



Pfizer Must Do More to Address Paxlovid Access Barriers

BY BENJAMIN WILD

Paxlovid, Pfizer's new investigational antiviral COVID-19 treatment, has been lauded as a potential game-changer in the fight against a global pandemic which has now been endured for over two years.

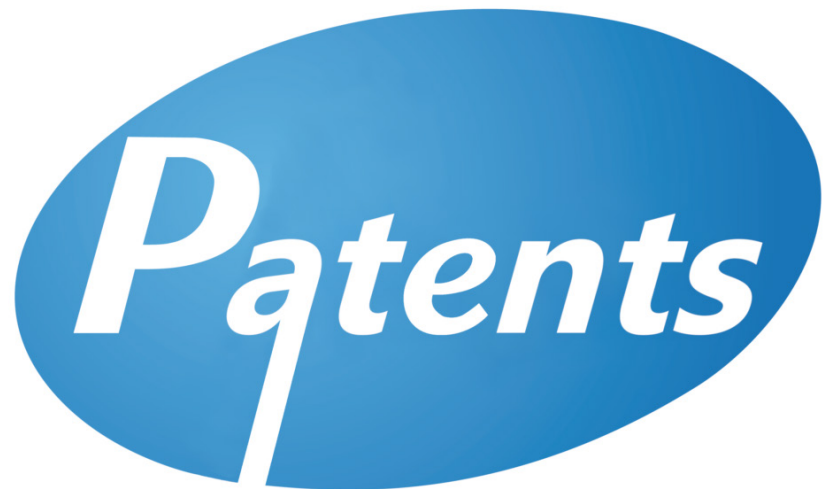
The treatment utilizes a combination of nirmatrelvir ('PF-07321332'), a new compound which was purportedly developed by Pfizer from the ground up during the COVID-19 pandemic, and ritonavir, an old drug.

An emergency use authorization (EUA) for Paxlovid

was issued by the U.S. Food & Drug Administration (FDA) in December 2021, with similar authorizations and guidance having been issued in other jurisdictions, based on the results from Pfizer's EPIC-HR (Evaluation of Protease Inhibition for COVID-19 in High-Risk Patients) Phase 2/3 clinical trial.

Nearly two months after the FDA granted the EUA for patients at high risk of progressing to severe disease, the results of the trial were published in *The New England Journal of Medicine*.

see **Paxlovid**, page 8 ►



Graphic courtesy of Benjamin Wild.

The Voting Rights Movement Will Persevere

BY JANA MORGAN

COMMENTARY

The U.S. Senate's vote against advancing the Freedom to Vote: John R. Lewis Act may have been a setback, but it was not a defeat.

The fight for the right to vote in America has never been easy.

From the passage of the 15th Amendment in 1869 to the civil rights movement of the 1950s and '60s, major steps toward enfranchising every American have often been met with resistance but have always pushed forward. As many Republican legislatures across the country continue to introduce and pass anti-voter laws targeting Black and Brown voters, Public Citizen's work is as vital today as it was in 1870 or 1965.

In the past few months, activists pressured our elected leaders to protect the right to vote, end the overwhelming influence of dark money in our

democracy, defend against election sabotage, and guarantee that every American has an equal voice and fair representation in our government. We held regular movement convenings to educate our neighbors on the need for transformational democracy reform, took to the streets in "Votercades" to raise awareness and create energy around protecting the right to vote, and hosted innovative actions online and in-person to continue organizing safely during a pandemic.

An unprecedented 150 state legislators traveled to D.C. to demand the federal government pass national standards to stop the assault on voting rights take see **Voting Rights**, page 4 ►

Calling Out Fossil Fuel Lies

BY ALAN ZIBEL

The fossil fuel industry desperately wants Americans to blame someone else for its own problems.

Over the past year, oil industry talking heads, conservative pundits, and right-wing politicians have weaponized consumers' pain at the pump, falsely blaming the Biden administration's supposed "war on oil" for high gasoline prices.

At the same time, dirty energy barons and politicians have blamed the growing wind power industry for the 2021 power blackouts in Texas and ignored the real see **Fossil Fuel**, page 11 ►

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GET TO KNOW PUBLIC CITIZEN TRACEY LEWIS

An ongoing series profiling Public Citizen leaders and staffers



Born with an adventurous spirit, a gift for storytelling and drive to leave the world a little better than she found it, Tracey Lewis reveals

in connecting with people.

Native to the industrial Midwest and its smoky steel mills, Lewis saw early on the connections between environmental harms and health impacts working at her father's medical practice. After graduating from Spelman College, Lewis received her JD with a focus on international law at Vermont Law School.

At Public Citizen, she serves as one of three policy counsels in the burgeoning Climate Group. She advocates for financial regulators to direct companies, banks, money managers, and other private actors to better identify and address the risks related to the climate crisis.

Climate finance is not just a job for her, it's a passion. Even in her spare time, Lewis is focused on climate finance policy in environmental justice communities. Last fall she was named to the second cohort of fellows at the ground-breaking progressive think tank, Climate and Community Project, based at the University of Pennsylvania, which incubated the Green New Deal.

How did you become a policy counsel at Public Citizen?

Lewis: Obama had just been elected president the fall before I graduated from law school, so there was a real excitement in the air about the progressive policies his administration could implement. I landed in Democratic political organizing, transitioning into government as

policy director for a Maryland State delegate after that. Later, while working at a climate activist organization, an opportunity arose to work with my current colleagues, David Arkush and Yevgeny Shrago on legislative research and drafting for the Fossil Free Finance bill. Working on climate finance and Federal Reserve climate policy sparked something in me. I had a chance to pull all the strands of my background together, so what I'm doing now is a natural extension of that.

What does your typical work day look like?

Lewis: My typical day is anything but! Our team is always on the move—strategizing, drafting, or executing our plans. We also work with the media and folks on Capitol Hill as well as partner orgs like AFR, ACRE, Sierra Club, and many others to move federal policy in a more progressive direction.

What is your favorite part about working at Public Citizen?

Lewis: I love strategizing with my Climate teammates or our coalition partners on whatever is at the forefront in that moment. The intellectual challenge of working at Public Citizen is fantastic! I love working with so many whip-smart folks. But most importantly, what sparks joy for me and what I take pride in is our sense of collective purpose. Everyone here has the same goal: to protect and extend the rights of all people. This is a huge issue that would be insurmountable if we fought individually. But working together, we harness our skills for the greater good and achieve those impossible goals.

What is one thing that our readers might be surprised to learn about you?

Lewis: I'm a low-key renaissance woman! I'm an author, I love acting, singing (show tunes!) and musical theatre, and in my heart and soul I am an amazing salsa dancer— but only there for right now! ■ — *Compiled by Agnes Cazemiro*

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Public Citizen is a national nonprofit 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.

Public Citizen does not accept government or corporate grants. Our funding comes from our supporters throughout the country, who believe there should be full-time advocates of democratic principles working on their behalf; from foundations; and from the sale of our publications. Public Citizen is an equal opportunity employer. To become a member of Public Citizen and receive the award-winning *Public Citizen News*, please call (202) 588-1000 or send a check payable to Public Citizen for \$20 to Public Citizen Membership Services at the address above.

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PRESIDENT’S VIEW
ROBERT WEISSMAN

Robert Weissman

ing place in legislatures across the country. As the vote drew nearer, hundreds of activists risked arrest outside the White House in order to demand that President Biden step up to help pass transformative voting rights legislation.

But despite our calls for senators to listen to us, we were let down by those who feel more loyalty to corporate donors and to preserving their own political power than they do to us, the voters who elected them in the first place. Fifty-two senators voted against updating Senate rules to allow a simple majority vote on the Freedom to Vote: John R. Lewis Act.

Each of those senators cemented their legacies as roadblocks to legislation that would safeguard our democracy from anti-voter laws intended to sabotage future elections and silence voters of color.

The next steps for the voting

“The next steps for the voting rights movement are clear: We must continue to organize and advocate until every American has fair representation in our government.”

— Jana Morgan, Declaration for American Democracy campaign director

rights movement are clear: We must continue to organize and advocate until every American has fair representation in our government. As the Senate and Biden administration consider alternative legislation and executive actions, it's critical our elected leaders prioritize bold, comprehensive solutions that confront the multiple threats facing our democracy.

