of 253 – who engaged in sexual misconduct that led to sanctions by hospitals or

other health care organizations or malpractice payments were not disciplined by state medical boards for their unethical behavior.

The nurses with sexual misconduct-related reports identified in the new study accounted for just a small fraction (0.6 percent) of all nurses with NPDB reports that met the study criteria. Similarly, Public Citizen's 2016 study showed that physicians with reports related to sexual misconduct accounted for approximately 1 percent of the total physicians with NPDB reports that met the study criteria. ■

Only 882 U.S. registered and licensed practical or vocational nurses have been reported to the National Practitioner Data Bank over nearly 14 years.



► **Medicare**, from page 1

care. That's why a Medicare-for-All health care system is gaining steam.

U.S. Reps. Pramila Jayapal (D-Wash.) and Debbie Dingell (D-Mich.) introduced the Medicare for All Act of 2019 at a Feb. 27 press conference, surrounded by other lawmakers and activists.

The legislation has a record 106 original co-sponsors, and House Speaker Nancy Pelosi has announced support for hearings on the legislation, which would be the first time a single-payer health care system will be taken seriously by House leadership.

In the U.S. Senate, Medicare-for-All legislation is expected to be reintroduced by Sen. Bernie Sanders (I-Vt.). However, hearings are not expected because Republicans control the chamber.

"In America, we pay more – much more – for health care than other countries, and we get less – much less," said Robert Weissman, president of Public Citizen, who spoke at the press conference. "Tens of millions go uncovered, tens of millions more find that their insurance doesn't cover what they need and our health outcomes are inferior to those other countries. We can do better."

Jayapal's Medicare-for-All legislation would cover every American, end co-pays and deductibles, and expand Medicare to cover dental,

visual and long-term care.

It would be paid for using a progressive funding mechanism so that higher income earners would pay a greater percentage of their income than moderate- or low-income earners. And insurance workers would receive training to pursue new careers.

But the momentum is bringing out powerful industries that profit from the existing system and are peddling falsehoods about Medicare-for-All.

Public Citizen is beating them to the punch. On Feb. 4, the organization issued a comprehensive look at the research available on Medicare-for-All. The organization's report debunked the myths and laid out how such a policy would cut administrative waste, reduce profiteering off health care and lead to additional federal revenue.

The analysis, "The Case for Medicare-for-All," found that such a health care system not only would reduce overall health care spending compared to employer-based insurance, but also would improve financial stability for struggling rural hospitals and doctors, without increasing patient wait times.

Patients no longer would need to worry about debt-inducing medical bills or loss of coverage.



Graphic courtesy of Isabelle Cardinal.

Researchers at the University of Massachusetts Amherst and elsewhere have shown that:

- Medicare-for-All would save money by reducing administrative costs by \$500 billion per year (U.S. health care spending totals about \$3.5 trillion per year) and allowing the government to negotiate for more affordable medicines;
- Medicare-for-All would cost patients less than employer-sponsored insurance and improve access to community-based services, including home health care;
- Under Medicare-for-All, there would not be increased wait times, in part because improved financial incentives for providers would mean better prioritization of care, leading to improved access and a reduction of unnecessary costs.

Industry groups aren't just on the wrong side of the facts; they also are on the wrong side of public opinion.

A Kaiser Family Foundation tracking poll has found a consistent increase in support for a single-payer government health care system over the past 20 years.

Additionally, a January 2019 Harvard/Politico poll found that 68 per-

cent of all voters, including 70 percent of Independents, said providing health insurance coverage for everyone through a taxpayer-funded national plan is an extremely important priority.

Public Citizen is investing more resources to ramp up a massive grassroots campaign to build the people power needed to overcome the corporate opposition and eventually win Medicare-for-All.

On Feb. 14, thousands of Public Citizen members participated in a virtual townhall meeting with Jayapal and Weissman to learn about the details of the Medicare-for-All bill and the next steps in the campaign.

Hundreds of Public Citizen's members committed to urge their members of Congress to sign on as co-sponsors to the Medicare-for-All legislation and to educate their communities and local elected officials to build a lasting movement to move Medicare-for-All over the finish line.

"The people power on this issue continues to intensify as Americans feel the pain of a health care system that is focused more on profit than it is on providing health care," said Melinda St. Louis, Public Citizen's Medicare-for-All campaign director. "The American people won't stop pushing for significant change. The question is not if we will win – it is when." ■

OSHA Must Enforce Its Electronic Recordkeeping Rule



BY DAVID ROSEN

The federal government broke the law by refusing to collect worker health and safety data and by hastily rescinding the requirement that it do so, two Public Citizen lawsuits maintain. The complaints – filed against the U.S. Occupational Safety and Health Administration (OSHA) – are aimed at ensuring that the data will be collected.

OSHA's electronic recordkeeping rule, as issued in May 2016, requires certain businesses with 250 or more employees and employers in high-risk industries with 20 or more employees to electronically submit an annual summary of work-related injuries and illnesses. Under that rule, such establishments also were required to submit more detailed workplace injury and illness records to OSHA. The rule also included anti-retaliation measures prohibiting employers from discouraging workers from reporting an injury or illness.

The data employers were required to submit under the 2016 rule is crucial to protecting worker health and safety and to facilitating independent research into workplace hazards. But the Trump administration has attempted to thwart the electronic reporting rule at every turn.

