



Crypto Corporations Dump \$119M In Attempt To Buy 2024 Elections

BY RICK CLAYPOOL

The cryptocurrency sector is exploiting the Supreme Court’s *Citizens United* ruling to an unprecedented degree, dwarfing direct corporate spending by Big Oil and other corporate sectors in the 2024 elections. That’s the finding of a recent Public Citizen report, “Big Crypto, Big Spending,” released in August.

Cryptocurrencies like Bitcoin purport to be digital currencies but effectively are a form of speculative investment.

Crypto-sector corporations – primarily Coinbase and Ripple – have dumped more than \$119

million into the 2024 elections so far, with almost all of it going to super PACs dedicated to elevating pro-crypto candidates and attacking crypto skeptics.

These corporations are by far the dominant corporate political spenders in 2024; nearly half (48%) of all corporate money contributed during this year’s elections (\$248 million so far) came from crypto backers.

Direct corporate election spending at this scale is unprecedented. Crypto corporations’ total spending in the past three election cycles – \$129 million – already

see [2024 Elections](#), page 6 ▶



Photo courtesy of Shutterstock.

Champion of Advocacy and Change: Lisa Gilbert Named Co-President of Public Citizen

Public Citizen has named Lisa Gilbert as co-president of Public Citizen, joining longtime organizational president Robert Weissman at the helm of the organization. Gilbert previously served as executive vice president and in other roles with the organization.

On issues ranging from health care reform to Big Tech accountability to voting rights, Gilbert has built a reputation as a forceful and effective advocate for the public interest on Capitol Hill and beyond. Her leadership has earned her accolades – she

is consistently named one of D.C.’s top lobbyists by *The Hill* and recognized as a rising star by *Washington Life Magazine* – and the respect of peers and policymakers alike. Recently included in the *Washingtonian*’s list of D.C.’s 500 Most Influential People of 2024, Gilbert’s strategic acumen and ability to mobilize grassroots support have made her an indomitable advocate for the public interest.

Members of Congress greeted news of Gilbert’s new appointment with enthusiasm, citing her

see [Gilbert](#), page 4 ▶



Photo courtesy of Lisa Gilbert.

Supreme Court Upends Regulatory System

BY DAVID ROSEN

The U.S. Supreme Court upended the federal regulatory system this summer in a series of decisions that threw out a decades-old precedent and undermined our government’s ability to protect consumers, workers, our environment, and public health and safety. Taken together, these decisions represent an expansion of judicial power at the expense of the legislative and executive branches.

The most widely covered anti-see [Chevron](#), page 7 ▶



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GET TO KNOW PUBLIC CITIZEN ERNESTO ARCHILA

An ongoing series profiling Public Citizen leaders and staffers



As the Climate and Financial Regulation Policy Director at Public Citizen, Ernesto Archila is driven by a deep commitment to climate justice and the movement to fight back against corporate greed. He joined the organization in February 2024, after leading a campaign to push Wall Street banks to limit fossil fuel financing at the Rainforest Action Network (RAN). A tenacious Colombian-born New Yorker, Archila brings significant labor and human rights policy experience to his work. He holds a master's degree in international affairs on human rights from Columbia University and served for six years in the Obama administration's Labor Department.

What inspired you to focus on climate, labor, and human rights advocacy?

Archila: Early in my career, I focused on integrating human rights into global practices, eventually shifting to labor and human rights issues. I believe that the government's role is to regulate capitalism's excesses to prevent unchecked exploitation. Worker power is crucial. Protecting the right to organize and demand change is essential for a functional society. For years, my work centered on safeguarding these rights and supporting workers to maintain this balance. My advocacy for climate change was inspired by Naomi Klein's book "This Changes Everything," which opened my eyes to the urgency of the crisis and inspired me to find a way to apply my skills and experience to the climate movement.

How did your educational background prepare you for your career in advocacy?

