



PUBLICCITIZEN

2011 Year in Review



Photo by Brendan Hoffman

Public Citizen's founders (from left) Dr. Sidney Wolfe, Joan Claybrook, Alan Morrison and Ralph Nader took part in the celebration at Public Citizen's 40th Anniversary Gala in October.

Public Citizen Celebrates 40th, Amplifies Advocacy

In 2011, Public Citizen honored the legacy of our founders — Ralph Nader, Joan Claybrook, Alan Morrison and Dr. Sidney Wolfe — both by celebrating our 40th anniversary and by relentlessly challenging corporate power, as we have done through the years.

We recognized our decades of achievement during the year, holding events throughout the country with our friends and supporters. The yearlong celebration culminated in a 40th Anniversary Gala in October in Washington, D.C. More than 500 supporters, friends, colleagues and Public Citizen alumni gathered at the event.

The gala's keynote speaker, journalist Bill Moyers, gave a moving speech that served as a passionate call to action, motivating the progressive community to stand up to corporate power. The speech made media headlines, and it was adapted into a cover story for the Nov. 21 issue of *The Nation* magazine.

Moyers could not have addressed a more appropriate audience. Public Citizen and our supporters are dedicated to advocating for the people. Just look at some of our accomplishments from 2011:

- We organized people to protest the disastrous *Citizens United v. Federal Election Commission* U.S. Supreme Court ruling, which allows corporations to spend as much as they want to influence elections;

- We fought back against the U.S. Chamber of Commerce and other groups' attacks on our country's system of public protections;
- We gave voice to whistle-blowers who were brave enough to come forward with information about health and safety issues;
- We participated in a sit-in in front of the White House in opposition to the proposed TransCanada Keystone XL tar sands pipeline — and the Obama administration rejected the tar sands proposal;
- We won a major lawsuit that allows the public to have access to testimony that former President Richard Nixon gave to a grand jury in 1975;
- We began to celebrate the success of our decade-long campaign to stop expansion of the World Trade Organization's scope and powers;
- We helped to push 14 energy efficiency and renewable energy bills through the Texas Legislature.

We discuss these and other major accomplishments in more detail on pages 6-11.

Our 40th year gave us a much-needed opportunity to reflect on our accomplishments. As we enter our fifth decade, Public Citizen will continue to amplify our efforts to take on corporations on behalf of people.

Contents

| | |
|-------------------------------------------------------------------------------------------------------------|-----------|
| Democracy | 6 |
| Public Citizen leads fight to overturn <i>Citizens United</i> | |
| 'Story of Citizens United' | |
| Democracy reports | |
| The Occupy movement | |
| Government and financial reform | 7 |
| Public Citizen advocates critical public protections | |
| Online activism | |
| Consumer product database | |
| Financial reform reports | |
| Energy and the environment | 8 |
| Activists win — Obama rejects tar sands pipeline | |
| Speculation in energy markets | |
| Sustainable energy in Texas | |
| Fracking protests | |
| Health and safety | 9 |
| Whistle-blowers shed light on health and safety issues | |
| Dangerous drugs | |
| Health and safety reports | |
| Globalization and trade | 10 |
| Public Citizen succeeds in halting WTO expansion | |
| Free Trade Agreements | |
| "New Deal or No Deal" | |
| Milk carton campaign | |
| WTO rulings | |
| Justice | 11 |
| Nixon testimony unsealed, thanks to Public Citizen | |
| U.S. Supreme Court cases | |
| Koch Industries lawsuit | |
| 2011 leadership gifts | 12 |
| Public Citizen salutes our 2011 major donors | |
| Financials | 12 |
| Fiscal year 2011 consolidated statement of activities for Public Citizen Inc. and Public Citizen Foundation | |

DEMOCRACY

'Story of Citizens United'

In March, "The Story of Citizens United v. FEC," an eight-minute short film about the U.S. Supreme Court's *Citizens United* decision, premiered online. It was created by award-winning Internet filmmaker, director, author, activist and Public Citizen board member Annie Leonard. Public Citizen President Robert Weissman acted as content adviser for the film, which traces the history of how corporations evolved and gained power, and explains how *Citizens United* further threatens our democracy. Watch the film at www.storyofcitizensunited.org.

Democracy reports

Throughout 2011, Public Citizen released reports related to the damage caused by *Citizens United* and the corrosive effect corporate money has on politics. The reports included:

- "12 Months After: The Effects of *Citizens United* on Elections and the Integrity of the Legislative Process" (www.citizen.org/12-months-after), which discusses the damage the ruling caused in the first year it was issued. The report's findings include the fact that spending by outside groups increased to \$294.2 million in the 2010 election cycle, up from \$68.9 million in the 2006 election cycle;
- "Cause for Concern" (<http://citizen.org/documents/Cause-for-Concern.pdf>), which was an informal survey of congressional staffers that found that more than 40 percent of those staffers said lobbyists wield more power because of the Supreme Court decision;
- "Fulfilling Kennedy's Promise" (www.citizen.org/documents/fulfilling-kennedys-promise.pdf), which says that publicly held companies that disclose their electoral spending are worth more than those companies that do not disclose their donors. This report was co-written by John Coates of Harvard Law School.