Shortly before the July 2018 deadline for collecting the data, OSHA announced that it would not require, or even accept, the submission of the forms used to transmit the detailed workplace injury and illness records from employers to OSHA. Instead of following notice-and-comment

rulemaking procedures required by the Administrative Procedure Act for altering regulatory requirements, OSHA simply announced the suspension on its website.

OSHA's suspension of the rule prompted Public Citizen's first lawsuit, filed in July 2018. The lawsuit was filed on behalf of Public Citizen's Health Research Group, the American Public Health Association and the Council of State and Territorial Epidemiologists. Then, in January 2019, the Trump administration finalized a new rule rolling back the requirement that employers submit the detailed information required by the 2016 rule.

In doing so, OSHA failed to provide a reasoned explanation for reversing its position on the risks and benefits of requiring establishments to electronically submit the forms. Public Citizen filed the second lawsuit, challenging the rollback, on the day that

OSHA announced it.

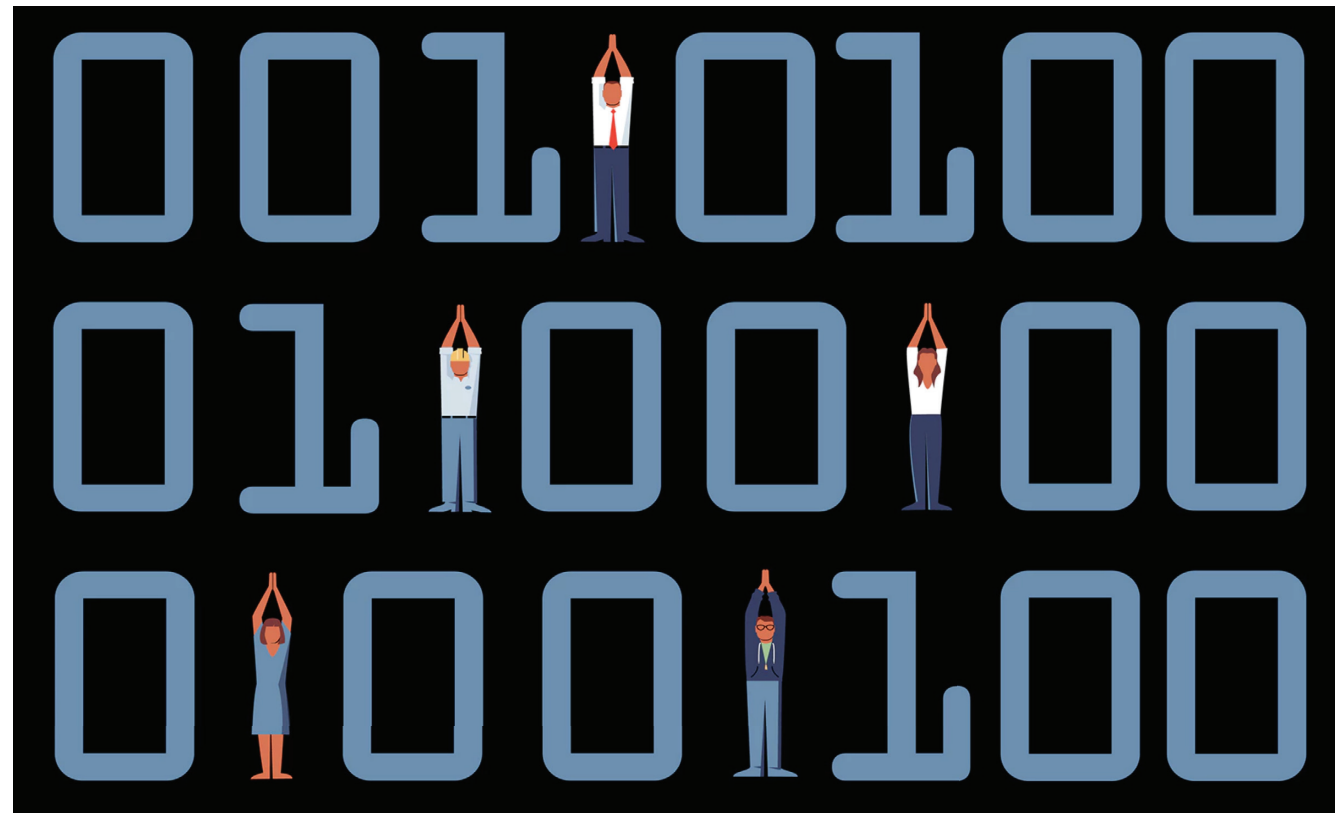
"When it issued the electronic reporting rule after an exhaustive process, OSHA concluded that requiring the submission of workplace injury and illness data would greatly enhance worker health and safety," said Michael Kirkpatrick, the Public Citizen attorney handling the case. "Now, OSHA has rushed through a new rule drawing exactly the opposite conclusion but has failed to provide any good reason for reversing itself."

Public Citizen argues that OSHA's rollback was not a product of reasoned decision-making, lacked supportive evidence, failed to adequately respond to public comments opposing it and will undermine worker health and safety. The suits ask the court to ensure that OSHA require and accept electronic recordkeeping rule submissions of the more detailed injury and illness data as

required by the 2016 rule.

A final ruling on the first lawsuit is expected this spring. Public Citizen hopes that the court will agree that OSHA acted improperly by refusing to accept the required worker health and safety data last July and that it will order OSHA to collect the data that the agency previously turned away. A decision on the legality of the 2019 rule rolling back the reporting requirement is unlikely to come soon, as that litigation is in the early stages.

