



2016: ADVANCING A PROGRESSIVE AGENDA

In the rhythms of the nation's capital, election years are unique. They present challenges—members of Congress spend less time legislating and more time campaigning, and the country and media are focused on the daily developments of races. But election years also offer unique opportunities—more attention is focused on attacks on our democracy and the problem of big money in politics, as well as the need to curb the power corporations hold over government.

In 2016, Public Citizen took advantage of these opportunities and drove forward an agenda of a more just and inclusive democracy; a trade policy that benefits people, not multinational corporations; safe workplaces; access for all to affordable medications and safer health care; energy policies that benefit people, not major utilities; access to the courts so people can hold corporations accountable for wrongdoing; and much more. We did so by tapping the energy of activists, building coalitions with local and national organizations, conducting research, arguing consumers' interests in courts, petitioning agencies and lobbying members of Congress.

One of the year's highlights was the three-day mobilization we helped organize in April called "Democracy Awakening." Thousands of people came to Washington, D.C., from throughout the country to rally to get big money out of politics and restore voters' access to the ballot box. We continue to build on the energy generated at that event.

Other highlights include halting the dangerous Trans-Pacific Partnership agreement; successfully persuading agencies to curb the use of forced arbitration clauses, which shut consumers out of courts; winning state measures that help to curb money in politics; winning major court cases that help ensure consumers can band together to hold corporations accountable for wrongdoing; gaining stronger protections for workers exposed to beryllium and silica; protecting

patients and medical professionals from the dangers of powdered gloves; blocking from a budget bill hundreds of riders that would have gutted many environmental and consumer safeguards; and sending a strong message to pharmaceutical companies that they can't keep price gouging.

We continue to press our lawsuit against the Federal Election Commission (FEC), contending that the agency was wrong when it failed to investigate Crossroads GPS for not registering as a political committee. We are urging the court to direct the FEC to reconsider.

November's elections showed that Public Citizen is needed now more than ever. President-elect Donald Trump quickly began identifying corporate insiders and billionaires he wants in his Cabinet and as top agency heads. They are sure to put corporate interests ahead of the public interest. A Congress dominated by corporate-minded lawmakers already is targeting critical and hard-won protections, putting safeguards in their crosshairs.

We have proven in the past that we can accomplish much despite a hostile administration and Congress. We intend to resist Trump and the corporate agenda at every turn.

A single "Year in Review" issue alone cannot do justice to the energy and dedication of our supporters, but this one highlights milestones of 2016, all united under a common banner of progressivism that maintains ambitious hopes for tomorrow's possibilities. ♦



Top photo: Thousands march past the U.S. Capitol as part of the Democracy Awakening mobilization in April. Participants called for an end to big money in politics. Photo courtesy of Rich Kessler. Lower photo: Activists rally at the White House in June 2016, demanding democracy reforms. Public Citizen file photo.



Power to #WeThePeople

Despite the nearly \$7 billion spent on the presidential elections, strides were made in 2016—especially at the local and state level—to get big money out of politics and restore democracy to the people.

Since the U.S. Supreme Court's disastrous 2010 *Citizens United* ruling, which gave corporations and the superwealthy the green light to spend unlimited sums in elections, Public Citizen has been fighting to get it overturned. We've been part of building a large and diverse movement of people and organizations that have come together to restore our democracy.

In April 2016—following months of organizing and coalition building—more than 5,000 people converged on Washington, D.C., for Democracy Awakening—a historic three-day mass mobilization. Public Citizen was a lead organizer of the effort, which was en-

dorsed by 300 organizations and demanded that every voter have access to the ballot box and that big money be purged from the political system.

In 2016, Public Citizen also worked with allies and local leaders to help two states call for a constitutional amendment to overturn *Citizens United*—bringing the total to 18 states plus the District of Columbia in favor of an amendment.

Additionally, six ballot initiatives around the country were passed on Election Day in support of campaign finance reform and government transparency, from Washington state to South Dakota.

Public Citizen is leading the coalition effort to pass a small-donor public financing measure in Washington, D.C. The bill has a majority of Councilmembers in support going into 2017.

Following Donald Trump's victory in

November, it is clear that we are entering an era of unprecedented conflicts of interest and potential for corruption. Public Citizen's role as a watchdog in the nation's capital is more essential than ever, and we will be even more relentless and vigilant.