The Occupy movement

Public Citizen is standing in solidarity with the Occupy movement, and staff members have been sharing information with Occupy protesters about how corporations have undue influence over the political process and how a constitutional amendment could help. In fact, 13 Occupy sites held "house parties" hosted by Public Citizen and featuring a call with U.S. Sen. Bernie Sanders, to help plan protests that marked the Jan. 21, 2012, anniversary of *Citizens United*.



In January 2011, activists held a "sold" sign in front of the U.S. Capitol, protesting the influence corporations have over lawmakers. The activists pressed for a constitutional amendment to overturn the U.S. Supreme Court's *Citizens United* ruling.

Public Citizen Leads Fight To Overturn *Citizens United*

Two years ago, the U.S. Supreme Court significantly weakened the campaign finance system by ruling that corporations can spend as much money as they want to influence elections.

The effects of the Jan. 21, 2010, *Citizens United v. Federal Election Commission* decision were clear in that year's midterm congressional elections, and there will be major repercussions during this presidential election year. Expect massive amounts of corporate political spending through independent groups that take corporate money and funnel it into broadcast ads, fliers and other materials.

In 2011, Public Citizen was at the forefront of the fight against the corporate takeover of elections. That fight continues to gain momentum.

In January, we organized a number of events to coincide with the first anniversary of the disastrous Supreme Court ruling. We participated in a rally on Capitol Hill called "We the Corporations vs. We the People." We also hosted a press conference organized by the American Sustainable Business Council, a group of companies concerned with shared prosperity, environmental protection and social justice, in which the council announced the launch of its campaign to support the movement to overturn *Citizens United*. Ben Cohen and Jerry Greenfield of Ben & Jerry's ice cream and Jeffrey Hollender of Seventh Generation, maker of environmentally sensitive household products, spoke at the event.

In March, we launched DemocracyIsForPeople.org, a website designed to keep activists up to date on our efforts to protect democracy and get more citizens involved. The website features our petition for a constitutional amendment to overturn the *Citizens United* ruling, which has more than 100,000 signers thus far.

We also hired three staff members who are focused solely on organizing the public to protest the ruling and build a movement to overturn the *Citizens United* decision.

The hard work is paying off, as support grows nationwide for a constitutional amendment to overturn the ruling.

As of press time, federal lawmakers have introduced 12 resolutions calling for an amendment to the Constitution that would overturn *Citizens United*. We also began working with allies and lawmakers in four states (California, Maryland, Massachusetts and Vermont) to encourage the introduction of state legislation calling for an amendment to overturn *Citizens United* and to build support for it in those states.

"Giving corporations a free pass to influence campaigns has a corrosive effect not just on federal elections, but on every other issue we face today — from climate change to protecting consumers from Wall Street," said Robert Weissman, president of Public Citizen. "Overturning the Supreme Court's *Citizens United* decision is the first step in fixing our broken political system."

Public Citizen also is pushing for other reforms to limit *Citizens United*'s damage. We are spearheading the Corporate Reform Coalition, which consists of more than 70 organizations, institutional investors, academics, attorneys and shareholders who support efforts to mitigate *Citizens United*. The coalition is pushing state and federal legislation, federal regulations and shareholder resolutions related to the need for publicly traded companies to disclose and be held accountable for campaign spending.

The battle to ensure that democracy is for people, not corporations, continues in 2012.

For more information, visit www.DemocracyIsForPeople.org.

GOVERNMENT AND FINANCIAL REFORM

Public Citizen Advocates Critical Public Protections

Public protections are critical to ensure the quality of the products we use, the services we receive and the food we eat. They make sure that employees have safe workplaces and that people have breathable air and drinkable water. But the U.S. Chamber of Commerce and likeminded groups are pushing not only to roll back existing regulations but to make it nearly impossible to create vital new public health and safety protections.

In 2011, Public Citizen ratcheted up our efforts to defend the regulatory system and advance public protections. We've taken the lead in a new coalition, the Coalition for Sensible Safeguards, which is composed of 70 organizations that provide resources and information to explain, defend and advocate public protections, and we've testified before Congress about the benefits of regulations.

Public Citizen also published research in 2011 that makes the case for critical federal safeguards, including:

- “Regulation: The Unsung Hero in American Innovation” (www.citizen.org/regulation-innovation), which gives real-life examples of regulations that not only improved public safety but also led to better products;
- “Regulations at Work” (www.citizen.org/regulations-at-work-report), which details five worker-safety rules that successfully reduced injuries, illnesses and fatalities in the workplace;
- “Decoding the Bill” (www.citizen.org/documents/decoding-the-bill.pdf), which examines lobbying records and reveals that the energy industry made the biggest financial push supporting the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011 (H.R. 10), which would place major roadblocks in the government's ability to protect the public;

- “Cranes and Derricks” (www.citizen.org/cranes-and-derricks-report), which shows that, contrary to corporate claims that federal employees issue burdensome safety rules with little concern for the industries that would be affected, the process of creating even an industry-requested, non-controversial rule takes many years and allows for a large amount of input from affected industries; and
- “OSHA Inaction” (www.citizen.org/documents/osha-inaction.pdf), which examines the reasons for delays in the Occupational Safety and Health Administration (OSHA) rulemaking process and shows how the slow process threatens worker safety.