"Injury and illness reporting is critical to holding employers accountable for hazardous workplaces," said Shanna Devine, Public Citizen's worker health and safety advocate. "OSHA's reversal of these basic transparency requirements sends a clear message to America's workforce that the Trump administration places industry interests before worker safety." ■



Graphic courtesy of John Tomac.

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'Self-Funded' Trump Propped Up by Super PAC Megadonors

BY ALAN ZIBEL

As a candidate, Donald Trump claimed to fund his presidential campaign from his own pocket and avoid big money donors. As president, he is doing the opposite.

Trump's advisers have put together a sprawling political operation that continually collects money from the wealthiest Americans, many of whom have interests before the Trump administration.

A Public Citizen analysis of the largest contributors to Trump's political operation found that six groups funded by ultrawealthy donors concentrated in the gambling, finance, real estate and energy sectors raised more than \$54 million to support Trump and his agenda from his inauguration through mid-October 2018.

These six groups, including America First Action and Trump Victory, are fueled with contributions from corporate CEOs, retired executives and other wealthy people, as well as from dark money groups that do not disclose their donors.

Public Citizen's deep dive into Federal Election Commission

data found that since the start of 2017, the six 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.

The analysis excludes Trump's official campaign committee, which is subject to the federal \$2,700 cap on individual donations. This money was used to promote Trump's agenda, support Republican candidates and attack their opponents during the 2018 midterms. These groups are now mobilizing to support Trump's 2020 reelection campaign.

The six groups raised more than \$150 million from all donors, including smaller ones, to aid Trump and Republicans as of late 2018 according to the Center for Responsive Politics. The groups are on track to far exceed what major donors spent to reelect President Barack Obama in 2012. That year, Priorities USA Action, the super PAC endorsed by Obama, raised \$79.1 million. Of that money, \$73 million came from 125 donors contributing at least \$100,000 each.

Public Citizen's report got

under the skin of the pro-Trump super PAC America First Action. A spokeswoman dismissed it, telling the Washington Post that Public Citizen is "a radical left-wing anti-Trump group."

In response, Public Citizen President Robert Weissman said, "Trump's super PAC is mad that we exposed the core lie of his presidency: Not only is he not taking on the rigged political and eco-

nomic system, but he is abusing and corrupting it in ways never seen before in America."

Public Citizen has long championed a constitutional amendment to overturn the disastrous U.S. Supreme Court's *Citizens United* decision as well as supported public financing of campaigns to end the massive influx of corporate and special interest money into our elections. ■



Illustration courtesy of Bob Savidge.

FDA Issues Warning on Deadly Gout Medication

BY GRIET VAN ACKER

In a striking clinical trial result, the widely used gout medication febuxostat has been linked to serious health risks but has no distinctive benefits to its users. Its removal from the market by the U.S. Food and Drug Administration (FDA) should therefore be a top priority, argues Public Citizen.

Public Citizen petitioned the FDA in June 2018 to ban the medication, stating that there is "overwhelming evidence that the serious cardiovascular harms of febuxostat outweigh any purported clinical benefit."

In January, the organization testified about the drug's dangers before a joint meeting of the FDA's Arthritis Advisory Committee and Drug Safety and Risk Management Advisory Committee. The advisory committees met to consider a request from Takeda Pharmaceuticals America, maker of the brand name febuxostat product Uloric, to approve an update of the medication's labeling to include the trial's results.

Febuxostat entered the market

in 2009 by the skin of its teeth; initial clinical trials testing the medication prior to FDA approval linked it to possible increased risks of serious adverse cardiovascular outcomes, including heart attack, stroke and death. The FDA rejected the medication twice over these safety concerns before approving it in 2009 on the condition that the manufacturer conduct a large, post-market randomized clinical trial to further evaluate the cardiovascular risks.

In the trial, which ran from April 2010 through May 2017, more than 6,000 gout patients were randomly assigned to once-daily doses of either febuxostat or allopurinol, a much older first-line treatment for gout.

The results: The use of febuxostat increased the risk of death from cardiovascular causes compared with allopurinol. In addition, febuxostat was no better than allopurinol in preventing the symptoms and complications of gout.

Gout is a form of inflammatory arthritis that develops in some

people who have high levels of uric acid in the blood. The acid can form needle-like crystals in a joint and cause sudden, severe episodes of pain, tenderness, redness, warmth and swelling. Common pain relievers can help during a gout attack, but more often doctors prescribe medicines that you can't get over the counter, such as febuxostat.

"Before the FDA approved febuxostat, there was troubling evidence strongly suggesting that the medication increased the risk of serious adverse cardiovascular events and death," said Michael Carome, director of Public Citizen's Health Research Group. "The results of the FDA-mandated post-market trial now provide additional strong evidence of a causal link between treatment with febuxostat and an increased risk of death, particularly death from cardiovascular causes."

Carome argued that the FDA almost certainly would not have approved febuxostat had data from the postmarket trial been available when the FDA was con-

sidering the medication in 2009.

Consistent with the precautionary principal of public health, he urged the committee to recommend that the FDA grant Public Citizen's petition and remove febuxostat from the market.

On Feb. 21, the FDA denied Public Citizen's petition to ban febuxostat. However, the agency did approve changes to the drug's label, including adding a black-box warning, the strongest warning that the agency can require, about the increased risk of death from cardiovascular causes compared with the older gout drug allopurinol. The agency also narrowed the approved use of the drug; the black-box warning states that febuxostat should be used only in patients who had an inadequate response to maximal doses of allopurinol and who are intolerant to allopurinol.