Among the things we have done since the election include calling on Trump to sell his business to avoid unprecedented and far-reaching conflicts of interest, releasing research showing the extent of corporate ties of his Cabinet nominees and running an ad during Fox & Friends highlighting Trump's hypocrisy in appointing wealthy, elite Washington insiders to his team. We've been prominent in the media and have helped lead efforts among allies to develop strategies to fight back.

Follow Public Citizen's work to expose the real Donald Trump at www.citizen.org/trump. ♦

DEMOCRACY

Public Citizen's 2016 democracy reports include:

- "Disrupting Democracy: How Uber Deploys Corporate Power to Overwhelm and Undermine Local Government" (May): Uber uses its vast wealth to lobby and undermine local governments.
- "District Development: D.C. Contractors Dominate 2016 District Primaries, Fair Elections Proposal Provides a Viable Alternative" (June): In a city famed for corruption, 40 percent of D.C. Council candidates' funding came from the construction and real estate sectors. Public financing of elections would restore balance.
- "Big Business Ballot Bullies: In 2016 State Ballot Initiative Races, Corporate-Backed Groups' Campaign War Chests Outmatch Their Opposition by an Average of 10-to-1" (September): Corporations spent nearly \$140 million in eight state ballot initiative races, crushing the opposition by as much as 24-to-1.
- "Promoting a Transparent and Democratic Presidential Transition" Series: A series of reports outlining good government principles that the new presidential transition team should adopt.
- "Corporation-Backed Ballot Initiative Campaigns Spent More than \$335 Million, Won 62% of Races Where One Side Was Mostly Funded by Corporate Interests" (November): Of 37 ballot initiative races in 17 states where at least one side was mostly funded by corporations and business interests, the corporation-backed side was victorious in 23 contests.
- "Corporate Interests Infest Trump Transition at Federal Agencies" (November): Of the 75 landing team members announced by the Trump transition, 70 percent have a corporate affiliation.

"Public Citizen fights the good fight, taking right action with no frills, no boasting – just knowing what has to be done and doing it. Honest, moral, hard working. They keep their eye on the most important thing – the promotion of equal rights, the defense of the individual, with compassion for all."

– Polly Cherner, Public Citizen member



On previous page: Thousands march past the U.S. Capitol as part of the three-day Democracy Awakening mobilization in April. Photo courtesy of Rich Kessler. Above: A group demonstrates during a march in April. Public Citizen file photo.

State voices rise against big money:

- Public Citizen led grassroots groups in New York to help make that state the 17th to call for a constitutional amendment to rein in election spending. New York’s legislature is the first with at least one chamber controlled by Republicans to do so—signaling that the public’s bipartisan dismay over *Citizens United* is finally catching up with our elected officials.
- Washington state residents voted 64 percent to 36 percent in favor of I-735, which made it the 18th state to formally call for a constitutional amendment to overturn *Citizens United*. Public Citizen worked with groups in the state and nationally to get the initiative on the ballot and to mobilize voters.

- California passed a ballot measure requiring that all bills be publicly available for 72 hours before they are put to a vote in the state legislature. Public Citizen endorsed the measure.
- Public Citizen worked to build national support for South Dakota’s IM-22. Voters passed the campaign finance and ethics reform package, designed to increase accountability and transparency in state government and set up a small donor public financing system for state offices.
- With Public Citizen staff and volunteer support Howard County, Md., and Berkeley, Calif., voters passed robust public financing measures.
- In November, Public Citizen experts and dozens of other organizations testified in favor of the Washington, D.C., fair elec-

tions bill, which would empower small donors in District of Columbia races by providing a public match for small dollar contributions. The organization will continue to push for this in 2017. ♦

Pushing for disclosure of dark money in elections:

In August, Public Citizen appeared in court for a key hearing in *Public Citizen v. Federal Election Commission (FEC)*. We asked the court to declare that the FEC was wrong when it failed to investigate Karl Rove’s Crossroads GPS for not registering as a political committee, and to direct the FEC to reconsider.



Activists rally at the White House in June, demanding democracy reforms and an executive order disclosing political spending. Public Citizen file photo.



Fighting Back Again

From Wells Fargo's fake accounts scandal to Volkswagen's emissions cheating, and from increased corporate political spending to the hundreds of special favors for big business that congressional Republicans tried to sneak into the federal budget, the onslaught of corporate crime and corruption in 2016 was unrelenting.