Public Citizen has pressed lawmakers to support public protections. In fact, in September, U.S. Rep. Carolyn Maloney (D-N.Y.) placed our report, “Regulation: The Unsung Hero in American Innovation,” into the Congressional Record.

We also gathered and publicized personal stories from people across the country who have been harmed by a lack of regulation, as well as from small business owners who believe regulations are vital to maintaining a level playing field.

When the U.S. House of Representatives caved to industry pressure and passed the REINS Act along party lines in December, Public Citizen fought back. This terrible legislation would require congressional approval of all major rules within 70 days, which would effectively end most rulemaking.

Public Citizen has been lobbying the Senate to reject the REINS Act as well as raising awareness of and working to block dozens of other anti-consumer, industry-backed measures that would make it harder for the government to protect the public.

For more information, visit www.sensible-safeguards.org.

Online activism

Public Citizen has been reaching out online to activists, who in turn sign petitions, contact their lawmakers or otherwise take action. In 2011, our activists successfully made their voices heard in government and financial reform efforts. They called on President Barack Obama to appoint Elizabeth Warren to lead the Consumer Financial Protection Bureau (our petition garnered 32,564 signatures). And 8,307 people contacted financial regulators with their opinions about excessive Wall Street pay, sending 47,704 messages to seven federal agencies.

Consumer product database

In March, the Consumer Product Safety Commission (CPSC) launched its www.SaferProducts.gov database, which provides early warnings to the public about potential dangers of a variety of products — from strollers and cribs to appliances and shoes. Consumers can research and report safety incidents with products. The database was a key component of the landmark Consumer Product Safety Improvement Act of 2008. Public Citizen successfully pushed for the database to be included in the legislation, and we provided the CPSC with input about how the database should be structured.

Financial reform reports

Public Citizen released several financial reform reports during 2011, including:

- “Banking on Failure” (www.citizen.org/documents/banking-on-failure.pdf), which explains how financial speculators count on businesses to fail and countries to default, thereby endangering the financial system;
- “Just Not Us” (www.citizen.org/documents/just-not-us.pdf), which examines the efforts of the financial services industry to undermine a proposed rule designed to address inappropriate incentive-based pay packages;
- “Industry Repeats Itself” (www.citizen.org/documents/industry-repeats-itself.pdf), a report released with the Cry Wolf Project, which shows that the financial industry's alarmist rhetoric about the Dodd-Frank financial reform law has parallels to industry claims made during the New Deal reforms;
- “Industry's Opposition to a Modest Pay Disclosure Rule” (www.citizen.org/documents/two-cents.pdf), which exposes the industry interests that spent millions in lobbying and were working to undermine the new executive pay disclosure rule even before it was publicly proposed;
- “Hourly Rates” (www.citizen.org/documents/hourly-rates-report-20110323.pdf), which is an essay about the extraordinary amounts of money that financial industry executives make in comparison with other industries.



Public Citizen Photo/Bridgette Blair

In November, Public Citizen President Robert Weissman spoke at a rally in Washington, D.C., about the need for a financial transactions tax.

ENERGY AND THE ENVIRONMENT

Speculation in energy markets

In November, Tyson Slocum, director of Public Citizen's Energy Program, testified before a U.S. Senate subcommittee, saying that new Commodity Futures Trading Commission (CFTC) rules to curb excessive speculation in energy commodity markets do not protect consumers. Instead, Public Citizen recommends reforms, including the following: restrict communication between petroleum energy infrastructure affiliates and trading affiliates, improve trading market data disclosure by publishing trader-specific positions, modify disclosure policies of the Securities and Exchange Commission to require companies to detail energy trading activities in their financial reports, and impose financial disincentives to speculate.

Also in 2011, Public Citizen obtained leaked CFTC documents that said speculation by companies such as Goldman Sachs and Morgan Stanley was a key reason for the 2008 inflation of oil prices. The documents named 219 investors in oil futures positions during the 2008 price spike. These documents provided evidence showing why regulators need to fully enforce provisions of the Dodd-Frank Wall Street reform law designed to curb excessive speculation.

Sustainable energy in Texas

During the 2011 Texas legislative session, Public Citizen's Texas office helped to push 14 energy efficiency and renewable energy bills through the Legislature and into law. One bill required homeowner associations to set up rules to allow homeowners to add solar or other cool-roof technologies. Another increased the goal for use of energy efficiency by utilities.

Fracking protests

Public Citizen took action to halt the unregulated expansion of fracking, the drilling practice used to access natural gas. We joined more than 60 other groups to urge President Barack Obama to halt the expansion of fracking until the environmental and health impacts of the process are understood and the health of the public is protected. We also submitted comments to the U.S. Department of Energy, urging it to prioritize the safety of water resources from fracking.



Photo Courtesy of Josh Lopez

Activists — including Allison Fisher, outreach director for Public Citizen's Energy Program — staged a sit-in in August in front of the White House to protest the proposed TransCanada Keystone XL pipeline.

Activists Win — Obama Rejects Tar Sands Pipeline

Public Citizen and other environmental activist groups scored a victory in early 2012 when the Obama administration rejected a proposal to construct a 1,700-mile TransCanada Keystone XL tar sands pipeline.