More than 150 years after ratifying the 15th Amendment, we should not have to keep fighting these fights to ensure the rights of Black and Brown voters, yet activists continue to fight because we know our cause is right and necessary. They're continuing to call their senators to encourage them to advance voting rights legisla-

tion that would have the greatest impact on our democracy.

In Texas and Georgia, organizers are continuing robust voter registration and door-to-door canvassing efforts to increase turnout in spite of new anti-voter laws. In cities and counties across the country, advocates for democracy are volunteering or running to fill vital roles as election officials.

It is disappointing to see Democratic senators like U.S. Sen. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) and Republicans who previously supported the Voting Rights Act, like Sens. Susan Collins (R-Maine), Mitch McConnell (R-Ky.), Lindsey Graham (R-S.C.), and John Cornyn (R-Tex.), vote against advancing protections for democracy that

Americans overwhelmingly support. We must hold all 52 senators who blocked the Freedom to Vote: John R. Lewis Act accountable for selling out our democracy, and we must also move beyond this moment and continue to push for reforms in every possible way.

Make no mistake: The movement to defend and strengthen democracy accomplished incredible feats by having the U.S. House of Representatives pass historic voting rights legislation and then demanding that the Senate debate the Freedom to Vote: John R. Lewis Act.

We will continue to persevere until we finally achieve a free, fair, and equal democracy for every American.

Failure is not an option. ■



John Nelson/Photographer 2022

Hard-Won Workers' Rights in New NAFTA

BY SALLY KING

In the first week of February, a historic union election happened inside one of Mexico's largest General Motors (GM) plants. Workers in the city of Silao in central Mexico voted overwhelmingly to affiliate with the National Independent Union for Workers in the Automotive Industry (SINTTIA). The union, which gained strength as an alternative to the corrupt, boss-friendly "protection unions" that have long plagued workplaces across Mexico, will now represent more than 6,000 employees at the plant.

This vote was not only a historic moment for the Mexican labor movement; it was a first test of the labor reforms written into the revised North American Free Trade Agreement (NAFTA), known as the United States-Mexico-Canada Agreement (USMCA).

The USMCA and New Labor Rules

Public Citizen's Global Trade Watch fought against the original NAFTA and has called for reform of that agreement since 1994. Our goal with the USMCA was to bring about real and enforceable changes, including mecha-

nisms in the agreement itself and ensuring that Mexico committed to reform its labor laws within a four-year period.

Many of the USMCA's strongest rules were made possible through the pressure Democrats in the U.S. House of Representatives and groups like Public Citizen forced on former President Donald Trump to renegotiate his proposed revision of NAFTA. The result was improved labor provisions and a novel Rapid Response Mechanism (RRM). The RRM is a targeted, facility-specific enforcement mechanism unique to the USMCA devised to protect workers' right to organize. For decades, Mexico's laws and institutions have at best been permissive of – and in many instances even fostered – the collusion between corporations, employer-controlled unions and government officials to the detriment of the rights and interests of Mexican workers.

The result is that 25 years after NAFTA, Mexican real manufacturing wages are lower than manufacturing wages in China. This corporate race-to-the-bottom system worked to keep wages down and helped big companies export over a million U.S. jobs to low-wage, exploited labor under the original NAFTA.

Instead of standing with workers, Mexico's traditional protection unions, many tied to the long-ruling Institutional Revolutionary Party (PRI), have historically been closely allied with employers and politicians, keeping wages low and preventing workers from organizing to improve conditions within factories. These secretive "unions" often finalized contracts without workers' knowledge and with even fewer benefits than was guaranteed under the law, undermining Mexican workers' rights and interests.

The system has been stacked against workers for decades. Mexican workers have had little say in choosing the unions that represent them. Workers have been blocked from engaging with or even seeing their collective bargaining agreement. Workers who step out of line or attempt to organize have faced repression and violence from the companies they worked for and even from local authorities.

But the USMCA's labor rules and the domestic reforms made by Mexico during the deal's negotiation require a commitment to eradicate protection contracts and address deep corruption in the labor system. This includes improved enforcement rules to

ensure fair union elections and requirements that workers be able to see union contracts in advance of voting on them.

What's Happening Now

In April 2021, workers at the General Motors plant held a vote on whether to throw out their contract, but destroyed ballots were found in the offices of the existing protection union. Thanks to the new labor rules under the USMCA, workers were able to utilize the RRM.

That then prompted the Biden administration to formally ask Mexico to review the case. The workers elected to throw out their old contract in August, leading to last month's historic vote for an independent union that will negotiate a new contract.

This win to provide opportunities for workers with representation from an independent union at GM marks a possible new beginning for a shift to stronger labor standards with real enforcement in Mexican factories.

Everyone will be watching this and other RRM cases. We still have a way to go to realize improvements on working conditions, wages, and overall labor rights across North America under the USMCA. ■

Protecting Consumers' Right to Accurate Credit Reporting

BY AGNES CAZEMIRO

The major credit bureaus generate credit reports on millions of Americans every year. A credit report includes information about the consumer's credit activity and current credit situation, such as loan paying history and the status of credit accounts.

Banks, mortgage companies, auto dealers, potential employers, landlords, and debt collectors rely on credit reports to make decisions. A good credit history, therefore, is important to enable consumers to obtain credit at a fair price and can affect the ability to get a job offer or an apartment, among other things.

The credit bureaus receive the information they report from creditors: credit card companies, financial services companies, and landlords, for example. In addition, federal government agencies furnish much of the information that appears on individuals' credit reports.

Because the accuracy of a credit report is very important, the Fair Credit Reporting Act (FCRA) permits individuals to dispute inaccurate information and to sue the furnisher of the information if dissatisfied with how the dispute is resolved. As a general rule, however, a federal government agency can be sued only if Congress has passed a law expressly allowing suits against the government. Because federal government agencies often furnish information to credit bureaus, the question has arisen whether federal agencies can be sued under the FCRA. Public Citizen is representing a consumer in a case that poses that question, *Kirtz v. Trans Union LLC*.

In October 2020, Reginald Kirtz filed a lawsuit under the FCRA against a federal agency, the U.S. Department of Agriculture Rural Development Rural Housing Service (USDA), concerning a dispute about information that USDA furnished to TransUnion

LLC, a credit reporting agency. A Pennsylvania district court dismissed Kirtz's claim against USDA, concluding that the agency had sovereign immunity from suit because the FCRA does not waive sovereign immunity. Kirtz appealed that decision to the U.S. Court of Appeals for the Third Circuit.

Public Citizen Litigation Group attorney Nandan Joshi represents Kirtz as co-counsel on appeal. "This case implicates two important and related issues. The first is the right of consumers to accurate credit reports, which has such a profound effect on their access to credit. The second is the ability of consumers to access the courts to obtain redress when they are wronged," said Joshi, explaining the significance of the issue on appeal.

Our appellate brief on behalf of Kirtz emphasizes the FCRA's text, which states that any "person" may be liable for negligently or

wilfully violating the statute and defines "person" to include "any government or governmental subdivision or agency." We argue that, by expressly specifying that a governmental agency is a "person" under the statute, Congress waived sovereign immunity for federal agencies.

"Congress gave consumers the right to file disputes and to sue furnishers of information so that credit reports would be more accurate. The government's argument that federal agencies are immune from suit, if accepted by the courts, would undercut the mechanism that Congress put in place to make credit reports fairer and more accurate," Joshi explained.

The issue whether federal agencies can be held liable under the FCRA has arisen in numerous cases. The answer, therefore, is important for consumers' ability to protect their rights under the statute and their access to credit. ■

One-Fourth of ‘Maxed-Out’ Campaign Contributions From Richest Zip Codes

BY AGNES CAZEMIRO

Candidates for Congress received more than \$1.6 billion in contributions in the past three election cycles from donors who gave the maximum allowable amount, which was \$2,800 in 2020. But these “maxed-out” contributions come from a minuscule slice of the electorate.

More than two-thirds of all maxed-out contributions came from donors living in the wealthiest 10% of zip codes in the United States, and more than one-fourth came from those living in the richest 1%, according to a recent Public Citizen study, “The Well of the Congress.”

Only 1/33 of 1% of Americans made a single maxed-out contribution. The entire populations of 60% of U.S. zip codes did not provide a single one in the past three election cycles.

The study also found that

maxed-out contributions also highly correlated with the racial composition of neighborhoods. Zip codes with a majority white, non-Hispanic population provided four times more per person in maxed-out contributions than majority Hispanic zip codes, and five times more than majority Black zip codes.