That's why Public Citizen stepped up efforts to hold big businesses accountable for wrongdoing and defend public protections. During 2016, Public Citizen fought for greater disclosure of corporate political spending, stronger and more effective regulation of big business and tougher enforcement of Wall Street reforms, and pushed back against industry attacks on the public interest.

After Wells Fargo was caught opening millions of fake accounts, Public Citizen's policy experts were among the loudest voices calling for a multiagency investigation into the bank's wrongdoing, a clawback of executive bonuses, prosecution of top bank executives, an end to forced arbitration rip-off clauses that blocked victims from suing and a breakup of the bank. As Public Citizen's financial policy advocate Bart Naylor argued in a book released in June, megabanks have grown "too big to fail, too big to jail and too big to manage." Wells Fargo's widespread fraud was just a case in point.

We need regulatory protections and tougher enforcement to hold big banks and other bad corporate actors accountable, but it's taking far too much time to write the rules that would do so. Public Citizen released a series of reports this year illustrating the problem of excessive regulatory delay. Contrary to the claims made by big business and Republican politicians, public protections now take more than three years on average to work their way through the federal rulemaking process, and rules finished in the final months of a

presidential administration take even longer.

Excessive delays and misleading rhetoric weren't the only threats to public protections in 2016. Congressional Republicans tried to add more than 750 poison pill policy riders to 2017 budget legislation. Many of these riders were sneak attacks on government and financial reforms as well as consumer and environmental protections that Public Citizen fought to create. But a Public Citizen-led coalition successfully repelled the threat of riders—for now.

The attacks on regulatory protections were part of a coordinated assault backed by corporate-funded groups like the U.S. Chamber of Commerce. Public Citizen released a report this year showing that most of the funding for the Chamber comes from just a handful of corporate megadonors, and another report showing how the Chamber uses small business owners as unwitting pawns in its fight to dismantle

public protections and rig the rules in favor of big business.

To push back on corporate political power, Public Citizen urged the U.S. Securities and Exchange Commission to craft a rule requiring publicly traded companies to disclose their political spending to shareholders. As part of that campaign, Public Citizen pushed Vanguard, the nation's largest manager of retirement savings, to support political spending disclosure by the companies in which it invests. Public Citizen delivered nearly 60,000 petitions in favor of disclosure from current and prospective Vanguard customers, pressured the company on Twitter and pushed the company in traditional and social media to advocate disclosure.

With corporate crime on the upswing and an incoming administration packed with corporate titans, Public Citizen's government and financial reform work is going to be more important than ever in 2017.



Top photo: Speakers gather in front of the U.S. Capitol for a press conference in July on a financial transaction tax bill to curb speculative Wall Street trading. Lisa Gilbert, director of Public Citizen's Congress Watch division, is fourth from the left. Lower photo: Bart Naylor, financial policy advocate at Public Citizen, speaks at the "Too Big to Fail" book release in June. Public Citizen file photos.



inst Corporate Power

Exposing the U.S. Chamber of Commerce

While the U.S. Chamber of Commerce may claim to represent the interests of hundreds of thousands of small businesses, two reports from Public Citizen's U.S. Chamber Watch program prove that it is, in fact, a mouthpiece of huge corporations.

According to the "The Gilded Chamber" report, just 74 entities provide almost 60 percent of the Chamber's funding, making it apparent that the Chamber is not a voice for the vast majority of American businesses, but instead is a tool for those whose ultimate aim is the corporate capture of our government.

The second report, "The Chamber of Litigation," proves that of the 1,110 lawsuits in the past 10 years that the Chamber has been involved in, the Chamber's legal filings supported at least one Fortune 500 company almost 60 percent of the time, but supported a small business only 7 percent of the time.

Debunking myths about "midnight regulations"

In July, Public Citizen issued a study concluding that regulations completed during the transition periods at the end of the past two presidential administrations took more time to be developed than those during oth-

er administrations. The report effectively debunked claims that rules finalized near the end of a presidential administration are rushed or sloppily drafted.

While conservative scholars, activists and elected officials like to claim fealty to the idea that "midnight regulations" are "rushed," "flawed" and the product of "cutting corners," the report exposed this alarmist rhetoric for what it is: a simple ploy to prevent agencies from promulgating regulations in the final months of an administration.

Combating hidden ads on Instagram

In 2016, Public Citizen pushed for the government to help ensure greater disclosure in digital advertising. In a letter to the Federal Trade Commission (FTC), Public Citizen exhorted the agency to strengthen oversight and bring enforcement actions to stop the pervasive practice of hidden ads on Instagram, a picture-sharing social media platform.