The administration's decision occurred after activists held mass demonstrations throughout 2011 protesting the pipeline.

The pipeline would carry tar sands crude oil — the dirtiest type of oil in the world — from Alberta, Canada, through the U.S. heartland, into Texas and to the Gulf of Mexico. It would run through the Ogallala Aquifer, which provides drinking water for millions of Americans and provides 30 percent of the nation's irrigation groundwater. A spill from this pipeline could devastate the water supply.

In late summer, Public Citizen participated in a sit-in in front of the White House to protest the proposed tar sands pipeline. Allison Fisher, outreach director for Public Citizen's Energy Program, was arrested as part of the civil disobedience action in Washington, D.C.

"The tar sands action is more than just a tactic aimed at putting pressure on the Obama administration — it's about building a movement," Fisher said in her account of the sit-in.

Our Texas office also orchestrated turnout for protests at the U.S. State Department hear-

ings in Texas.

Earlier in the year, Public Citizen and thousands of the organization's online activists submitted comments to the U.S. State Department opposing the pipeline. We worked with local activists in Texas to document the threat to Texas water and air quality.

Now, Public Citizen is moving forward to permanently stop the construction of the tar sands pipeline.

In 2012, we will publicize and organize around the potential economic and environmental impacts of the pipeline. We will highlight the fact that it would bypass Midwestern oil refineries that produce gasoline for consumption in the U.S. and instead be sent to Gulf coast refineries, where it likely would be exported as fuel to other countries — which would drive up the cost of gasoline and continue Americans' dependence on foreign oil.

"It is clear that the Keystone pipeline isn't just about expanding the mining of Canadian crude, but also about raising gasoline prices for American consumers," said Tyson Slocum, director of Public Citizen's Energy Program. "In 2012, Public Citizen will be urging lawmakers to limit or ban gasoline exports, which would make the tar sands pipeline a very unattractive venture."

HEALTH AND SAFETY

Whistle-Blowers Shed Light On Health and Safety Issues

In 2011, whistle-blowers alerted Public Citizen to health and safety problems, and the organization took swift action.

In October, a physician at the National Institutes of Health (NIH) contacted Public Citizen about two patients at NIH who he alleged died as a result of contaminated blood platelet transfusions given in July. One of the patients was under the care of the doctor who blew the whistle.

After confirming the report, Dr. Sidney Wolfe, director of Public Citizen's Health Research Group, publicly called for the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Defense to investigate. Inquiries already were being conducted by the NIH and the National Naval Medical Center (now part of Walter Reed National Military Medical Center). In November, Wolfe received a letter from Dr. Francis S. Collins, the NIH director, that said one of the patients died as a result of receiving the contaminated platelets, and the other died several weeks later of complications from his "underlying disease," which was undisclosed in the letter. Collins also said that a Food and Drug Administration (FDA) review and an "extensive internal review" were conducted.

Public Citizen is continuing to examine the issue by researching the current procedures and policies that are supposed to protect the nation's blood supply.

Earlier in the year, another whistle-blower provided Public Citizen with a tip saying that, during a webinar, plastic surgeons who were members of two plastic surgery associations were advised to trivialize the significance of the risks of breast implant-related cancer when speaking to patients. In fact, during the webinar, the president of the American Society of Plastic Surgeons, which held the webinar with the American Society for Aesthetic Plastic Surgery, advised members to avoid using the word "cancer" when talking about a rare type of cancer found in women with breast implants — instead telling surgeons to use the word "condition."

Shocked, Public Citizen alerted the FDA. The agency responded by speaking with representatives from the associations, and the webinar was taken offline.

"When we receive tips from whistle-blowers about incidents that threaten people's lives — often without their knowledge — we take immediate action," Wolfe said. "The bravery of those whistle-blowers is critical to our work."



Photo by Brendan Hoffman

Dr. Sidney Wolfe (right), director of Public Citizen's Health Research Group, was interviewed during Public Citizen's 40th Anniversary Gala, which was held in October in Washington, D.C. In 1971, Ralph Nader and Wolfe co-founded the Health Research Group.

Dangerous drugs

Acid reflux drugs. In August, Public Citizen urged the FDA to require the makers of proton pump inhibitors, such as Nexium, Prilosec, Prevacid and others, to add black box warnings — the strongest possible warnings — to the drugs' labels describing several dangerous side effects of these drugs (now known to be habit-forming). The drugs are commonly prescribed to treat acid reflux (www.citizen.org/documents/1964.pdf). The FDA's response to the petition is pending.

Weight-loss drugs Alli and Xenical. In April, Public Citizen again asked the FDA to remove from the market the over-the-counter diet pill Alli and its prescription form, Xenical (www.citizen.org/documents/1942.pdf). Both of these drugs have been associated with severe liver injury, pancreatitis and kidney stones. The FDA's response to the petition is pending.

Avandia. In November, the FDA rejected Public Citizen's 2008 petition asking the agency to ban the diabetes drug Avandia (generic name: rosiglitazone) because of its health risks, which include increased risk of heart attacks, heart failure, fractures, vision-threatening macular edema and other problems. The agency has limited prescriptions for the drug. Avandia is banned in the European Union, New Zealand, India and other countries. (For more, see page 14.)