Although the FDA allowed febuxostat to remain on the market, Public Citizen's petition likely helped prompt the agency to require the new black-box warning on the drug's label. ■

PUBLIC CITIZEN IN YOUR STATE

Much of Public Citizen's work focuses on federal policies, but the organization also works in the public interest at the local and state levels. Here's what Public Citizen has been doing in your state lately.

At Detroit Auto Show, Activists Denounce Ford's Greenwashing

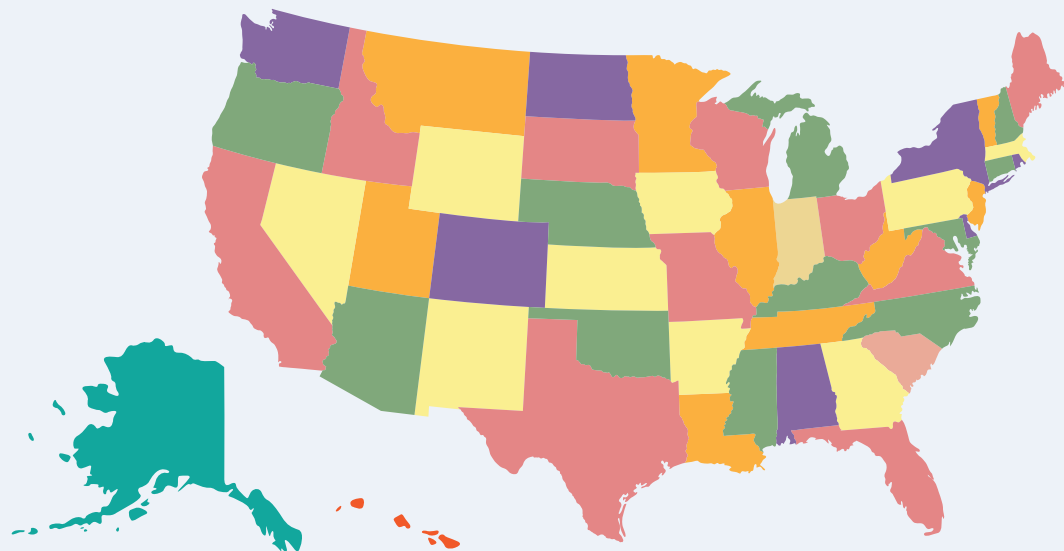
As the international auto industry descended on Detroit in January to take in the latest automobile offerings, Public Citizen, Sierra Club, Safe Climate Campaign, Breast Cancer Action and the Center for Auto Safety gathered in Ford's hometown to highlight the company's complicity with the Trump administration in attempting to roll back vehicle fuel economy and greenhouse gas emissions standards, known as the clean car standards.

On display to make the case were dinosaurs – including a 10-foot-tall inflatable *Tyrannosaurus rex* – and activists in costume. The prehistoric figures were stationed outside the convention center entrance and were meant to illustrate Ford's outsized pollution. The annual climate pollution emitted from the company's Expedition SUV (9 tons) is the equivalent of the weight of a *Tyrannosaurus rex*. Ford and the Alliance of Automobile Manufacturers have engaged in a costly multi-year lobbying effort to persuade President Donald Trump to roll back clean car standards. In August, the Trump administration delivered, proposing to freeze the clean car standards at 2020 levels and revoke the California waiver, which allows that state and 12 others to protect their citizens from harmful tailpipe pollution. In response, more than 350,000 Americans submitted comments in strong support of the existing rules. A final rule is pending. The groups plan to take the *Tyrannosaurus rex* to more auto shows across the country this winter and spring. — Rhoda Feng

Public Citizen Supports Bill to Curtail Construction Injuries in Maryland

When a 36-year-old construction worker was killed in December after being struck by an excavator in Maryland, it was yet another reminder of the dangers construction workers face in the state. From 2015 to 2017, Maryland recorded 15,000 construction industry accidents, and 63 construction workers were killed on the job. In 2017, the construction industry accounted for nearly 30 percent of workplace deaths in Maryland. Public Citizen in January testified before Maryland state lawmakers in support of a bill (HB 24), introduced by U.S. Del. Cheryl D. Glenn (D-Baltimore City), that would require the state to screen contractors for their safety and health records when awarding public work contracts.

In testimony before the Maryland House Economic Matters Committee, Shanna Devine, a worker health and safety advocate for Public Citizen's Congress Watch division, explained that if the state considered safety and health records when selecting contractors, companies would take steps to stop preventable construction industry injuries and deaths. An identical bill that was introduced in 2015, 2016 and 2017 was influenced by a Public Citizen report showing that insufficient safety practices cost Maryland



\$712.8 million between 2008 and 2010. A subsequent Public Citizen report found that nearly half of the major construction contracts awarded by Maryland have gone to companies cited for worker safety violations. — Rhoda Feng

Dallas Takes Decisive Action on Climate Change

In January, Dallas stepped up for its citizens' right to clean air by launching its own climate plan to help clean the air and cool the planet. The launch was the culmination of an effort by Public Citizen's Texas office and allies, begun in 2018, to push for the creation of a community-wide climate action plan. To gain traction for the initiative, Public Citizen's Texas office circulated a petition and launched a postcard writing campaign in April 2018 during the EarthX Expo in Dallas, calling on the city to begin the climate planning process.