“This study confirms that the very wealthiest Americans play an immensely greater role than regular voters in choosing our elected officials,” said Taylor Lincoln, research director for Public Citizen’s Congress Watch division and author of the study. “Anybody disputing the influence of campaign contributions should ask themselves if members of Congress would govern in the same way if they relied on the poorest 10% of zip codes for the bulk of their contributions instead of the wealthiest.”

Eight of the 10 zip codes providing the most in maxed-out contributions – out of nearly 32,000 nationwide – were located within the Manhattan borough of New York City. The zip code of Trump Tower ranked second nationally in total maxed-out contributions.

The prevalence of maxed-out contributions varies starkly between bordering communities. Residents of Manhattan, for example, gave more than 100 times more per person in maxed-out contributions than did residents of bordering boroughs Queens and the Bronx.

There is a way to provide viable candidates with enough money to disseminate their message to voters without incentivizing them to bend to the will of wealthy donors. That system, which enjoyed a successful test for decades at the presidential

level, is to offer public funding to candidates.

The Freedom to Vote: John R. Lewis Act, which failed to overcome filibuster rules and pass the Senate, would furnish qualifying congressional candidates with a six-to-one match on small-dollar contributions in exchange for agreeing not to accept any contributions of more than \$1,000.

“Our representatives’ reliance on the wealthiest American to finance their campaigns is inherently corrupting,” said Lisa Gilbert, executive vice president of Public Citizen. “The funding provisions in the Freedom to Vote: John R. Lewis Act would wean candidates off of their dependence on the 1% while encouraging them to listen more to the wishes of the other 99%. Public Citizen will remain relentless in our efforts to win public financing of elections.”

Historic Settlement Levels the Legal Playing Field for Immigrant Advocates

BY RHODA FENG

WIN! In February, a federal district court in New York ordered the U.S. Board of Immigration Appeals to establish an online library of its unpublished opinions – the result of a settlement between the New York Legal Assistance Group (NYLAG) and the U.S. Department of Justice.

By giving immigrants and their lawyers full access to the Board’s opinions, the settlement will allow them to fight removal and other adverse actions with the same knowledge of case law that attorneys representing the government already have.

Public Citizen Litigation Group served as lead counsel for NYLAG in the case, along with NYLAG’s own lawyers.

“This historic settlement will change the practice of immigration law in this country,” said Beth Goldman, NYLAG president and attorney-in-charge. “After our crucial victory in the Second Circuit, the Board has agreed to stop keeping its decisions secret – a practice that, for years, has

put immigrants at an unfair disadvantage when asserting their rights in court. Opening up these opinions to the public will finally help even the playing field between immigration advocates and their adversaries, and it will allow the dedicated immigration practitioners at NYLAG and around the country to do their best work advocating for their clients. We are pleased that the Board agreed to make this move toward transparency without the need for further litigation.”

The Board of Immigration Appeals is the administrative body within the U.S. Department of Justice (DOJ) that adjudicates appeals from decisions made by immigration judges. Most of the Board’s tens of thousands of decisions each year are kept secret from the public.

Only a handful of opinions are made publicly available online, and a small number of additional opinions are available in hard copy at a law library in Falls Church, Virginia.

The Freedom of Information Act (FOIA) requires that agencies

make all their opinions and orders available to the public over the internet, but the Board of Immigration Appeals has ignored this requirement for years and designated almost all the opinions it issues in immigration cases as unpublished. The case arose when NYLAG, which provides free legal services to immigrants in New York, requested that the Board post all of its opinions in immigration cases in its electronic reading room. When the request was denied, NYLAG and Public Citizen Litigation Group filed suit to require the Board to comply with the law.

Under the settlement approved Wednesday, the Board will be required to place nearly all its opinions into an online reading room, accessible to all in perpetuity, ensuring that immigration advocates will have access to these opinions within six months of when they are issued. The Board also must post its decisions dating back to 2017 as well as some from 2016. Posting will begin in October and will be phased in over several years. The

settlement ensures that NYLAG and Public Citizen will be able to monitor the Board’s compliance and, if problems arise, seek the help of the court.

Public Citizen’s Scott Nelson, the lead attorney for NYLAG in the case, added: “This case is a tremendous advance for freedom of information in three ways. First, to get this far, we had to win a landmark decision in the Second Circuit Court of Appeals recognizing that people can sue under FOIA to force agencies to comply with their obligation to publish records online.

Second, the online library that this case will create will be of great use to immigrants and their lawyers.

Third, this settlement will help DOJ and its components serve as a model of FOIA compliance, as agencies devoted to the rule of law should be.” ■

Bill to End Corporate Capture of the Regulatory Process Gains Support

BY DAVID ROSEN

It's probably the most important legislation you've never heard of.

U.S. Rep. Pramila Jayapal (D-Wash.), chair of the Congressional Progressive Caucus, in December introduced the Stop Corporate Capture Act (H.R. 6107). This landmark legislation would strengthen one of the most crucial areas of federal policymaking - an area Public Citizen has fought for decades to reform: the rulemaking process.

Rulemaking is the process government agencies use to create regulatory protections for workers, consumers, civil rights, public health, and our environment. Not only are strong regulatory safeguards overwhelmingly popular with the public, they are the foundation of a sound economy, a livable planet, and a fair and equitable society.

"With Congress increasingly gridlocked and unable to pass legislation on the most pressing issues due to abuse of the U.S. Senate's filibuster, many of the policies aimed at addressing big ticket crises like climate change, economic inequality, and protecting public health during the pandemic will have to be regulations," said Lisa Gilbert, executive vice president of Public Citizen.

"We need a process for creating rules that works for the public, but that's not what we currently have," added Amit Narang, regulatory policy advocate for Public Citizen. "Right now, corporations completely dominate the rulemaking process. The problems are deep, structural, and longstanding, persisting no matter which party controls the White House."

Numerous studies (some conducted by Public Citizen and its allies in the Coalition for Sensible Safeguards) have shown that corporate lobbyists hold more meetings with agency officials, submit more comments, and bring more legal challenges against regulations than public interest groups or ordinary citizens. Naturally this intensive lobbying and pressure results in more corporate-friendly rules.

The Stop Corporate Capture Act includes a series of bold and

"We need a process for creating rules that works for the public, but that's not what we currently have. Right now, corporations completely dominate the rulemaking process."

—Amit Narang, regulatory policy advocate for Public Citizen

aggressive structural reforms that would 1) roll back corporate influence over the rulemaking process, 2) increase transparency around agency actions, 3) clear various industry-backed roadblocks and bottlenecks that thwart public protections, 4) empower the public to hold agencies accountable for enforcing the rules, and 5) build a foundation for including social equity considerations in rulemaking.

First, the legislation would ensure consumers, workers, and regular people get a seat at the rulemaking table by establishing an Office of the Public Advocate, which would be the voice of the public in the rulemaking process.

The Office of Public Advocate's core mission would be to reduce corporate capture by increasing the influence of the public. It's critical that agencies hear from those of us who would benefit from new regulatory protections - not just corporate lobbyists that want to dilute, delay, and deny stronger safeguards.

Second, the legislation would prevent corporations from misleading agencies or challenging agency science with bogus studies - a tactic repeatedly used by Big Tobacco, Big Oil, and others. Currently, corporations can submit comments on new regulations that include sham studies and reports without disclosing how they were funded.

The bill would require the disclosure of funding sources and any conflicts of interest connected to studies sent to agencies for consideration. In addition, agencies would be prohibited from considering studies that haven't been peer reviewed and got 10% or more of their funding from regulated industries.

Relatedly, the bill would increase criminal penalties when corporations talk out of both sides of their mouths - exaggerating the costs of new regulations in comments to agencies, while

privately telling shareholders these same regulations won't be so costly.

Corporations have an incentive to inflate the costs when lobbying against regulations, but they're legally obligated to be truthful with shareholders. Businesses need to be held accountable when they lie to regulators.

Third, the bill would remove loopholes and bottlenecks that corporations exploit to delay and block public protections.

For example, the bill would bring much-needed transparency and accountability to the U.S. Office of Information and Regulatory Affairs (OIRA) - the federal clearinghouse for regulatory activity - which historically has weakened and blocked new consumer, worker, and environmental protections in response to corporate lobbying.