Health and Safety reports

During 2011, Public Citizen published health and safety reports, including:

- "State Medical Boards Fail to Discipline Doctors With Hospital Actions Against Them" (www.citizen.org/hrg1937), which notes that, of 10,672 physicians listed in the National Practitioner Data Bank for having clinical privileges revoked or restricted by hospitals, only 45 percent of them also had one or more licensing actions taken against them by state medical boards;
- "Defensive Medicine" (www.citizen.org/documents/The-Doctored-Crisis-20110330.pdf), which debunks the exaggerated claim that health care costs are driven up because doctors perform unnecessary tests and procedures to prevent patients from suing them;
- "A Failed Experiment" (www.citizen.org/documents/a-failed-experiment-report.pdf), which finds that caps in Texas on the amount that doctors are responsible for paying if they harm their patients because of medical malpractice have not brought any of the benefits proponents advertised. On every significant measure — such as the cost of health care and the percentage of the population uninsured — Texas has become worse since it restricted patients' rights.

GLOBALIZATION AND TRADE

Free Trade Agreements

President Barack Obama pushed through Congress three leftover Bush free trade agreements (FTAs) with Korea, Colombia and Panama that featured some of the same damaging provisions found in the North American Free Trade Agreement (NAFTA). The silver lining: Thanks in large part to Public Citizen's steadfast grassroots activism, the pacts and their damaging outcomes were delayed for almost five years, and more Democrats voted against them than any other measures since Obama took office. Public Citizen will closely track and publicize the fallout from these deals.

'New Deal or No Deal'

We ramped up our "New Deal or No Deal" campaign on the Trans-Pacific Free Trade Agreement — the first trade pact the Obama administration is negotiating, which now includes Vietnam and eight other Asian and Latin American countries. Working with international allies, Public Citizen is trying to focus public and press attention on what are very speedy, secretive negotiations. Among the troubling provisions that have leaked: new rights for pharmaceutical giants to challenge pricing and other drug formulary policies used by many countries to keep down prices, and for tobacco companies to undermine tobacco control policies in member countries. Public Citizen's new Global Access to Medicines Program worked with Global Trade Watch to organize international sign-on letters, press conferences and more. Staffers also held congressional staff briefings and a rally in Chicago where trade officials were negotiating.

Milk carton campaign

Outraged by the fact that officials have not released the negotiating text of the Trans-Pacific FTA — meaning that a major pact is being hammered out with the public left in the dark — we launched a creative campaign based on the missing children features on milk cartons.

WTO rulings

We publicized three major WTO rulings that threaten key U.S. consumer laws. A WTO panel said that the U.S. meat labeling law, dolphin-safe tuna requirement and ban on clove and candy cigarettes violated WTO rules. (For more, see page 1.)



Public Citizen Photo

In July, Public Citizen organized a protest against the Colombia Free Trade Agreement in Washington, D.C. Staffer Jessa Boehner (pictured) took part in the protest.

Public Citizen Succeeds in Halting WTO Expansion

During 2011, Public Citizen's Global Trade Watch began to celebrate the success of its decade-long campaign to stop expansion of the World Trade Organization's (WTO) scope and powers. At a year-end WTO summit in Geneva, both the WTO Director General and numerous WTO signatory countries admitted that the differences between countries in the Doha Round of WTO expansion negotiations launched in 2001 were "insurmountable" — a huge victory because it means that WTO expansion has ground to a halt.

Public Citizen's campaign is dubbed "WTO: No New Round, Turnaround," and we made some progress in our efforts to press for changes to existing WTO rules. For the past three years, Global Trade Watch almost single-handedly has created a major debate within the WTO and in numerous countries' capitals about how existing WTO rules forbid many of the financial re-regulation policies countries are considering after the global financial crisis.

Staffers have spent time in many countries and in Geneva presenting information about how specific countries' WTO commitments could conflict with re-regulation. By 2011, Eu-

ropean Union staff had issued a report on how the WTO rules conflicted with European countries' proposals to establish a financial transaction tax, and the UN Commission on Trade and Development included a chapter on this problem in its annual Development Report.

To Public Citizen's delight, at the WTO, a bloc of countries, led by Ecuador, has taken leadership in trying to get these WTO rules reviewed with an eye toward examining needed changes. China, South Africa, India, Brazil and scores of smaller nations supported this proposal, but then the U.S. derailed it.

"The good news is that after a few years of us doing a lot of technical analysis and raising the alarm, most WTO countries realize that the 1990s WTO financial deregulation rules written by and for large multinational banks, securities and insurance firms need to be revisited and are ready for action," said Lori Wallach, director of Public Citizen's Global Trade Watch. "The bad news is that even as the Obama administration says it wants strong new regulations on the financial sector at home, it is blocking the WTO reforms needed to be able to do so here and in many other countries."

JUSTICE

Nixon Testimony Unsealed, Thanks to Public Citizen

In July 2011, thanks to Public Citizen's work, a judge ordered the government to unseal former President Richard Nixon's Watergate-related grand jury testimony from 1975.

Nixon testified on June 23 and 24, 1975, in California before the grand jury convened by the Watergate Special Prosecution Force to investigate political espionage, illegal campaign contributions and other wrongdoing during Nixon's presidency. The testimony was sealed, a practice consistent with the usual grand jury procedures.