Archila: Studying philosophy at NYU gave me a strong foundation in understanding heuristics and tools for thinking and interpreting the world. Later, I earned a master's degree in international affairs with a focus on human rights, which deepened my understanding of the political contexts

in which rights are either respected or violated, and the relationship between power, law, and norms. Over the years, I've learned to navigate competing work streams, prioritize imperfect choices, and understand how different incentives influence power dynamics.

What are some projects that you and your team are working on?

Archila: We're launching the Equitable and Just Insurance Initiative (EJII, pronounced "EDGY") to bring together advocates, frontline leaders, and experts on insurance issues. This informal coalition aims to build grassroots power and amplify the voices needed at both state and federal levels to address the insurance crisis. In recent years, climate change has driven catastrophic events, challenging the insurance sector. Some companies have even exited marketplaces entirely, such as in California, leaving folks to find other alternatives. EJII builds on our team's long standing work in federal and state insurance policy and addresses the broader systemic risks that climate change poses to the financial system.

What are some misconceptions about climate change you want to clear up?

Archila: The climate crisis is not inevitable, and we are not powerless. The fundamental limitations to addressing it are found in policy, not technology. We know what needs to be done for a sustainable economy, but those in power often focus on short-term returns and concerns over long-term prudence. This makes it a challenge of policy and socioeconomics. It's about how society prioritizes its values.

How does Project 2025 fit into that?

Archila: The Project 2025 document is deeply concerning for its potential impact on the climate crisis. It threatens to undo the progress made by this administration, weaken the federal workforce's ability to address climate change, expand unnecessary fossil fuel infrastructure, and violate Indigenous rights. Doing all of those things, it is a prescription for a financial crisis driven by the climate crisis. ■ — *Compiled by Ashlie Simms*

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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.

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No Kings: A Campaign to Protect Our Democracy

On July 1, 2024, the U.S. Supreme Court eviscerated one of the founding premises of American democracy: The idea that no one, *not even the President*, is above the law.

The Court's 6-3 decision in *Trump v. United States* effectively gives presidents complete immunity for any "official" act – no matter how brazenly corrupt the motivation behind that act nor how catastrophic its consequences.

The decision gives all future presidents the kind of near-absolute power our country fought a revolution to end. As Justice Sonia Sotomayor said in her scathing dissent, *Trump v. United States* will have "disastrous consequences for the Presidency and for our democracy."

And that's why Public Citizen has launched a campaign to overturn this travesty of a decision with a constitutional amendment. (Because the Supreme Court based its ruling on purportedly constitutional grounds, rather than through interpreting a law, Congress



CO-PRESIDENTS' VIEW
ROBERT WEISSMAN AND LISA GILBERT

can only overturn it with a constitutional amendment.)

Under this travesty of a Supreme Court ruling, for example, a president could take

bribes in exchange for handing out pardons ... and be immune from criminal prosecution. A president could order Seal Team 6 to assassinate a political rival, or anyone else, for that matter, including you ... and be immune from prosecution. A president could even order a military coup to remain in power ... and not be subject to criminal accountability.

Describing exactly those three hypothetical actions, Justice Sotomayor wrote in her dissent what would happen if anyone tried to bring criminal charges: "Immune, immune, immune."

If those scenarios strike as you as unlikely, just keep in mind that presidents have never before had the freedom to operate in such a fashion. Now, they will.

We can hope that future presidents won't take advantage of this newfound power ... But the whole point of our constitutional structure is that we shouldn't just hope that political leaders won't abuse their power. We're supposed to have structures and rules in place that prevent misuse and hold accountable those who do abuse their power.

Constitutional amendments to overturn this decision have already been introduced in the House of Representatives by Rep. Joe Morelle of New York, the ranking member on the House Administrative Committee, and Sen. Mazie Hirono of Hawaii. We're coordinating with both offices in the long work ahead to get an amendment passed.

Going forward, we have our work cut out for us – by design, it's not easy to win constitutional amendments.

Here's the plan:

- Explain the impact of *Trump v. United States* to the American people through a massive and sustained education campaign.