The bill also would make rulemaking more efficient by putting OIRA on the clock to complete its regulatory reviews.

Fourth, the legislation would stop the U.S. Supreme Court from overturning new regulatory protections based on fringe legal doctrines, as the court recently did when it prevented the government from protecting workers against COVID.

The bill would make sure the Supreme Court follows the longstanding and commonsense principle that Congress passed laws giving agencies the authority to decide important policy matters - not the courts.

And finally, the bill would empower everyday Americans to bring citizen lawsuits holding government agencies accountable for failing to enforce the law when corporations get caught violating the rules.

Public Citizen and its allies are leading the push to bring more federal lawmakers on board, and educate them about the importance of a strong, efficient, and effective regulatory system. The Stop Corporate Capture Act already had 11 cosponsors in the U.S. House - including U.S. Reps. Alexandria Ocasio-Cortez (D-N.Y.), Ilhan Omar (D-Minn.), and Barbara Lee (D-Calif.) - with more likely on the way.

"The roadmap to improving and strengthening the regulatory process runs through the Stop Corporate Capture Act," said Narang. "It's time to fix the regulatory process by reducing corporate domination and increasing the influence of consumers, workers, and everyday Americans." ■



Graphic courtesy of Shutterstock.

► **Paxlovid**, from page 1

These results—which included efficacy and safety data—reaffirmed Pfizer’s claim from December 2021 that, when compared to placebo, the treatment may reduce the risk of hospitalization or death in high-risk patients by 89% when taken within three days of symptom onset, and by 88% when taken within five days of symptom onset.

While questions have been raised regarding the extent to which the treatment will be effective outside of the patient population used in the clinical trial—the trial excluded vaccinated patients and there is a real potential for negative drug-drug interactions between the treatment’s active ingredients and other prescribed drugs if not properly managed in the clinic—these results have created a huge demand for courses of the treatment from many nations as they battle to bring the pandemic under control.

However, Paxlovid shortages are acute and may remain so through 2022. Pfizer plans to produce enough Paxlovid for just 120 million people this year. Yet, Pfizer has estimated that the “addressable patient population”—the number of people that may need Paxlovid—is more than twice that number in 2022, at around 250 million people.

Pfizer has entered into Paxlovid supply agreements almost exclusively with countries based in North America and Europe despite, according to one estimate, more than half of the global population at increased risk of severe COVID-19 living in Africa, Asia, Latin America, and the Caribbean.

The shortfall in global supply could conceivably be remedied through competition from generic manufacturers, however research from Public Citizen has shown that Pfizer has been building a ‘Paxlovid Patent Wall’ by widely filing patent applications covering nirmatrelvir and the Paxlovid treatment. Pfizer’s apparent aim is to pursue protection for the treatment in 61 countries plus four regional patent offices, covering an additional 87 countries, which will make generic entry in those markets fraught with difficulty.

Pfizer made headlines in November 2021 for signing a license agreement with the Medicines Patent Pool (MPP) which would facilitate qualified generic manufacturers in supplying their own versions of the treatment to 95, mostly low- and lower-middle-income, countries.

However, according to a Pfizer investor document, this generics supply may “come on board” only in 2023, suggesting a delay of at least a year, and the agree-

ment does nothing to address the lack of access to the treatment in countries outside of the licensed territories.

In a letter to Pfizer Chairman and CEO Albert Bourla in January 2022, Public Citizen warned that the company is poised to repeat the same mistakes it made with the inequitable rollout of its vaccine with the global distribution of Paxlovid.

“Pfizer is not prepared to meet global need,” says Peter Maybarduk, director of the Access to Medicines program at Public Citizen. “Millions of people in developing countries are likely to suffer through a COVID treatment shortage that mirrors the gross vaccine inequity of the past year. Generics can make a major difference, but not for many months yet, and Pfizer is erecting patent barriers in middle-income countries that have suffered terrible pandemics. Pfizer and wealthy countries should dedicate two-thirds of supply to low- and middle-income countries to prevent needless deaths, ease the pain of medical apartheid and shorten the pandemic.”

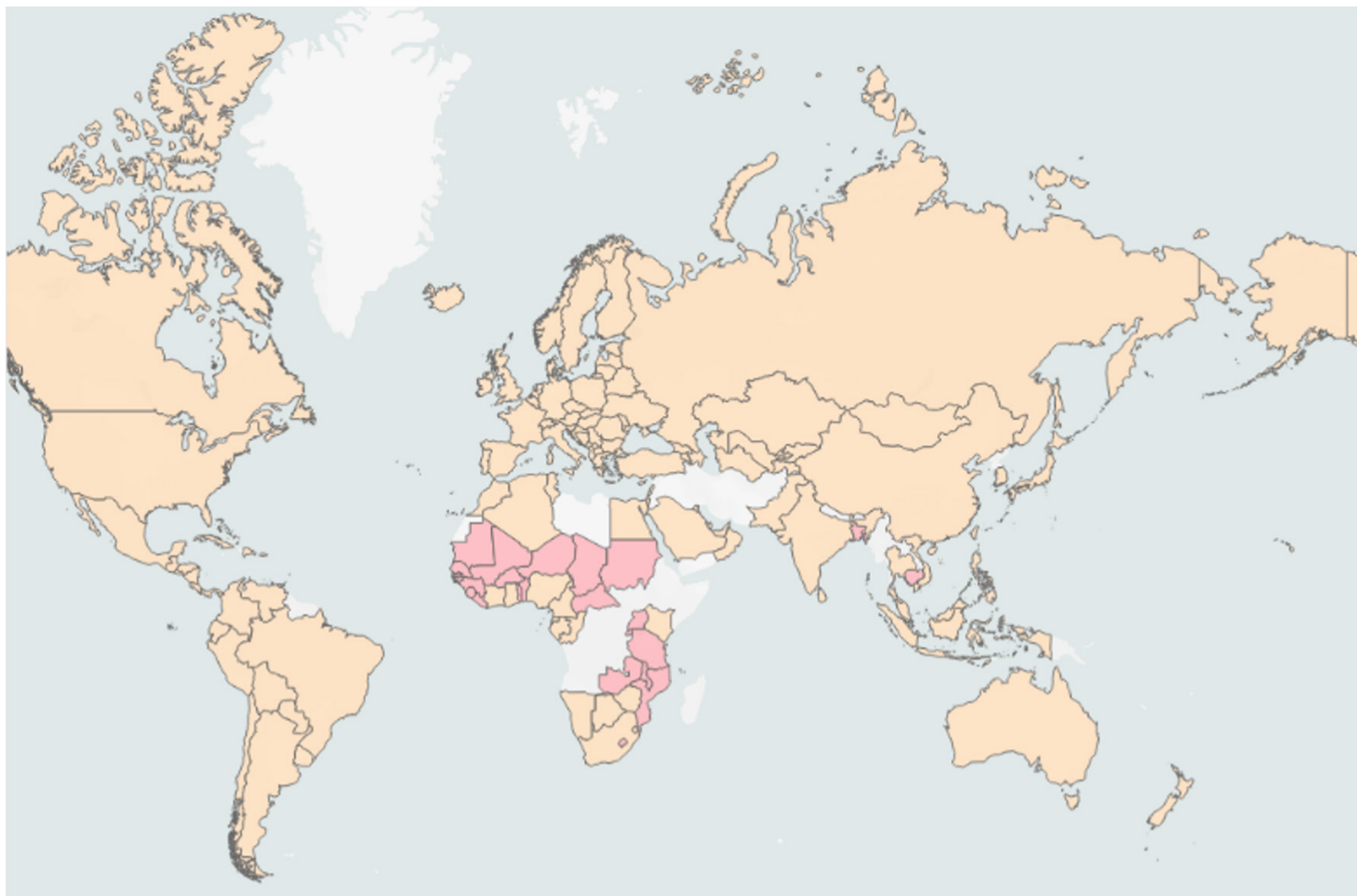
In concert with urging Pfizer to address the barriers they have created with regards to global access to Paxlovid, Public Citizen encourages governments to make use of compulsory licenses and related

mechanisms ('CLs') to promote generic competition.

Requests kickstarting the process for obtaining CLs have been filed in Chile and the Dominican Republic, which are not covered by the MPP-Pfizer license agreement, by the NGOs Innovarte (together with The Chilean Association of Pharmaceutical Chemists and Biochemists) and Knowledge Ecology International, respectively, to facilitate generic market entry.