The Dallas climate plan will include: completing a greenhouse gas inventory, involving the Dallas community in climate planning and pushing for wider adoption of solar power. Public Citizen's Texas office provided the city a list of stakeholders to participate in the climate planning process, and in January, the Dallas City Council approved the selection of AECOM, an international, Fortune 500 consulting firm, to help develop a climate and environmental plan for Dallas and the surrounding community. Also, Dallas passed a resolution in January directing the city manager to join C40, a network of megacities committed to addressing climate change. — Rhoda Feng

WIN! FERC Rejects New England Committee Press Ban

In January, the Federal Energy Regulatory Commission (FERC) rejected a request by the New England Power Pool (NEPOOL) Participants Committee to ban members of the press from becoming NEPOOL members. NEPOOL is the official organization tasked by FERC to develop electric rate policy for all of New England. It holds meetings at which electric rate policy is set for six states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

Public Citizen in July asked FERC to require NEPOOL to open its meetings – at which billions of dollars in electric rate policy are developed – to journalists and the public. FERC's rejection of the press ban marks a partial victory for the public and freedom of the press – partial, because FERC's order applies only to banning journalists from being NEPOOL members. FERC declined to issue a broader rule on NEPOOL's current policy of banning the general public from meetings where proposals to change New England's power market rules are developed, deliberated and voted upon. And currently the only way for journalists to attend NEPOOL meetings is to pay \$500 for a membership. — Rhoda Feng

Working Toward Fair Elections in New York

One hundred individuals spent more on elections in New York state in 2018 than 137,000 small donors combined. There is now a movement pressing for a statewide fair elections system, under which candidates who pledge to limit large donor contributions receive matching small-dollar donations to empower the voices of everyday New Yorkers.

On Feb. 27, Public Citizen helped organize hundreds of people to go to Albany and urge lawmakers to act immediately to make the Legislature work for all New Yorkers, not just big donors. Public Citizen and activists met with state legislators, rallied and even wore "big money" costumes around the Capitol. Just a few days prior, on Feb. 23, Public Citizen spearheaded a town hall for democracy in New York City to build support for state and federal democracy reforms, including the For the People Act (H.R. 1), a package of reforms designed to restore democracy nationwide.

Elected officials spoke about opportunities to get big money out of politics, give everyday New Yorkers a bigger voice and lead the way on voting rights. The push comes on the heels of the New York Legislature passing election reforms in January aimed at breaking down barriers to voting. These included early voting (previously unavailable in the state), constitutional amendments for same-day registration, pre-registration of 16- and 17-year-olds, and no-excuse absentee ballots. — Rhoda Feng ■

Corporate Lawbreakers Continue to Flourish Under Trump

BY DAVID ROSEN

So much for being a “tough-on-crime” president, at least when it comes to corporate criminals. Corporate enforcement actions at the U.S. Department of Justice (DOJ) fell for the second year in a row under President Donald Trump, according to a Public Citizen report released in January, “Corporate Impunity Worsens Under Trump.”

In Trump’s second year, the DOJ completed just 227 cases against corporate offenders, 14 fewer than in 2017, and down heavily from 308 in President

Barack Obama’s final year in office.

The combined penalty totals for Trump’s first two years – \$20.6 billion – are 80 percent lower than Obama’s last two years, \$101.2 billion. While the Trump DOJ’s financial penalties increased to \$15.7 billion in 2018 from \$4.9 billion, the 2018 level is below Obama-era penalties.

Additionally, more than 60 percent of the 2018 total is attributable to just four cases against big banks – the Royal Bank of Scotland, Wells Fargo, Barclays and HSBC – that were initiated

by the Obama administration for financial crisis-era allegations.

“The sustained decline in corporate enforcement is the predictable outcome of corporate leniency policies the Trump administration has embraced – even while pursuing ‘zero tolerance’ enforcement toward border crossings and street crime,” said Rick Claypool, a Public Citizen research director and author of the report. “This is two-tiered justice at its worst.”

The analysis follows a July 2018 Public Citizen report that found DOJ penalties for corporate viola-

tions plummeted by 90 percent during Trump’s first year in office, and that corporate enforcement declined significantly at nearly all federal agencies under Trump appointees.

“The declines in corporate enforcement reflect an array of policy decisions and allocation of enforcement resources, all of which aim to let corporations escape accountability when they pollute our air, endanger workers, cheat the government, bribe foreign officials and more,” said Robert Weissman, president of Public Citizen. ■

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The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On Public Citizen's opposition of Trump's fake national emergency declaration: *PBS, CNN, Common Dreams, Raw Story, The Leslie Marshall Show.* **On President Donald Trump's government shutdown:** *Wall Street Journal, The Nation, Democracy Now!, The Cap Times.* **On Public Citizen's lawsuit against the U.S. Occupational Safety and Health Administration (OSHA) challenging the Trump administration's rollback of workplace safety rules:** *Government Executive.* **On Miriam Adelson receiving the Presidential Medal of Freedom after donating \$500,000 to a fund set up to pay legal expenses incurred by Trump's aides:** *ThinkProgress.* **On nationwide demonstrations against Trump's national emergency declaration:** *Common Dreams, SFGate, Detroit Free Press.*

Lisa Gilbert, vice president of legislative affairs

On New York Attorney General Letitia James' plans to investigate Trump's finances: *CNN.* **On U.S. Rep. Alexandria Ocasio-Cortez (D-N.Y.) taking on Wall Street and joining the U.S. House Financial Services Committee:** *Politico, Newsmax.* **On Democratic lawmakers in the 115th Congress introducing an ethics overhaul package that will rein in corruption:** *CQ RollCall.* **On former lawmakers escaping the lobbying disclosure law to become lobbyists before they're allowed to be:** *ThinkProgress.* **On the \$1 billion weekly economic damage of the government shutdown:** *Politico Pro.*