In September 2010, Public Citizen — representing historian Stanley Kutler, the American Historical Association, the American Society for Legal History, the Organization of American Historians and the Society of American Archivists — petitioned the U.S. District Court for the District of Columbia to unseal the testimony.

"The reasons for making President Nixon's testimony public easily outweighed any reasons for keeping the grand jury testimony secret," said Allison Zieve, director of the Public Citizen Litigation Group and lead attorney for the petitioners. "Releasing this transcript brings us closer to creating a complete public record of the history of the Nixon administration."

A range of people supported making the testimony public, including John W. Dean III, former White House counsel; David Dorsen,

former assistant chief counsel to the Senate Watergate committee; Barry Sussman, former D.C. editor of *The Washington Post*; Raymond Smock, former historian of the U.S. House of Representatives; Richard J. Davis, former assistant special prosecutor with the Watergate Special Prosecution Force; and several prominent historians.

In November, the public had the chance to read Nixon's grand jury testimony when the National Archives and the Nixon Presidential Library and Museum released the transcripts and related materials, and posted the documents online.

In the testimony, Nixon offered no new information about the reason for the infamous 18.5-minute gap in one of the taped conversations between him and adviser H.R. Halde- man, and he denied engaging in any wrongdoing. Repeatedly veering into long stories only tangentially related to the questions, Nixon seemed often to be trying to waste the prosecutor's limited time.

In an article about the transcripts, *The New York Times* said Nixon sounded "bitter at his disgrace and cynical about politics."

"If you know the voice of Richard Nixon, it's a virtuoso performance, from the awkward attempts at humor to the moments of self-pity," said Kutler, who has written several books about Nixon and Watergate, in the *Times*. "It's just terrific stuff."



Public Citizen Photo

The Public Citizen Litigation Group held an alumni luncheon in October as part of Public Citizen's 40th anniversary celebration in 2011. Pictured are current and former Public Citizen attorneys and staff members.

U.S. Supreme Court cases

Public Citizen's major U.S. Supreme Court cases in 2011 included:

February: *Williamson v. Mazda (win!)* — The Supreme Court unanimously held that claims of damages related to a vehicle crash were not barred because of pre-emption, on the theory that holding Mazda accountable for failing to install a lap/shoulder belt would pose an obstacle to the federal safety standard in effect at the time. Public Citizen served as co-counsel at the Supreme Court.

March: *Federal Communications Commission v. AT&T (win!)* — The Supreme Court held that corporations do not have "personal privacy" rights under an exemption to the Freedom of Information Act (FOIA). Public Citizen was co-counsel at the Supreme Court.

April: *AT&T v. Concepcion (loss)* — This Supreme Court ruling allows corporations to include in contracts containing forced arbitration clauses language banning people from bringing class-action lawsuits. Public Citizen argued the case before the Supreme Court.

June: *Smith v. Bayer Corp. (win!)* — The Supreme Court unanimously held that a federal court's decision not to certify a class action does not prohibit a state court from considering the certification of a similar class action brought by a non-named member of the proposed class in the first case. Public Citizen was co-counsel at the Supreme Court.

October: *CompuCredit Corp. v. Greenwood (loss)* — Public Citizen argued before the Supreme Court that the Credit Repair Organizations Act protects consumers' right to sue and does not allow pre-dispute mandatory arbitration agreements. The act protects consumers from unfair and predatory practices by businesses that offer assistance to people with impaired credit ratings. In January 2012, the court ruled 8-1 for the company.

November: *Mims v. Arrow Financial Services (win!)* — Public Citizen argued before the Supreme Court that people have a right of access to the federal courts in cases filed under the Telephone Consumer Protection Act, which prohibits junk faxes and robocalls. The Supreme Court ruled unanimously in our favor in January 2012. (For more, see page 14.)

Koch Industries lawsuit

A federal judge in May ruled, in *Koch Industries v. John Does (Youth for Climate Truth)*, that climate change activists had a First Amendment right to spoof Koch Industries by issuing a mock press release and creating a fake website of the company, which has spent millions funding politicians, think tanks, foundations and political groups that sought to make the public doubt climate change or oppose climate change legislation. Public Citizen represented the anonymous activists of Youth for Climate Truth.

2011 LEADERSHIP GIFTS

Public Citizen Salutes Our 2011 Major Donors

(Oct. 1, 2010-Sept. 30, 2011)

TRUSTEES (\$25,000+)

Jason B. Adkins
Cindy and Todd Barber
James E. Butler
Elizabeth J. Cabraser
Glenn A. Garland
David and Sherry Gold
Merry T. O'Donnell
Steve Silberstein
Joel O. Wooten

TORCHBEARERS

PRESIDENT'S CIRCLE
(\$10,000+)

Peter G. Angelos
Randy and Polly Cherner
Steve Cohen
Trammell S. Crow
Bernard and Harriet Gross
Marvin and Betty Hoffenberg
Neil Holtzman
Robert Jennings Jr. and
Barbara Bott
George and Edwynn Krumme
Julian Mazor
Bruce R. Pfaff
Frederic and Maria Ragucci
Deborah Salkind
Leon J. Shapiro
Tom G. Shapiro