Instagram ads disguised as endorsements lead consumers to believe that their favorite celebrities are making enthusiastic product endorsements, when in fact, those celebrities were paid and may not even use the touted brand. Public Citizen's research documented more than 100 examples of posts made by ce-

lebrities, athletes and average consumers on Instagram that most likely were paid ads. Public Citizen has continued to call on the FTC to enforce its policy requiring paid ads and endorsements to be identified as such.

Campaigning against ads in national parks

The National Park Service (NPS) proposed a policy to actively seek donations from corporate vendors, liberalize rules on "donor recognition," drop the current policy that parks must be free of commercialism and lift restrictions on naming rights in parks. Public Citizen opposed the NPS' plan to sell naming rights and advertising space within America's parks, because to do so would dishonor and degrade these national treasures now and for future generations.

Working with allies, Public Citizen delivered more than 200,000 signatures opposing the proposed ad policy, with a particular focus on the dangers of permitting alcohol ads in parks. Despite the massive public outcry, on Dec. 28, 2016, NPS Director Jonathan Jarvis finalized the policy, including the permission of partnering with alcohol companies. But NPS did remove a provision from the draft document that would have permitted corporate logos on exhibits and waysides within parks. ♦



Jerome & Annie Hoffman

MEMBER HIGHLIGHT

"We have long been supporters of the wonderful work done by Public Citizen. There are groups that try hard to do the right thing, but are so marginalized as to have almost no effect; others seem to lose sight of their true goals because they are so intent on gaining or maintaining influence. To our mind, Public Citizen represents the ideal of a group that sticks to its (our) best principles while continuing to be an important public voice in the fight for social justice.

Public Citizen has always fought for things that matter, and while it is most important that each of us participates actively, in our own communities, to whatever extent we can, it is also imperative that we do what we can to support larger and more influential groups, of which Public Citizen is a shining example."

Standing Up to BigPharma

One of Public Citizen's hallmarks is staying power; we push for policies that benefit the public until we win. In 2016, persistence paid off. First, the U.S. Food and Drug Administration (FDA) banned powdered gloves—18 years after we first called for them to be removed from the market. Second, the U.S. Occupational Safety and Health Administration (OSHA) beefed up its protection of workers exposed to silica dust, which Public Citizen had urged for years. (See below.) Similarly, Public Citizen in 2016 continued its 15-year campaign to press OSHA to lower its workplace beryllium limit from an outdated level set in 1971 and achieved victory in January 2017.

Public Citizen's access to medicines group has long worked with partners in developing countries, to help them improve health policies and save lives at home while defending against Big Pharma bullying out of Washington. This year, our work helped Colombia significantly reduce the price of a lifesaving cancer medicine, and shame the U.S. Senate Finance Committee for interfering on behalf of Novartis. We helped Ecuador's government begin taking competitive bids on medicines for the first time in years. And we narrowed U.S. government opposition, driven by pharma lobbyists, to a lifesaving provision of Indian law,

which makes it a little easier for India to continue to supply lifesaving affordable generic medicines to the world.

Another organizational hallmark is standing up to companies that put the profit over public safety. The poster child



In August, Public Citizen and other activists delivered more than 700,000 petition signatures to Mylan's corporate headquarters outside of Pittsburgh, Pa., demanding Mylan stop price gouging American consumers. Public Citizen file photo.

for corporate greed in 2016 was Mylan, the pharmaceutical giant that became notorious for hiking up the price of EpiPens, which millions of allergy sufferers carry in case of a severe reaction to a bee sting, peanuts or other allergen. After jacking up the price of a pair of EpiPens from \$100 to more than \$600, Mylan faced swift and unrelenting national outrage.

Public Citizen launched a petition calling for the pharmaceutical company to reverse course, and the organization delivered more than 700,000 signatures to Mylan headquarters outside of Pittsburgh. Public Citizen also released research showing that Mylan's EpiPen price in the United States was between three and nine times higher than the price in other wealthy countries. Mylan responded to the outrage by offering discounts to customers. Our demands for meaningful change at Mylan continues.