The wait for Paxlovid-related patent applications to be granted or refused could be years long, so governments inviting generic competition by licensing, or declaring a policy of licensing, and making government use of the technologies underlying these patent applications will help address the uncertainty faced by would-be generic Paxlovid manufacturers in relation to the potential patent hurdles.

How readily Paxlovid, and treatments like it, can be accessed and utilised globally to stem the damaging effects of the COVID-19 pandemic is substantially dictated by the supply-levels and affordability of the treatment. More needs to be done by Pfizer and governments to ensure that generic competition will be available to help drive global affordability and ample supply of the treatment. ■



Map illustrating the countries in which Pfizer intends to pursue patent protection for nirmatrelvir and its Paxlovid treatment. Orange represents "No" countries and pink, "Yes."

U.S. Chamber of Commerce's War Against FTC Enforcement

BY AGNES CAZEMIRO

The corporate members of the U.S. Chamber of Commerce – the nation's leading business trade association -- have a long and varied history of committing crimes and other wrongdoing, a Public Citizen report shows. Among the Chamber of Commerce's members are corporate criminals, lawbreaking big banks, corporate polluters, big tech monopolists, and wage thieves.

This record of malefaction is highly relevant as the Chamber launched a campaign against tougher corporate criminal and wrongdoing enforcement. After the Trump administration adopted a soft-on-corporate crime approach to enforcement, corporate prosecutions plunged to a quarter-century low.

Now, Deputy Attorney General Lisa Monaco, a former member of the U.S. Justice Department team that prosecuted Enron executives, is leading the charge to strengthen the Biden administration's response to corporate crime. Other federal agencies, including the Federal Trade Commission (FTC), led by antitrust expert Lina Khan, have followed suit.

One day after the FTC announced a new initiative to fight corporate crime through criminal referrals of antitrust and consumer protection violations, the U.S. Chamber of Commerce exploded with indignation.

The group, which spent \$82 million lobbying the federal government in 2020 and \$46 million in 2021, accused the agency of “going rogue” and “waging a war against American businesses.”

“In fact, it is the Chamber's ranks that are packed with rogues,” said Rick Claypool, a Public Citizen research director and author of the report. “The time is long overdue for big corporations that engage in abusive, monopolistic, and predatory behaviors to face serious consequences. Corporate crime shouldn't pay, and honest businesses should welcome the FTC's recent pledge to crack down on corporate crime.”

For the report, Public Citizen analyzed data from Violation Tracker. Some of the key findings include:

- The 111 known U.S. Chamber member corporations (the Chamber does not disclose its membership) have violated state and federal law at least

“The time is long overdue for big corporations that engage in abusive, monopolistic, and predatory behaviors to face serious consequences. Corporate crime shouldn't pay, and honest businesses should welcome the FTC's recent pledge to crack down on corporate crime.”

—Rick Claypool, Public Citizen research director

15,895 times and racked up penalties totalling over \$154 billion since 2000. All of the known Chamber members have paid penalties for misdeeds.

- The U.S. Chamber represents corporate criminals. Public Citizen identified 19 Chamber members that pleaded guilty to crimes at the parent or subsidiary level. An additional four are reportedly under criminal investigation.
- The U.S. Chamber represents big banks that break the law. Three multinational megabanks account for more than half of the total amount paid in penalties by known Chamber members: JPMorgan Chase (\$35 billion), Citigroup (\$25 billion), and Wells Fargo (\$21 billion).
- The U.S. Chamber represents corporate polluters. The known Chamber members have paid more than \$20 billion in penalties for

over 2,600 environmental misdeeds. Oil and gas corporations like Chevron, Occidental Petroleum, and Marathon Petroleum have recorded more than 1,600 violations totalling \$8.9 billion in penalties.

- The U.S. Chamber represents big tech monopolists. Amazon, Facebook, and Google parent company Alphabet are all under investigation by federal and state authorities for antitrust violations. They have so far been penalized for misdeeds 130 times and paid nearly \$6 billion in penalties.
- The U.S. Chamber represents wage thieves. More than half of the known Chamber members have records of wage and hour violations, which collectively total 284 violations requiring payment of \$119 million in penalties.

According to a recent Harvard Business School analysis, major

firms engage in misconduct at least twice a week. The annual cost of corporate and white-collar crime to Americans is estimated at between \$300 billion and \$800 billion a year, while street crime costs about \$16 billion.

Honest businesses should welcome the Biden administration's efforts to end the era of corporate impunity.

A successful renewal of corporate enforcement means that dishonest, deceptive, and destructive business practices should offer no advantage over honest, transparent, and innovative business practices.

Consumers and businesses alike that rely on honest businesses will benefit from the deterrence of corporate crime and wrongdoing.

No new laws need to be passed in order to enforce the laws that are already on the books. All that is required is the will to enforce them in a way that prioritizes holding the powerful accountable.



Graphic courtesy of Zach Stone.

FDA Should Classify Gabapentin as Controlled Substance

BY RHODA FENG

The U.S. Drug Enforcement Administration (DEA) and the U.S. Food and Drug Administration (FDA) should promptly classify the markedly overprescribed seizure and neuropathic pain drug gabapentin and the closely related drug gabapentin enacarbil as schedule V controlled substances, because they are increasingly being misused, abused, and diverted, leading to dependence and overdose deaths. This is the view of Public Citizen, which filed a petition to the agencies in February.

“Gabapentin has been dangerously unscheduled as a controlled substance for too long despite increasing evidence of abuse and misuse and despite its strong similarity to pregabalin, which has been a schedule V drug for more than 15 years,” said Michael Abrams, senior health researcher with Public Citizen’s Health Research Group and lead author of the petition.

Gabapentin (available under

the brand names Neurontin and Gralise and multiple generic versions) was first approved by the FDA in the U.S. in 1993 as an add-on therapy to treat certain types of seizures and more recently to treat neuropathic pain due to shingles infection (a condition known as postherpetic neuralgia). Four years later, the FDA rejected an application by Parke-Davis, the manufacturer of gabapentin, to approve the drug as a stand-alone epilepsy treatment. Gabapentin enacarbil, which is converted to gabapentin after ingestion, was approved by the FDA under the brand name Horizant in 2011 to treat moderate-to-severe restless leg syndrome and more recently to treat postherpetic neuralgia.

Gabapentin is also widely prescribed for uses not approved by the FDA - so-called “off-label” uses - including treatment of alcohol use disorder, chronic cough, hiccups, post-surgical pain, and post-menopausal hot flashes. Recent data suggests

that well over 80% of gabapentin prescriptions are for off-label uses.

Gabapentin, even at recommended doses, can cause neurological adverse events including dizziness, sleepiness, euphoria and other psychedelic effects, dependence, withdrawal symptoms upon discontinuation, and addiction.

Additionally, there is human and animal evidence indicating that gabapentin can cause respiratory depression (slowed breathing), which can be fatal, especially when it is taken in combination with opioids or sedative drugs such as benzodiazepines.

Numerous recent studies have shown that gabapentin use increases the risk of opioid overdose death. Other research has shown that since 2002, there has been increasing diversion of gabapentin from legitimate medical purposes.

Despite these clear dangers, gabapentin is not federally scheduled and thus is completely

unregulated by the DEA even though the closely-related drug pregabalin - which is marketed under the brand name Lyrica for treatment of certain seizure and neuropathic pain disorders - has been classified by the DEA as a schedule V controlled substance since 2005.

Moreover, since 2019 gabapentin has been regulated as a controlled substance in the United Kingdom, and as of 2020, seven states in the U.S. have classified gabapentin as a schedule V controlled substance.

“Given gabapentin’s potential for serious harm and its obvious similarity to the already federally-scheduled pregabalin, it is illogical that gabapentin has not yet been classified by the DEA and FDA as a controlled substance,” said Abrams. “The failure of the DEA and FDA to schedule gabapentin is even more troubling given that the drug has been identified as a contributing factor to the opioid overdose epidemic that continues to plague our nation.” ■

The Time for Corporate Accountability Is Now

BY RICK CLAYPOOL

Year one of the Biden administration saw tremendous momentum for accountability for corporate lawbreakers.

The Biden administration jettisoned Trump policies that protected corporate wrongdoers. Nominees committed combatting corporate crime were confirmed, and the agencies under the new nominees announced new policies to enhance corporate oversight.