TORCHBEARERS

DIRECTOR'S CIRCLE
(\$5,000+)

Diana M. Attias
Charles A. Eldridge
Emmons and Elizabeth Ellis
Richard Epstein
Thomas Fortune Fay
Jeff M. Goldberg and
Allison Black
Joan Granlund
Keith Hebeisen
Donald Henley
Wayne Hogan
Nobuko O. Kuhn
Shannon Liss-Riordan
(in memory of Don DiFiore)
Seth Lesser
Victor E. Long
James A. Lowe
Mike Malakoff
Judith Nadell and John Langen
Peter T. Nicholl
Patrick M. Regan
Judith Screamon
Geoffrey Seaman
Mark H. Seidler
Stephen A. Sheller
Thomas M. Sobol
Salvatore J. Zambri

TORCHBEARERS
LEADERSHIP CIRCLE
(\$1,000+)

Elizabeth Abbe
Carol Adler
Greg Allen
Franz and Marcia Allina
Judy Ancel
Anne Andrews
Alan Appleford
Seth Armstrong
Richard Mark Baker
Greg Barnhart
Richard H. Barsanti
Michael Baum
Jere Beasley
Ray E. Bellamy
Joseph M. and Marjorie Belth
Cecilia Junkermann Benner
Erma B. Bennett
Max Berger
Steven Berger
Hazel Berger
Richard C. Berner
Howard Betts
William and Ilene T. Birge
Steve Birnbaum
Gloria Black
Elizabeth Block
Jeffrey Bloom
Elspeth G. Bobbs
Silas Bolef
David and Judy Bonior
Andrew W. Brainerd
David Braybrooke
David and Kay Brennan
James Brewer
Constantine R. Bricca
Terry Britton
Harold and Stephanie Bronson
Christopher Brown
Stephen R. Bruce
Judith M. Buechner
C.S. Burgess
Jeffrey and Deanna Burns
Shirley Buttrick
William J. Canady
Paul D. Carrington
Ann S. Carton
Nancy Chasen and Don Spero
Mark A. Chavez
Alice Chew
Christensen Family Foundation
Patrick Clark
Edward Cohen and
Charlene Barshefsky
Ted and Alice Cohn
George E. Coleman
Ann Collier
John E. Colwell
Scott B. Cooper
Robert M. Cordova
Joseph W. Cotchett
Ginger and Wendell Covalt
Michael J. Crow
John Crutcher
Jeffrey Curtis

Samuel E. De Merit
Harry G. Deitzler
Carole Denney
Earl Denney
Jeffrey L. Dennis
Herman A. Dobbs
Robert Dodson
Vincent Domanski
Dan Donham
Philip Downey
Jim and Maggie Dunn
Carmen A. Eanni
Mike Eidson
Ruth E. Eisenberg
Ann Ekstrom
Diana Elghanayan
Henry Elghanayan and
Nancy Newman
George F. Farah
Sylvan Feldstein
Portia N. Flewellen
Cary Flitter
Wilmer Fong
Ronald and Mary Forthofer
Ivor and Barbara Freeman
Andrew S. Friedman
Benjamin Friedman
Jonathan Frieman
Chandra Friese
Abraham Fuchsberg
Harvey Furgatch
Eugene Gabrych
Matt Gaier
Marie Lee Gaillard
Jonathan E. Gertler
Robert S. Gianelli
Bruce Gillam
Rhoda R. Gilman
Steven Baughman Jensen
Samuel Green and
Mickey McKinley
Xan and Bonnie Gregg
Robert and Denise Grzesiak
Robert L. Habush
Thomas A. Hager
Robert S. Hagge
Elisabeth G. Hair
Thomas L. Hall
Robert and Sally Hall
Robert and Stephanie Harris
Ruth L. Harvey
René Haas
John Michael Hershey
Lawrence and Suzanne Hess
T. Robert Hill
Daniel Martin Hodes
Robert Hummer
Phyllis Igleheart
David Irwin
Gloria Jarecki
Anne Hale Johnson
Lynn R. Johnson
Wade C. Johnson
David B. Jones
Milnor and Miriam Jones
Miyoko Kaneta
Helen B. Kaplan
George Karnoutsos

Lisa Kasel
Bernard Kastin
Michael Kelly
Francis C. Kelly
Albert and Rosemary Kemper
Lori Kisling
Robert H. Kline
Richard and Carol Klinkner
David and Frances Korten
Edward Labaton
Helen P. Ladd
Kurt and Gladys Lang
Anita Suzanne Lanier
Ruth E. Levine
Michael J. Lewis
Helen E. Lezzeni
James Lindsay
Adelma Lo Prest
Dennis J. Loo
Ruth Watson Lubic
Kerry Madigan
Mike Maher
Steven R. Maher
Christine D. Manwaring
Hermine and Sumner Marshall
Dean and Margaret Mattson
Helen McLaren
William McLean
George Mendenhall
Ellen Mertins
Thomas J. Methvin
Lisa M. Mezzetti
Robert R. Michael
Wilma S. Mills
Monroe Milstein
Mary Morse and
James McBride
Alan and Anne Morrison
Kenneth F. Mountcastle
Michael Mullett and
Patricia March
Thomas J. Murray
Barry J. Nace
Christopher T. Nace
Jonathan B. Nace
Matthew A. Nace
Anthony Navarro
Alexander Nerska
Brian W. Newcomb
Mary A. Nigro
Judith Norman
North Pond Foundation
Jeanne Nunes
Anne Oakes
Alberta College Of
Family Physicians
Gregory O'Kelly
Jack H. Olander
O'Live Fund
Carol Olwell
Caitlin S. Palacios
Augustin Parker
Anna Pearson
David Perry