Lori Wallach, director of Public Citizen's Global Trade Watch

On the unsubstantiated claim that a revised North American Free Trade Agreement will pay for Trump's border wall: *The Nation, CBS News, PRI, Bustle.* **On a claim that Mexico will pay for the wall:** *HuffPost, CNBC.*

Dr. Michael Carome, director of Public Citizen's Health Research Group

On the government shutdown's impact on public health: *U.S. News & World Report, Modern Healthcare.* **On the recall of a blood pressure drug due to cancer risk:** *USA Today, The Atlanta Journal-Constitution.* **On the dangers of pelvic mesh products:** *The Wall Street Journal, The International Consortium of Investigative Journalists, KVUE-TV, MedTech Dive, Medtech Insight.*

Public Citizen Litigation Group

On Public Citizen's lawsuit against Trump's national emergency declara-

tion: *The Washington Post, The New York Times, Los Angeles Times, Democracy Now!, ThinkProgress, Politico, CNN, The New York Post, USA Today, The Daily Mail, CBS, BBC News, Bloomberg, the Associated Press, The Hill, Time, SFGate, Bustle, BuzzFeed News, Rolling Stone, Reuters, Fox News.* **On Public Citizen's lawsuit against OSHA challenging the rollback of workplace safety rules:** *Vox, JD Supra.* **On Public Citizen's lawsuit against Trump's rollback of clean car standards:** *Politico, Reuters, NGT News, Jurist.*

Craig Holman, government affairs lobbyist with Public Citizen's Congress Watch division

On U.S. House Democrats pushing for tougher ethics rules: *USA Today.* **On members of Congress acting as unregistered hidden lobbyists:** *Miami Herald.* **On Trump shielding acting agency chiefs from the scrutiny of U.S. Senate confirmation hearings:** *HuffPost.* **On authoritarian regimes paying millions of dollars to K Street lobbyists:** *Bloomberg.* **On the overly broad interpretation of ethics in Congress:** *CQ RollCall.* **On former lawmakers acting as stealth lobbyists:** *News Tribune, Sun Herald (Miss.), Kansas City Star.* **On Washington, D.C., Mayor Muriel Bowser's inaugural committee taking in nearly \$1 million in seven weeks:** *Washington City Paper.*

David Arkush, managing director of Public Citizen's Climate Program

On Public Citizen's report on how the U.S. media underreported climate change: *Media Matters for America.*

Tyson Slocum, director of Public Citizen's Energy Program

On evidence that grid operator PJM used ratepayer money for political activity: *Utility Dive.* **On American energy's global impacts on profits, public health and climate change:** *Newsy.*

Peter Maybarduk, director of Public Citizen's Access to Medicines Program

On U.S. Sen. Amy Klobuchar's (D-Minn.) proposals for lower prescription drug costs: *The Eagle, Star Tribune.* **On 2020 Democratic presidential contenders' positioning on drug pricing plans:** *CQ RollCall.*

Adrian Shelley, director of Public Citizen's Texas office

On Texas regulators' approval of a proposal that would boost revenues for power generators: *Houston Chronicle, The Texas Tribune, My San Antonio.*