The focus on Mylan was part of Public Citizen's expanded emphasis on high drug prices, which will continue into 2017. Public Citizen is calling for solutions ranging from a windfall profits tax on Big Pharma to empowering Medicare to negotiate drug prices. Public Citizen used research to advance other public health initiatives in 2016, ranging from limits on medical residents' work hours to access to health care information. ♦

Win! Powdered gloves banned: In December, the U.S. Food and Drug Administration (FDA), prompted in part by a 2011 petition from Public Citizen, banned powdered surgical and medical examination gloves from the market because they pose unacceptable dangers to both patients and health care workers, and because safer alternatives exist. Now, health care workers and patients will be spared life-threatening adverse reactions. Public Citizen first petitioned for the ban in 1998.

Win! Workers get stronger silica protections: The U.S. Occupational Safety and Health Administration (OSHA) made history in March by updating workplace protections to reduce illnesses and deaths related to crystalline silica dust. Public Citizen pushed for years for an updated standard.

Public hospitals end formula marketing: Nearly all of the largest public hospitals in the country have ended infant formula marketing, according to a Public Citizen study released in April.

County jails are ill-equipped to handle mentally ill inmates: A comprehensive national survey of staff in county jails released in July by Public Citizen and the Treatment Advocacy Center revealed that county jails are unequipped to deal with mentally ill inmates. The study described challenges faced by county jail staff, as well as solutions including programs to prevent the mentally ill from entering the criminal justice system in the first place, the provision of adequate mental health treatment for seriously mentally ill inmates in jails, and diversion of these inmates to treatment in the community.

Poll shows patients want limits on work hours for medical residents: A national opinion poll commissioned by Public Citizen and released in September showed that the vast majority of Americans favor restricting the work shifts of medical residents to no more than 16 straight hours without sleep. The poll came as a national accrediting body considered allowing first-year residents to work up to 28 hours straight - far more than the current 16-hour limit.

Industry favors are stripped from the 21st Century Cures Act: In December, Congress passed and the president signed the 21st Century Cures Act. This gift to the pharmaceutical and medical device industries undermines rules that help ensure safe and effective medications and medical devices. However, because of the efforts of Public Citizen and allies, the industries did not receive all the goodies they had wanted. Our pressure helped eliminate provisions that would have increased medication prices and cost taxpayers an estimated \$12 billion over 10 years; encouraged hospitals to overuse the newest antibiotics; and allowed medical device manufacturers to make changes to high-risk medical devices without oversight.

Study shows the need for greater vigilance of state medical boards: For years, Public Citizen has pushed state medical boards to be more accountable in disciplining dangerous doctors. A groundbreaking study by Public Citizen health researchers underscored the need for continued vigilance. Using data from the National Practitioner Data Bank, Public Citizen researchers discovered that 70 percent of U.S. physicians who had engaged in sexual misconduct that led to malpractice payments or sanctions by hospitals or other health care organizations were not disciplined by state medical boards for their unethical behavior.

Preserving Access to Courts

Consumers rely on a variety of tools to hold corporations accountable for wrongdoing: for example, filing individual lawsuits against a corporation, banding together as a group to sue and writing online criticisms to warn others of bad service or fraudulent behavior. In recent years, corporations have tried to blunt these tools. Public Citizen has fought back, working to preserve consumers' access to the civil justice system and to preserve their First Amendment right to criticize companies for poor products or service. In 2016, the organization achieved several key victories.

A few of our achievements involve our continuing effort to eliminate “forced arbitration” clauses from consumer contracts. Corporations routinely hide these “rip-off clauses” in the fine print of take-it-or-leave-it contracts to block consumers from suing in court if they are victims of hidden fees, fraud, or other illegal or abusive behavior. Instead, these clauses require consumers to file grievances through corporate-friendly arbitration. In that private system, consumers generally have no right to appeal.

For several years, Public Citizen has led a coalition to persuade the Consumer Financial Protection Bureau (CFPB) to curb the use of arbitration clauses in financial contracts. In April 2016, Public Citizen wrote a letter joined by 163 allies calling on the agency to restrict forced arbitration in consumer contracts. The CFPB responded in May by proposing to prohibit forced arbitration clauses that prevent consumers from participating in class-action lawsuits in court—a crucial step forward. During the rule's public comment period, Public Citizen and allied groups flooded the agency with more than 100,000 comments from indi-

vidual consumers backing the proposal. The CFPB is expected to finalize the rule in early 2017, although its fate in a Trump administration remains uncertain.