Public Citizen research documented that Trump’s last year in office saw corporate crime enforcement plummet. Corporate prosecutions fell to a quarter-century low while Justice Department agreements that help corporations avoid prosecution were used more than ever.

Deputy Attorney General Lisa Monaco, a member of the second in command in Biden’s DOJ under Attorney General Merrick Garland, in the fall announced what she described as “the first steps” toward a strengthened approach to corporate enforcement. Monaco pledged in particular to focus the department’s prosecutorial efforts on repeat offenders. In the following months, country’s top law enforcement agency did just that.

Since then, however, disappointing enforcement numbers and policy decisions have complicated the narrative of Biden’s DOJ prioritizing the fight against corporate wrongdoers.

- A report by PEER (Public Employees for Environmental Responsibility) found that criminal anti-pollution enforcement has not rebounded since Trump left office - and that criminal referrals for prosecution from the EPA actually fell further in 2021. Meanwhile, polluter-friendly Senate Republicans like U.S. Sens. Bill Cassidy (R-La.) and Cynthia Lummis (R-Wyo.) are blocking the confirmation of Biden’s top environmental law enforcement nominees.
- The DOJ’s fraud section also reported a decline in corporate enforcement actions. The section reported just eight corporate resolutions in 2021, down from 13 in 2020.
- Top prosecutor vacancies across the Justice Department’s U.S.

Attorney’s Offices remain - leaving those offices in the hands of holdovers and career staff, who may be less likely to embrace policy shifts like Monaco’s corporate crime crackdown.

- Calls by Public Citizen and other advocates for Attorney General Merrick Garland to release the DOJ’s corporate crime enforcement data remain unanswered.

- The DOJ blocked an effort by plane crash victims to reopen the agreement the department inked in the final days of the Trump administration with Boeing to resolve the case regarding the 737 Max crashes, which killed 346 people. In so doing, the DOJ claimed the family members of those who died in the crashes do not meet the technical

see **Corporate**, page 15 ►



Graphic courtesy of James Yang.

► **Fossil Fuel**, from page 1

problem: the failure to require natural gas power plants and pipelines to prepare for winter weather.

Public Citizen has been working to combat these highly misleading narratives propagated by an industry scrambling to draw attention away from its excessive profits while capitalizing on inflation fears to derail the essential transition to clean, affordable renewable energy.

Two recent Public Citizen research reports highlight the fossil fuel industry's propensity for false narratives. In "Lies Big Oil Told Me," Public Citizen debunked oil industry distortions about gasoline prices, while another report, "Fossil Fictions," documented Texas officials' pattern of lying about the true cause of the state's power blackouts while pipeline companies and energy traders reaped windfall profits.

"Extraordinary profits and deceptive spin are just more of the same from an industry that has for decades minimized the role of fossil fuels in heating the planet," said Public Citizen President Robert Weissman. "Tethered to the fossil fuel past, fossil fuel companies are desperate to obfuscate the reality

that transitioning to cleaner energy is realistic and within our grasp.

Since President Joe Biden took office last year, the industry has ramped up its distortion efforts. Large gas and oil producers were behind a social media marketing campaign last fall promoting fossil fuels, while conservative TikTok users encouraged each other to place stickers on gas pumps with Biden pointing to the price per gallon, saying "I did that."

One energy industry analyst even claimed the Biden administration is "using cancel culture policies against the U.S. energy industry" and starving the market of domestic petroleum production.

The industry's biggest lobbying arm, the American Petroleum Institute, has been doing its best to tie the price of gasoline to Biden administration policies that aim to mitigate climate change. The API's CEO, Mike Sommers blamed rising short-term consumer costs on Biden's long-term decisions to deny a permit for the Keystone XL pipeline, pause new oil and gas leases, and suspend them in the Arctic National Wildlife Refuge in Alaska.

Despite this over-the-top rhetoric, the main reason the cost of gasoline rises or falls is the price

of crude oil on global markets. At the outset of the pandemic in spring 2020, prices for crude at one point plunged below zero. By last summer, they rose as the economy rebounded. Then they sunk amid fears of omicron, and surged again amid Russia's threats against Ukraine.

Permitting more drilling and more pipelines won't lower the price of gas today. If Biden had allowed the Keystone XL pipeline, for example, the cost of filling your car might even have increased, because Keystone was intended to promote gasoline exports.

All this talk from the fossil fuel industry ignores the reality that transitioning to cleaner energy is realistic and within our grasp: Sales of electric vehicles have shot up in recent years, driven by high demand in China and Europe and most recently in the U.S.

At the same time, the cost of wind and solar power has dropped significantly and is now competitive with natural gas and far less expensive than coal or nuclear power.

In Texas, politicians tasked with regulating the energy industry have spent the past 12 months playing political defense for fossil fuel interests, blaming wind

turbines for the state's problems, rather than conducting an honest and forthright analysis of the underlying causes of the 2021 Texas blackouts.

Federal officials have found that 604 out of 1,045 generating units (58%) that failed during the blackout were fueled by natural gas, compared with 285 (27%) powered by wind.

The disingenuous reaction to the Texas power grid's failures highlights how fossil fuel interests and right-wing pundits will seize upon any future crisis to amplify their preexisting talking points – even if they are not supported by the facts.

"Texas still isn't ready for another major winter storm. Beyond hoping for a warmer winter, Texas lawmakers have done little to improve the grid in the past year," said Adrian Shelley, director of Public Citizen's Texas office.

"While some weatherization has taken place, Texas' single-minded focus on opposing modest reforms to our state's energy grid will prove foolish, if not deadly. The incessant finger-pointing after last year's disaster succeeded in pushing the problem until the next Texas deep freeze." ■



Graphic courtesy of Shauna Burton.

A Victory for Port Communities in Houston

BY ADRIAN SHELLEY

Port Houston is sometimes called the “economic engine” of the Houston region. It’s one of the busiest ports in the nation and home to the second largest petrochemical complex in the world. Public Citizen founded the Healthy Port Communities Coalition (HPCC) a decade ago to advocate for the health and safety of communities around the Houston Ship Channel and Port Houston.

Now the HPCC has scored a major victory for Houston communities. In October, Port Houston Authority agreed to use clean dredging equipment for the first phase of its latest expansion project.

More than a century ago, the Houston Ship Channel was built to establish Houston as a major port for the United States. Periodic dredging is required to keep the Ship Channel wide and deep enough to accommodate the massive ships that call on the port. Project 11 is the eleventh such project in the port’s history. The Healthy Port Communities Coalition is working to ensure that Project 11 proceeds with minimal impact to local communities.

Project 11 will take six years and cost more than a billion dollars. The project is expected to emit

more than 3,600 tons of nitrogen oxide (NO_x) pollution. NO_x is an air pollutant that contributes to Houston’s status as a violator of national ozone pollution standards. The Texas Commission on Environmental Quality (TCEQ) recommended that the Port of Houston take steps to limit NO_x pollution, but the Port Authority initially declined to spend any money to reduce pollution.

Communities around the Houston Ship Channel already suffer under the burden of air pollution from port traffic and the high concentration of petrochemical facilities in the region. Public Citizen and its partners in the Healthy Port Communities Coalition asked Port Houston to reduce this burden by using cleaner equipment for Project 11.

At first, the Port Authority ignored our recommendation, just as it had ignored earlier recommendations by TCEQ. The HPCC then enlisted the help of the Houston Advanced Research Center (HARC), which provides independent analysis on energy, air, and water issues to people seeking scientific answers. HARC produced a report showing that Project 11 would emit pollution that would shorten lives and harm communities around the Houston

Ship Channel, resulting in health costs to the community of more than \$115 million.

The *Houston Chronicle* carried front page coverage of the HARC report, lamenting how this project was creating yet another health challenge for overburdened communities. Not long after, the *Houston Chronicle*’s editorial board called on the Port Authority to do more to protect its neighbors.

Port officials were not happy with the negative publicity they received. But the public attention yielded results, as the Port Authority quickly announced it was delaying the start of Project 11 to procure clean equipment.

Typical dredging vessels operate by burning diesel fuel. Burning diesel leads to emissions of air pollution including nitrogen oxides and particulate matter. This pollution is deadly, and it hurts low-income communities of color the most. The Port Authority’s initial plan for the first phase of Project 11 used the dirtiest dredge ships available—ships that were chosen simply because they were the cheapest option.