FOR YOUR ENTERTAINMENT: Public Citizen Crossword

Answers, page 16 ►

Free for All BY JIM QUINLAN

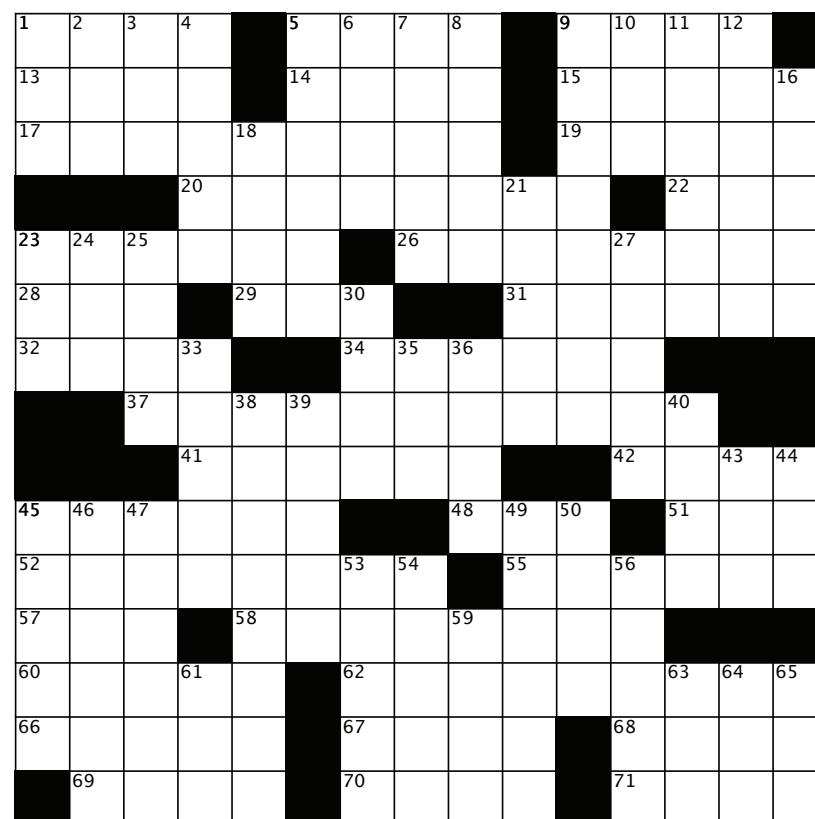
Across

1. Fix, as a cat
5. Metallica member Ulrich
9. Put up with
13. 1492 ship that isn't the Pinta or the Santa Maria
14. "I vehemently agree!"
15. They're no bench warmers
17. *Daily break for high school students
19. Guitar for Mark Knopfler of Dire Straits
20. Folks from Indiana
22. "Mars Attacks!" vessel
23. "It's enough to live on"
26. *Preliminary test
28. Org. that opposes bump stock bans
29. Common cereal grain
31. Disfigures
32. "___ Your Enthusiasm" (HBO comedy)
34. Complete ranges
37. *Tag that helps secure a spot
41. Deem appropriate
42. Has yet to pay
45. Slovenly
48. Tentative taste
51. Many a Dogfish Head Brewery output
52. *One of an amorous pair
55. Reach a peak
57. "At once!"
58. Forces
60. Hill interviewed by John Oliver
62. *Heat source for many a residence
66. Less dangerous

67. Hall of Fame ballplayer Slaughter
68. Fight, to Shakespeare
69. Require
70. In need of guidance
71. Word that should describe Medicare, and can precede both parts of the answer to the starred clues

Down

1. Show on which Stiller portrays Cohen, casually
2. More, in music
3. Coulter who occasionally (and somewhat ironically) trolls Trump
4. Vessel that Bernie Sanders is unlikely to own- I assume he'd prefer a rowboat
5. Jackson who was revealed to be the Alien on "The Masked Singer"
6. French friends
7. Forward, as payment
8. Make a villainous expression
9. R-Rated Billy Bob Thornton holiday film
10. Judge depicted by Choi in The People v. O.J. Simpson
11. Neaten rough metal edges, post-lathing
12. Severe scolding
16. Drops trou for shock value
18. One with a bundle for baggage
21. Throw together, as a temporary fix
23. Ltd., in the states
24. "Dispicable Me" antagonist
25. Wyatt of the West



27. Stock holder?
30. Cry at the end of the work week... which no one really says anymore (Did they ever?)
33. Count on the keys?
35. Singer DiFranco with the album "Up Up Up Up Up Up"
36. Executive grps.
38. Barbarossa on the high seas
39. Enter, as a PIN
40. Do laps at the Y
43. Org. currently headed by Wheeler
44. Lisa Simpson's instrument, casually
45. Arm bones

46. Former White House speechwriter Peggy
47. Peg Bundy, for one
49. Least friendly
50. Commoner, for short
53. "I'm a ___ just for kicks, now" ("Feel It Still" lyric)
54. Brand many use before calling a plumber
56. Estimates incorrectly
59. Mil. aides
61. Peg for Arnold Palmer
63. Airport info next to "Dep"
64. 1979 Sally Field film "Norma ___"
65. Go platinum?

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

Public Citizen Recommends ...

'Can American Capitalism Survive?': Why Greed Is Not Good, Opportunity Is Not Equal, and Fairness Won't Make Us Poor

By Steven Pearlstein; \$27.99; St. Martin's Press.

Can American capitalism survive? That's what Pulitzer Prize-winner Steven Pearlstein sets out to answer in his new book. But first, what kind of capitalism do we want? The former Washington Post reporter deftly shows the fallacy of many of free

market capitalists' key premises and envisions an economic system that is equitable and just.

Pearlstein maintains that we are in a new gilded age "in which the benefits of economic growth are being distributed more unequally than they have been at any time since before the economic reforms of the Progressive Era and the New Deal." But people are growing disillusioned: "Americans are no longer willing to accept the glaring injustices created by the economic system simply because that system provides them

with a higher-standard of living. For starters, many feel their standard of living is now falling, not rising."

It used be that businesses benefited society by paying a living wage and providing benefits and job security. But globalization, deregulation and rapid technological changes shrunk profits, Pearlstein says.

In the 1980s, corporations became targets of corporate raiders and became increasingly focused on share price – an obsession driven by Wall Street, the courts and executive pay packages. CEOs no longer make long-term investments in their companies, instead doing whatever it takes to keep stock prices high – cutting workers, lowering pay, avoiding taxes and opposing government regulations.

This path is not moral, Pearlstein argues, and a market economy can't be successful if it is amoral. Inequality slows

economic growth and reduces productivity.

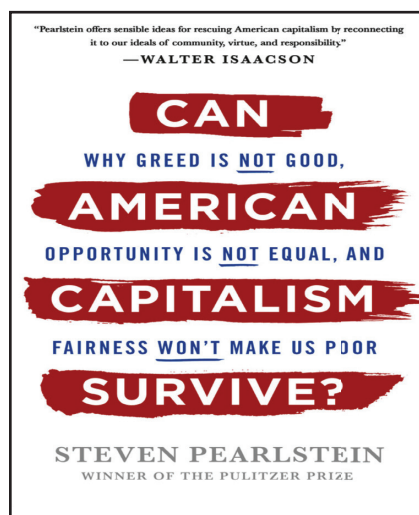
But we can choose a different path, Pearlstein says.

His policy prescription includes a constitutional amendment to limit special interest money in politics, a guaranteed minimum income in exchange for national service (paid for in part by a higher income tax and a financial transactions tax), profit sharing for all employees, an end to class segregation in public schools, a restoration of competition to overly consolidated markets through more aggressive antitrust enforcement, reform of copyright and patent law, and greater reliance on customer-owned financial institutions.