Students at predatory for-profit colleges also have been victimized by forced arbitration clauses embedded in enroll-



ment paperwork. Many for-profit schools target specific populations of students—particularly people of color, low-income individuals and veterans—using questionable recruitment practices. Many of these schools provide an inferior education with low-quality programs, few support services and abysmal graduation and job placement rates.

In 2016, Public Citizen spearheaded an effort to pressure the U.S. Department of Education to curb the use of forced arbitration clauses by colleges. In February, Public Citizen submitted a citizen petition to the department asking it to bar the use of forced arbitration by colleges that receive federal funding. Public Citizen then submitted extensive comments and suggestions on the department's subsequent proposed rule.

In October, the department finalized a rule prohibiting colleges that participate in the federal Direct Loan program from using forced arbitration clauses in enrollment forms. The new rule is a game-changer for thousands of students who will finally have a realistic opportunity to have their day in court if defrauded by

their higher education institution.

Nursing home contracts are a third arena where arbitration clauses have harmed people. Public Citizen and others last year called on the Centers for Medicare and Medicaid Services (CMS) to prevent nursing homes from taking away the legal rights of their residents through the use of forced arbitration. Such clauses have blocked seniors and their loved ones from accessing the court system when they are victims of severe neglect, abuse, serious injury or death at a facility.

In September 2016, CMS issued a rule that would block the use of forced arbitration in admission contracts, but in November, a federal judge in Mississippi blocked its implementation. Public Citizen will continue to push for it to be fully implemented and enforced. In addition, the U.S. Supreme Court is considering a case involving the use of forced arbitration clauses in powers of attorney signed by family members of patients in nursing homes, and Public Citizen has submitted an amicus curiae brief supporting the lower court's decision that the arbitration clauses at issue in that case are unenforceable.

On the online front, Public Citizen in 2016 continued to protect the right of consumers to criticize companies online. A key victory came when Congress passed—and President Barack Obama signed into law—the Consumer Review Fairness Act. The act voids “non-disparagement clauses,” which often are tucked into the fine print of the terms of an agreement to do business with a company and prohibit customers from criticizing the company online. The legislation also voids penalties imposed by a company on customers who post critical reviews. ♦

JUSTICE

Appellate court reverses decision shielding complaints about immigration judges: More than three years after Public Citizen filed a public records lawsuit on behalf of an immigration group seeking information on alleged misconduct by immigration judges, an appellate court reversed a lower court decision ruling against us. The U.S. Court of Appeals for the District of Columbia Circuit disagreed with the government's contention that the privacy interests of immigration judges categorically outweigh the public's interest on disclosure, particularly when the complaints concern on-the-bench conduct and repeat offender judges. The court sent the case back to the district court with instructions that the government make a more specific showing.

Win! U.S. Supreme Court upholds class-action suit against Tyson Foods: In a victory benefiting thousands of workers, the U.S. Supreme Court in March ruled 6-2 in *Tyson Foods Inc. v. Bouaphakeo* that Tyson Foods workers were entitled to litigate, as a class, their claims for lost wages due to violations of wage and hour laws. The company had argued that the workers should not have been able to join together in a single lawsuit because each worker's claimed loss was different. Public Citizen served as co-counsel for the workers in the Supreme Court.

Public Citizen wins precedent-setting Yelp case: A Texas state court dismissed a lawsuit against a couple who was being sued for criticizing a Dallas pet-sitting business on Yelp. The case is believed to be the first involving a non-disparagement clause in a consumer contract in which a court has held the clause unenforceable. Companies are increasingly using such clauses—which forbid the consumer from posting criticisms online—to silence dissatisfied consumers. Public Citizen represented the couple, arguing that they had a First Amendment right to criticize the company online.

Win! Preserving class actions: In *Campbell v. Ewald*, the U.S. Supreme Court rejected a corporate push to block the use of class actions for wrongdoing that inflicts small losses on large numbers of people. In this case, consumers sued a company that sent thousands of marketing text messages without their consent. The company offered the named plaintiff \$1,503 to settle the case. Although the plaintiff rejected the offer, the company argued that the case should be dismissed because of the offer. In January, the Supreme Court held that a defendant in a class-action lawsuit cannot avoid liability to an entire class by offering to pay damages only to the named plaintiff. Public Citizen served as co-counsel for the plaintiff in the Supreme Court.



Public Citizen helped organize a protest at the D.C. Public Service Commission in 2016 over a proposal by the energy giant Exelon to take over Pepco, the local utility. Public Citizen file photo.