The Port’s new plan will spend \$4.5 million for selective catalytic reduction technology to reduce nitrogen oxide pollution from the two dredge ships used in the first phase of Project 11.

This is a major victory for the communities along the Houston Ship Channel. But the Port Authority has only made this commitment for the first phase of Project 11. More recently, the Port Authority announced that later phases of the project will be led by the U.S. Army Corps of Engineers. The Army Corps. has not made the same commitment as the Port of Houston Authority to use clean equipment.

We hope this isn’t true. We believed Port Houston Authority officials when they told us they were committed to protecting communities by using cleaner equipment. The Army Corps hasn’t yet made this same commitment. The Port Authority can’t hide behind the Army Corps. Communities still have to breathe air pollution, no matter who OKs the contract.

Public Citizen founded the Healthy Port Communities Coalition to advocate for the health and safety of communities around the Houston Ship Channel. We won’t stop until everyone in Houston has the opportunity to lead a healthy, productive life free of air pollution. As valuable as the Houston Ship Channel is to Houston’s economy, the health and safety of people living near the Ship Channel is priceless. ■



Photo of the Houston Ship Channel and surrounding energy facilities courtesy of the Lyda Hill Texas Collection of Photographs in Carol M. Highsmith's America Project, Library of Congress.

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, Public Citizen president

On the importance of antitrust reform: *The Washington Post*. **On U.S. Rep. Alexandria Ocasio-Cortez (D-N.Y.) casting the winning vote for drug reform:** *The Nation*. **On how Congress should curtail oil and gas companies:** *Waco Tribune*. **On President Joe Biden’s plan to resume oil and gas leasing:** *The American Prospect*, *Common Dreams*. **On abolishing the filibuster:** *Common Dreams*.

Lisa Gilbert, vice president of legislative affairs

On the U.S. Senate voting to confirm Rohit Chopra as the new director of the Consumer Financial Protection Bureau: *Reuters*, *Yahoo Finance*, *American Banker*, *U.S. Financial News*. **On the filibuster as an arcane rule of procedure:** *CQ Roll Call*. **On the importance of repairing our democracy:** *New York Daily News*.

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

On the U.S. Food and Drug Administration’s (FDA) approval of a new Alzheimer’s drug treatment: *CNN*. **On the J&J covid boosters:** *Politico*. **On former FDA Commissioner Robert Califf:** *Politico*. **On Biden not choosing a new FDA Chief:** *Kaiser Health News*, *Government Executive*, *Medscape*, *Healthcare Now*. **On the FDA’s approval of covid boosters:** *Complex*, *The Epoch Times*, *the New American*, *Common Dreams*. **On Francis Collins’ model for science-faith integration:** *Evolution News*.

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

On global vaccine response: *The New York Times*, *The Boston Globe*, *FiercePharma*, *Common Dreams*. **On Biden calling for 70% of the world to be vaccinated:** *The New York Times*, *Common Dreams*. **On Biden’s vaccine plan falling short:** *The New York Times*, *The Washington Post*, *BBC Radio*, *Common Dreams*. **On Moderna’s plan for a vaccine manufacturing plant in Africa:** *Stat News*, *BioPharma Dive*, *Common Dreams*.

Adrian Shelley, director of Public Citizen’s Texas office

On nuclear waste dumping in Texas: *Politico*. **On the Texas Legislature vot-**

ing against nuclear waste dumping: *KTSM*, *NJToday*. **On fixing electric grid failures:** *The Sacramento Bee*. **On the Texas abortion ban:** *News4SanAntonio*.

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

On the climate crisis as an emerging threat to financial stability: *CNN Business*. **On Jerome Powell as an enemy of financial regulation:** *The Atlantic*, *Business Insider*. **On U.S. corporations helping to derail the Democrats’ reconciliation package:** *Grist*, *MarketWatch*.

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

On House Minority Leader Kevin McCarthy threatening companies that cooperate with the Jan. 6 probe: *ABC News*. **On GOP congressmen reaping millions in federal loans for personal car dealerships:** *Salon*. **On a Trump 2024 presidential run:** *Rolling Stone*. **On Sen. Joe Manchin’s (D-W.Va.) ‘blind trust’:** *The Philadelphia Inquirer*. **On Vice President Kamala Harris’ church ad endorsing Terry McAuliffe for governor of Virginia:** *The Washington Examiner*.

Bartlett Naylor, financial policy advocate of Public Citizen’s Congress Watch Division

On Crypto investing winning U.S. Securities and Exchange Commission approval: *Politico*.

Public Citizen Litigation Group

On Public Citizen’s Amtrak lawsuit: *The Washington Post*. **On Public Citizen’s COVID-19 nursing homes lawsuit:** *Reuters*. **On Rohit Chopra as Biden’s pick to lead the CFPB:** *Los Angeles Times*, *E&E News*. **On a Trader Joe’s lawsuit:** *USSA News*.

legal definition of “crime victims” - and so are denied the right to confer with the department about the case.

But there are signs things may be getting back on track. In March, Attorney General Garland gave a speech on prosecuting corporate crime. “As a prosecutor, defense attorney and judge, I have also seen the Justice Department’s interest in prosecuting corporate crime wax and wane over time,” he told the audience of white-collar defense attorneys. “Today it is waxing again.”

Garland described the DOJ’s corporate crime enforcement efforts as ramping up - noting that the DOJ’s Antitrust Division “is now trying or preparing to try 18 indicted cases against 10 companies and 42 individuals,

“Consumers don’t want to be ripped off. Workers don’t want to be exploited. Honest businesses don’t want to compete with companies that get ahead by cheating. And no one wants to live on a planet poisoned by corporate pollution.”

—Rick Claypool, Public Citizen research director

including 8 current or former CEOs or company presidents” and the environmental division “currently trying or preparing to try 11 indicted cases against 11 companies and 34 individuals - including 14 current or former company executives - for a wide range of criminal environmental offenses.”

This is good news for how corporate oversight under Biden is progressing in year two of the administration.

The need to crack down on corporate wrongdoing is clear. A Harvard Business School analysis recently concluded that major

firms are engaging in misconduct at least twice a week. The annual cost of corporate and white-collar crime to Americans is estimated at between \$300 billion and \$800 billion a year, while street crime - which receives disproportionate news coverage - costs only a fraction of that, about \$16 billion.

Combating corporate crime is popular. A recent poll by Data for Progress and the Revolving Door Project found that 70% of Republicans, 70% of independents and 70% of Democrats want the Biden administration to do more to fight corporate crime.

These poll results make sense.

Consumers don’t want to be ripped off. Workers don’t want to be exploited. Honest businesses don’t want to compete with companies that get ahead by cheating. And no one wants to live on a planet poisoned by corporate pollution.

The public is ready to stand up to corporate abuse - and looks to the officials who oversee enforcement agencies to ensure that the powerful are held accountable.

Follow along with how corporate enforcement evolves in year two of the Biden administration at bigbusinessblotter.substack.com.

Public Citizen Recommends ...

‘The Age of the Strongman: How the Cult of the Leader Threatens Democracy Around the World’

By Gideon Rachman; \$27; Other Press

“There’s a demand in the world for special, sovereign leaders, for decisive ones who do not fit into general frameworks and so on.” Thus observed Dmitry Peskov, Russian President Vladimir Putin’s spokesperson, in 2018. Peskov was referring specifically to Putin, but his remark could have applied just as easily to any number of other nationalist and culturally conservative world leaders with a contempt for minorities (especially Muslims), dissidents, and foreigners.

“The Age of the Strongman: How the Cult of the Leader Threatens Democracy Around the World” by Gideon Rachman takes Peskov’s observation as its lynchpin and spins it into a thesis. Putin may have inaugurated the “Age of the Strongman” when he ascended to leadership on the cusp of the new millennium, but the phenomenon has since entrenched itself as a key feature of global politics: from Xi Jinping to Bolsonaro, Modi to Orbán, Erdogan to Duterte, what these leaders share is a “strongman style” that was “until recently,

thought to be alien to the mature democracies of the West,” according to Rachman. Many of these autocratic leaders make bombastic claims (often on social media), imprison political rivals, indulge in extravagant military parades, discredit the work of journalists as “fake news,” fuel conspiracy theories, and pursue creative ways to abolish or erode liberal democratic norms.