David Philipps
Michael Piuze
Stephen and Lucila Plank
William W. Pope
Jean L. Potter
Wesley H. Quigley
David H. Read
Gertrude Reagan
Doris E. Reed
Daniel and Sophie Reiber
Robert and Mary Resnik
Florence Resnikoff
Paul and Joyce Rheingold
Randolph E. Richardson
Jose Rigau Perez
David Rigsby
Dorothy Rinaldo
Aaron M. Levine
Brent M. Rosenthal
Phil and Monica Rosenthal
Martin and Yvonne Rothenberg
Juliet M. Sabit
Dorothy Salant
Margaret E. Saunders
Chris Searcy
Jack Scarola
Verna Shaheen
Edward and Helen Shanbrom
Michael Shannon
William M. Shernoff
John Shipley
Will Siegfried and
Susan Powers
Jerry Silbert
Sarah Siskind
Victor Skorapa
Donald and Cynthia Slavik
Florence G. Smith
Nancy Somers
Elsie F. Sorgenfrei
Christine D. Spagnoli
Girardeau A. Spann
Robert F. Spohrer
Jennifer Stanley
M. Greg Stathakis
Marlowe Steege
Frances W. Stevenson
Allen M. Stewart
Larry S. Stewart
Natalie Sticesen
Mary E. Stinski
Marilyn Suthard
Richard D. Taber
Michael P. Thornton
Murray Tobak
Jack and
Martha Claire Tompkins
Richard J. Townzen
Gibson Vance
Elsie P. Van Buren
Freda and Marvin Van Houten
John R. Vogler
Barbara Wachtel
Bill Wagner
Betty J. Walters
Sanford Waxer
Alan and Nancy Weiner
Paul and Barbara Weiss

Kim and Kathleen Wennesland
Steve Williams
Wayne M. Willoughby
Robert L. Winder
J.E. Wingfield
Theodore W. Winsberg
Lawrence Wobbrock
Chic Wolk
Elsa W. Wood
Amy Woods
John C. Woodward
Robin Workman
James H. Worth
Roger Worthington
Ira and Godeleine Ziering

FOUNDATION SUPPORT

Arca Foundation
Bauman Foundation
Cedar Elm Fund of
The Dallas Foundation
Center for Study
of Responsive Law
Cow Hollow Fund
CS Fund*
Deer Creek Foundation
Energy Foundation
Ettinger Foundation
Ford Foundation
Jacob and Terese Hershey
Foundation
HJMS Marks Fund
Houston Endowment
Marin Community
Foundation*
Maximilian Fund of the Toledo
Community Foundation
Media Democracy Fund,
a hosted project
of the Proteus Fund
Moriah Fund*
Cynthia and George Mitchell
Foundation
Nathan Cummings Foundation
Open Society Foundations
Panta Rhea Foundation
Park Foundation
Perls Foundation
Prentice Foundation
Public Health & Law Policy*
Public Welfare Foundation*
Rockefeller Brothers Fund
Tar Sands Campaign Fund
of Tides Foundation
Tides Foundation*
Wallace Global Fund
Edna Wardlaw Charitable Fund

*Denotes contributions made supporting Public Citizen's work in FY11.

FINANCIALS

Fiscal Year 2011 Consolidated Statement of Activities for Public Citizen Inc. and Public Citizen Foundation

| Revenue and Support | Actual | Expenses | Actual |
|----------------------------------------|---------------------|-------------------------------------|---------------------|
| Individual Donations | \$6,756,441 | Programs | \$7,028,428 |
| Publications and Subscriptions | \$1,736,136 | Publications | \$2,484,295 |
| Grants | \$1,982,667 | Support Services | \$2,851,087 |
| Program Income | \$364,101 | General and administrative | \$1,734,492 |
| Rental Income* | \$365,204 | Development | \$1,116,595 |
| Other | \$147,907 | Total Expenses | \$12,363,810 |
| Income from Investments | \$47,815 | Change in net assets** | \$ (963,539) |
| Total Revenue and Support | \$11,400,271 | | |

*Net of Operating Expenses ** In accordance with Statement of Financial Standards No. 116, Accounting for Contributions Received and Contributions Made, Public Citizen is required to record all grants and contributions in the current fiscal year even if the monies have not been received or related expenses have not been expended. As of Sept. 30, 2011, Public Citizen had temporarily restricted net assets of \$2,652,010, which represent restricted grants and contributions whose donor-stipulated time or purpose restriction has not been accomplished. Several of the net assets included in this amount are intended to be expended over several subsequent years.

How can you become a leadership supporter?

Please contact
Rachel Mlinarchik at
(202) 588-1000 or
rachel@citizen.org.