Protecting Consumers Against Predatory Energy Corporations

In 2016, Public Citizen challenged big energy corporations in a number of arenas, making significant gains.

In Texas, Public Citizen helped ensure that electricity rates will decrease for all residential Austin customers. When Austin Energy, the city-owned electric utility, went through a process to adjust rates earlier this year, Public Citizen's Texas office made sure that rate decreases will extend to all residential customers and that Austin Energy develops a financial plan to retire at least one unit of the coal-fired Fayette Power Project by the end of 2022.

The outcome of another initiative bodes well for Illinois energy consumers. In January 2016, the Federal Energy Regulatory Commission (FERC) ruled that the Midcontinent Independent System Operator (MISO) rules for the 2016-17 power auction were not just and reasonable. This came after Public Citizen filed a complaint alleging that the auction for 2015-16 violated the Federal Power Act's requirement that all electric rates be just and reasonable, because Houston-based Dynegy, Inc. had manipulated the capacity auction. A future order will address Public Citizen's allegations surrounding the 2015-16 auction; Illinois residents could see a refund of tens of millions of dollars.

Because FERC is difficult to navigate, especially for individuals, in March, Public Citizen led a coalition of more than 30 consumer and environmental organizations in petitioning the agency to create and fund an Office of Public Participation. Such an office

was authorized by Congress in 1978 but never created. Among the duties of such an office would be to provide financial compensation to public interest intervenors.

Another agency that is tough to navigate for consumers is the U.S. Commodity Futures Trading Commission (CFTC). Public Citizen's Energy Program director, Tyson Slocum, is a member of the CFTC's Energy and Environmental Markets Advisory Committee, and watchdogs the agency from that perch.

In February, *The New York Times* covered his successful efforts to blow the whistle on and stop an effort by the lone Republican commissioner to collude with Wall Street and the oil industry to undermine critical Dodd-Frank consumer protections in energy markets, called position limits. Position limits stop a single or small group of energy traders from controlling too much of a given market, and they are critical to protecting consumers from efforts by speculators to corner a market and drive up prices.

Finally, Public Citizen worked on the state and federal front to stop the state of New York from providing \$8 billion in ratepayer-funded payments to three of the state's old nuclear reactors via tax credits.

The unprecedented bailout would prop up a financially unsustainable industry and divert resources away from investments in renewable energy and energy efficiency.

Public Citizen is challenging the bailout at the FERC.

Addressing climate change

Last year was the hottest year on record globally. With climate change continuing to pose an existential threat to the planet, Public Citizen worked on multiple fronts to move the country away from fossil fuels and toward renewable energy.

In Texas, Public Citizen ramped up its campaign to ensure that when the Panama Canal expansion sends more traffic into the Port of Houston, it doesn't also increase diesel emissions at the port through additional truck and rail traffic. As part of the campaign, Public Citizen released a poll showing that air pollution is a serious problem for Houstonians and they support emissions reductions.

Public Citizen in 2016 continued to promote the U.S. Environmental Protection Agency's (EPA) Clean Power Plan, the first-ever federal rule curbing carbon pollution from power plants. In September, Public Citizen filed a brief in support of the EPA with the U.S. Court of Appeals for the D.C. Circuit, which heard an industry challenge to the plan. Because Texas refused to adopt a plan to implement the new federal rules, our Texas office has been hosting meetings with more than a dozen other groups to develop strategies to comply with the Clean Power Plan absent state leadership.

Public Citizen also participated in a coalition demanding the U.S. Department of Justice investigate Exxon's climate science cover-up, and we led a coalition letter with 30 other groups to Fox News, urging it to use the summer management shakeup as an opportunity to start reporting accurately on climate change. ♦

Watchdogging the oil and gas industry

When it comes to regulating the oil and gas industry, other oil and gas producing states outshine Texas, a Public Citizen study released in August shows. Public Citizen looked at the best practices of eight states that produce oil and gas and are facing similar issues to Texas in terms of seismic activity and water contamination. Public Citizen is calling for the Texas agency that oversees the industry to undergo significant changes in structure, transparency, funding, inspections and environmental protection.

Protecting people from nuclear waste

Public Citizen, along with three other leading national and Texas groups, in October called on the U.S. Nuclear Regulatory Commission to terminate its review of the license application for a controversial nuclear waste dump. Waste Control Specialists wants to build an interim high-level nuclear waste dump in Andrews County, West Texas, that would require up to 40,000 metric tons of highly dangerous nuclear waste to be shipped by rail to Texas from throughout the country.