Central to the formation of the strongmen—and, as Rachman is quick to point out, they are all men—is the “creation of a cult of personality.” “Charisma,” that numinous trait, is something that all these world leaders share. Yet, with the exception of Boris Johnson and Donald Trump, Rachman’s descriptions of these charismatic figureheads are too perfunctory to illuminate just how they have alchemized fear and “nostalgic nationalism” to bend the ears of billions of people, who have come to truly believe that these strongmen represent their interests as opposed to those of urban elites. We get sketches of several of these strongmen hobnobbing with one another at global conferences and leave with the impression that many are on friendly terms or have a “special relationship”—and no more than that. (A sense of déjà vu also pervades the book, as anecdotes from

the introduction get repeated in subsequent chapters with all the identifying tags for individuals intact, and there are occasional errors, as when Rachman misidentifies the date that Boris Johnson is first hospitalized for COVID.) Some of the leaders, for all their success in fusing their personal interests with those of the state, come across more as terminal bullies and buffoons than charismatic individuals, like the coldly menacing Putin and the thuggish and trigger-happy Duterte.

The rise of the strongmen is, in many of the cases Rachman discusses, abetted by ethnic fears “that a dominant majority is about to be displaced, suffering enormous cultural and economic losses in the process.” Viktor Orbán of Hungary, for instance, has peddled the claim that mass migration poses an existential threat to his country. That the U.S. is projected to become “minority white” by 2045 helped propel the rise of the xenophobic Trump, who unsuccessfully attempted to block Muslims from entering the U.S. and promised to build a “big beautiful wall” along the Mexican border. Muslims have attracted ire in both China and India; Xi Jinping has warehoused more than a million Muslims in “re-education camps” and Narendra Modi has threatened to imprison hundreds of thousands of “illegal” Muslims in Assam. In both cases, the strongman’s rhetoric and “macho posturing” has occurred despite relatively small Muslim populations: In China, 92% of the population is Han Chinese, and Hindus comprise nearly 80% of

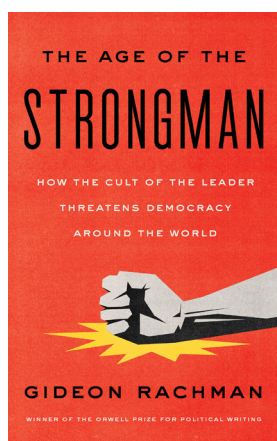
India’s population.

“The difference between the strongmen who manage to prolong their rule indefinitely - and those who can be forced from office or held to account by the law - is very often the strength of a country’s institutions,” asserts Rachman. It is those institutions and the laws they enshrine, rather than charismatic leaders, upon which durable societies are ultimately built. The illiberal style of strongman leadership is “inherently flawed and unstable”: leaders not only brook no criticism, but they age, succumb to disease and increasing fits of paranoia, and die. In a hesitantly hopeful coda, Rachman singles out the U.S. under Biden and Israel as two countries where “the institutions of democracy passed the test.” Other countries, still under the sway of megalomaniacal leaders, barely showed up for the exams.

That it is no longer possible to decisively say whether these are the best of times or worst of times for ruthless autocrats may be one sign that the political trend is on the wane. Trends, of course, come and go, first as tragedy, then as farce, but as Rachman points out, the vibrant ineptitude many of these rulers displayed in mishandling the COVID pandemic might “eventually undermine support for autocratic leaders.” It may take thirty years to get us there, but the era of the strongman will one day pass. What succeeds it only time will tell. ■

—Rhoda Feng

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



Morton Mintz Turns 100: Investigative Nemesis of Corporate Criminals

BY RALPH NADER

“Hi Mort,” began my calls to Morton Mintz who would invariably answer his phone promptly at *The Washington Post*. “I’ve got a story,” to which Mintz would respond warily: “Tell me about it.” And so it went for nearly twenty years with me and lots of other citizen advocates, whistleblowers, and congressional committee staff. More than any other reporter, Mintz broke open the walls surrounding the media’s non-coverage of serious consumer, environmental, and worker harms and rights.

The big advertisers and corporate lawyers, such as Lloyd Cutler, kept complaining to the Post publisher, Kay Graham, about his exposés and relentless stories that nourished congressional investigations, lawsuits, and prosecutions.

Mintz was not deterred, even from championing the Post’s union troubles with management. In 1978 the Post assigned him to cover the Supreme Court making him an ‘official source journalist’ which he intensely disliked. After two years he went back to reporting, but by then Reagan was President, the Democrats’ hold on Congress was weaker, and Washington was closing down on the citizenry in favor of the corporate supremacists.

Soon after Mintz joined the Post in 1962, from his job at the St. Louis Globe-Democrat, he broke the story about Thalidomide - a drug used as a sedative and to treat morning sickness that was given to pregnant mothers causing thousands of children, mostly in Europe, to be born without arms

or legs or sometimes no limbs at all. Fortunately, an alert scientist Frances Oldham Kelsey at the Food and Drug Administration (FDA) spared America by refusing to approve Thalidomide. Mintz also wrote numerous stories about inadequate FDA tests for the birth control pill. His various probes into the drug industry led to his first book published in 1965, *The Therapeutic Nightmare*.

I met Mintz during the GM-detective scandal in 1965. GM’s detectives were hired to “get dirt” on this young lawyer challenging the auto industry’s unsafe motor vehicles that put style and horsepower over saving lives with long-known safety devices. Together with Jim Ridgeway, then at the New Republic, Mintz broke the story of a GM gumshoe following me into a Senate office building. The private detective mistook Bryce Nelson, a Washington Post reporter, for me. A special attribute of Mintz is that he stayed with the story; he wasn’t interested in a major one-time feature. That steadfastness helped consumer advocates and congressional staffers, such as Michael Pertschuk, immensely in their step-by-step drive to regulate corporate outlaws.

What made him stay on the story was not just his professionalism and his regard for the readers, but his passion for justice for the underdogs. He epitomized the aphorism “information is the currency of democracy.”

Mintz’s corporate critics were many. They knew of his commitment and told his editors that his emotions made him

biased. Whether exposing the tobacco companies, the asbestos industry, or the medical device and pharmaceutical business, the corporatists tried to trip him up. He was just too factual, too full of evidence, and too aware of not going beyond the boundary of accuracy to fall prey to the corporate drive to silence or discredit him.

No matter how tense or explosive the subject, Morton had the softest tone of voice. He had a logical, linear, disarming way of interrogating industry people and others who did not believe in the public’s need to know.

If he had a complaint, it was that he couldn’t get enough space in the paper for his fact-packed reporting. To augment his reporting, he joined with lawyer Jerry S. Cohen in writing *America, Inc.* and *Power, Inc.*, to overwhelmingly and devastatingly detail the abusive power of big business over America.

He was keen on mentoring younger reporters about journalistic standards and independence. No one felt the brunt of commercial advertisers more than this inexhaustible reporter of what was going on in the dark recesses of corporate systems. In 1985, he wrote the deadly story of the criminal Robbins corporation in his book titled, *At Any Cost: Corporate Greed, Women, and the Dalkon Shield*.

The *Post* publishers and editors liked the journalistic prizes that Morton Mintz received, but they did not give him the cachet accorded to flashier journalists on the staff. Sometimes, the editors

were downright irritated at how his exposés upset the business side of this large corporation registered on the New York Stock Exchange.

About the time he was leaving the Post in 1988, Mintz wanted to write a book about AARP and its entanglements with the health insurance and other industries. Touted as an organization of elderly consumers, AARP was also a seller of services. It contracted out its huge membership for “Medigap” coverage and auto insurance to giants such as United Health Insurance and auto insurers, from which it took a large share for its budget. Unfortunately, he couldn’t find a publisher. It is noteworthy that many years later no one picked up where he left off to write such a book.

Full of quiet energy (except on the tennis court) Mintz even managed to co-author books with his daughter, Margaret Quotations from President Ron, 1987, and with his beloved late wife, Anita President Ron’s Appointment Book, 1988.

I had lunch with Morton when he turned 95. I recall his utter astonishment at being informed that most email-driven Washington Post reporters do not return telephone calls to learn about scoops, leads, reactions, or corrections the way he used to. Happy 100th birthday (January 26th), Morton. May your example reach the next generation and may they be energized by your impeccable career as a reporter. ■

IN THE NEXT ISSUE...

Public Citizen has an update on the Alzheimer’s drug aducanumab.

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