Will American capitalism survive? It can if we have the willpower to transform it. ■

— Angela Bradbery

To order books, contact the publisher or visit your local bookstore or library.



Consumer Protection Enforcement Sinks Under ‘Tough-on-Crime’ Trump

BY ALAN ZIBEL

One government agency fined a lender accused of swindling veterans just one dollar. Another agency didn't punish a corporation responsible for defective jogging strollers that caused nearly 100 injuries.

They are just two examples of how law enforcement activity at three large U.S. consumer protection agencies has fallen sharply under President Donald Trump, highlighting how the White House continues to put corporate interests ahead of the middle class.

A Public Citizen report, “Consumer Carnage,” examined enforcement activity at the U.S. Consumer Financial Protection Bureau (CFPB), Consumer Product Safety Commission (CPSC) and Federal Trade Commission (FTC)

in cases that resulted in fines of \$5,000 or more. The analysis found that during Trump's first two years in office, these agencies completed a total of 84 enforcement cases. That marked a 37 percent decline from 133 cases completed at the same agencies during President Barack Obama's last two years in office.

More specifically, Public Citizen found that enforcement activity against corporations:

- Sank by more than 50 percent at the CFPB once the Trump administration assumed control over the agency in late 2017.
- Fell to only seven cases at the CPSC during Trump's first two years in office, compared with 13 in Obama's final two years. The change at the CFPB in par-

ticular has been egregious. Public Citizen found that under Trump, the CFPB has moved to terminate investigations, settled cases, lowered fines or imposed no fines at all in at least 10 instances. In one recent case, the CFPB fined a lender accused of swindling veterans out of their benefits just one dollar after the lender claimed he couldn't pay.

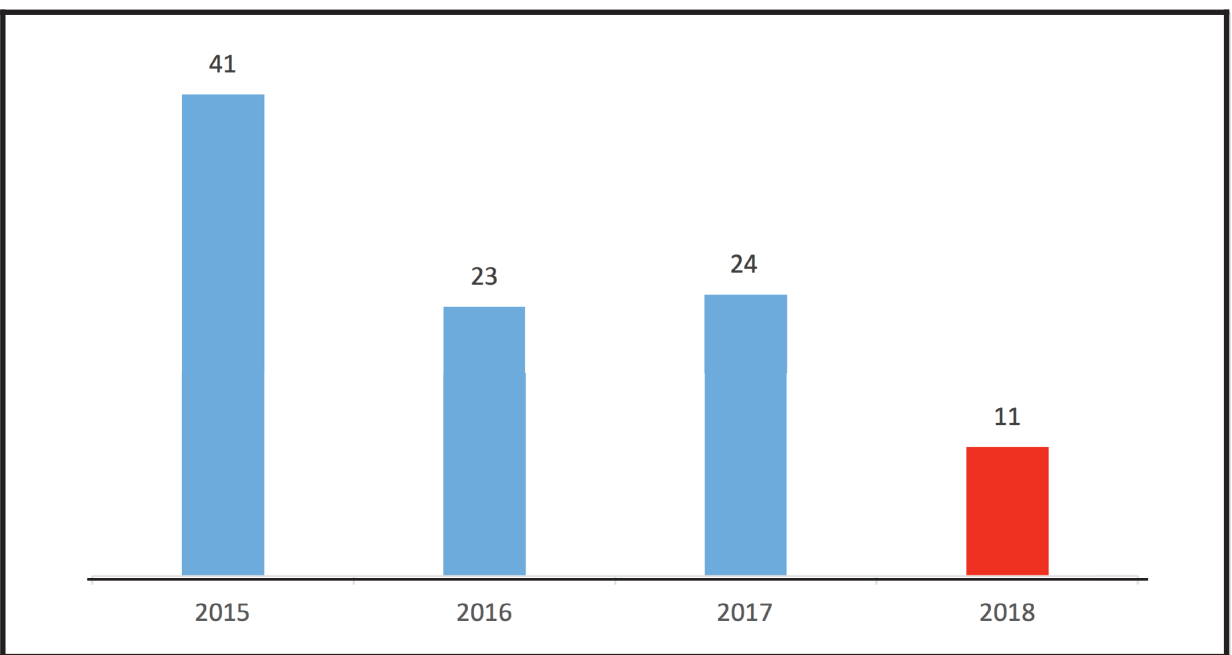
At the CPSC, two Democrats on the commission have written strong dissents to the agency's settlements in cases involving defective jogging strollers whose front wheels could detach suddenly during use (at least 50 children and 47 adults were injured) and trash cans whose protective collars could become dislodged, exposing a sharp edge (at least 60 people have been injured). And the

FTC, at press time, has yet to sanction Facebook over potential violations of a 2011 FTC consent decree over privacy issues.

For the report, Public Citizen examined enforcement cases at the three agencies from 2015 through 2018 and used the Violation Tracker database compiled by the Corporate Research Project of Good Jobs First.

“Members of the Trump administration have made abundantly clear they perceive their function as serving and assisting corporations instead of holding them accountable for lawbreaking,” said Robert Weissman, president of Public Citizen. “Under this president, federal agencies have slashed fines, declined to bring cases against corporate wrongdoers and gutted enforcement programs. The result is a government that is eager to throw consumers under the bus.” ■

Completed CFPB Enforcement Cases By Year



Source: Public Citizen analysis of Violation Tracker database and CFPB press releases.

Crossword Answers