Delegates protesting the TPP at the Democratic National Convention in Philadelphia in July 2016. Photo courtesy of exposethetpp.org.

Victory: Stopping the TPP in 2016

Throughout 2016, Public Citizen's Global Trade Watch focused relentlessly on stopping the Trans-Pacific Partnership (TPP). Ultimately, we were successful (see related story, page 1). Staffers worked with allies to inform the U.S. public about the how the final deal could affect their daily lives and some of our most pressing global challenges from climate change to income inequality.

Despite the Obama administration's intense effort, campaigners ensured that a majority in Congress opposed the deal from the day it was signed in February 2016. In November 2016, the White House finally admitted that there was insufficient support in the U.S. Congress to submit the agreement for a vote. This followed upon an unprecedented focus during the 2016 presidential election cycle by Democratic and Republican candidates alike about the threats posed by the TPP and the need to revisit the U.S. trade agreement model.

No single politician killed the TPP. The TPP died under the weight of its own terms, thanks to millions of Americans educating their colleagues, neighbors and friends about the deal's dire threats and organizing a mass movement to hold Congress accountable. Well before Donald Trump's election, the presidential primary campaign and the halls of Congress resounded with the American public's rejection of trade proposals that not only failed to live up to the proponents' promises over the past 20 years, but threatened further damage to working people and the environment. Public Citizen helped organize this powerful opposition.

To derail the TPP, Public Citizen helped to build a broad and diverse coalition that engaged in an extensive

public education, grassroots organizing and lobbying. Public Citizen organized dozens of local meetings with members of Congress, rallies and press events while also preparing the research and campaigning materials used nationwide.

But that's not all our trade program did in 2016.

Highlighting dangers of the Investor-State Dispute Settlement system

Staffers helped to raise mainstream concern about Investor-State Dispute Settlement (ISDS), a previously little-known provision in corporate-rigged "trade" deals. This system empowers multinational companies to sue the U.S. government before a panel of three corporate lawyers to obtain unlimited sums of money from taxpayers when a corporation believes U.S. laws or policies violate their special foreign investor privileges. Public Citizen intensified a public education campaign through social media and a website, ISDScorporatattacks.org.

Collaborating with the Columbia Law School's Center for Sustainable Investment, we organized a letter to Congress against ISDS, signed by more than 200 preeminent legal and economics scholars, including President Barack Obama's Harvard law mentor Lawrence Tribe, former California Supreme Court Justice Cruz Reynoso and Nobel-winning economist Joseph Stiglitz. That letter was released in a press event with U.S. Sen. Elizabeth Warren (D-Mass.).

Public Citizen's Global Trade Watch also created a live web feature that allows people to find the firms in their state and community that could attack domestic public interest policies were pacts like the TPP implemented.

Laying out a positive trade agenda

In September, Lori Wallach, director of Public Citizen's Global Trade Watch, worked with Jared Bernstein, former chief economist for Vice President Joe Biden, to publish a booklet laying out progressive "rules of the road" for trade and globalization and write a cover story for *The American Prospect*. Public Citizen has released a short video on this agenda, available at tradewatch.org.

Stalling a dangerous European pact

We continued to support European allies' efforts to derail negotiations for the Transatlantic Trade and Investment Partnership (TTIP), a pact modeled after the TPP. TTIP faces growing political backlash in key European countries, with significant public opposition to its inclusion of the ISDS regime.

Monitoring results of past "trade" deals

In 2016, Public Citizen's Global Trade Watch continued to track the outcomes of past pacts and produced economic and analytical materials for civil society and policymaker allies.

Among the key outcomes of this work were regular press releases tracking the failings of the free trade agreements (FTA) with Colombia, Peru, Korea and Panama that helped prove the North American Free Trade Agreement (NAFTA) model was a failure that should not be expanded via the TPP.

The group also maintained the only complete summary and tracking of all U.S. FTA investor-state cases; and launched new web features providing state-level breakdowns of the outcomes of past agreements on jobs, wages, agriculture and more. ♦

"I support Public Citizen because it is one of the few organizations that focuses on the core principle of democracy: One person, one vote. Campaign finance reform, fair and representative districting, automatic voter registration, and a constitutional amendment to make the presidency based on the total popular vote are all practical steps toward equal representation that Public Citizen supports."

— Jay McClelland, Public Citizen member

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