- Working through the Not Above the Law Coalition that we help spearhead, pull together an expanding coalition of citizen groups to support the No Kings amendment.
- Lobby on Capitol Hill to get members of Congress on board for the No Kings amendment.
- Launch a sustained grassroots effort to drive the process forward.

At the end of the day, we know all of those strands are vitally important - but that we won't truly move forward without that grassroots mobilization.

This is ambitious and hard and challenging – but we've done this work before. On the day the Supreme Court issued its *Citizens United* decision in 2010, we launched a campaign for an amendment to overturn that decision. When we started, even our closest allies said the effort was "unrealistic." We ignored them and got to work.

A decade and a half later – we have to be honest, these things take time – we've done far more than almost anyone believed possible. More than 800 cities and towns have endorsed the amendment, as have 22 states. I've testified in Congress on behalf of an amendment and we won majority vote in the U.S. senate. All Democratic presidential candidates since 2016 have supported an amendment. We have a ways to go, but the work we've done has been astounding.

Winning an amendment to overturn *Trump v. United States* is going to be a lot of work, also, but it's going to be much easier than the effort to overturn *Citizens United*.

Our previous work normalized the idea of constitutional amendments.

And, in time, once they get over the impact of the decision on the criminal cases against Donald Trump, many Republicans are going to turn against the decision, which simply gives presidents far, far too much power.

So here we are: *Trump v. United States* has granted U.S. presidents the type of immunity associated with kings, not elected officials. That gives each of us a choice: Do we consent to be subjects of a de facto king or give in to a self-fulfilling prophecy of despair? Or do we stand for what we know to be right, even if the fight just got even harder?

For Public Citizen, and we know for you, the answer is clear: We stand and fight. We organize day after day after day. We bring the same force and resolve that has kept us powering forward – and winning, even when the chances of success seemed remote – for more than half a century. We are going to take on this campaign and win. ■

Robert Weissman
Lisa Gilbert



Photo of the Roberts Court courtesy of Wikimedia.

wealth of experience and track record of impactful activism. U.S. Rep. Pramila Jayapal (D-Wash.) said, “Lisa has long been a champion for lowering costs, standing up to big corporations, and delivering for working people. From pushing for Medicare for All, to cracking down on anti-competitive behavior, to protecting our democracy, she has been an incredible partner to the Congressional Progressive Caucus. Now more than ever, we need her in this movement to get big things done, like passing my Stop Corporate Capture Act and continuing to lower prescription drug costs.”

U.S. Rep. Raúl M. Grijalva (D-Ariz.) added that Gilbert “has earned widespread respect and admiration for her ability to convene a wide array of groups and grassroots organizations to her cause.” U.S. Rep. Jamie Raskin (D-Md.) echoed the sentiment, saying that “Lisa is known far and wide as a passionate advocate for strong democracy, ethical government and a livable planet.”

As Public Citizen’s executive vice president, drove initiatives spanning health care, financial reform, and corporate accountability, and created and led large pro-democracy coalitions. Her leadership was instrumental in the passage of significant legis-

“Public Citizen is more than an organization; it’s a movement. I am honored to lead this movement alongside Robert Weissman and to continue our fight for a more just and equitable society.”

— Lisa Gilbert, co-president of Public Citizen

lative measures that enhanced protections for consumers and increased transparency in corporate practices.

Gilbert came to Public Citizen from U.S. PIRG (Public Interest Research Group), where she honed her skills in policy advocacy and grassroots mobilization. As the democracy advocate for U.S. PIRG’s federal program, she led efforts to reduce the influence of money in politics, enhance voter rights, and ensure that governmental decisions reflect the public will.

As she assumes her new role, Gilbert’s vision for Public Citizen is both ambitious and grounded in the organization’s core values. “Public Citizen has always been about empowering individuals and ensuring that their voices are heard,” she says. “In my new role, I am committed to expanding our reach and deepening our impact, particularly in areas where we can make a tangible difference in people’s lives.”

One of Gilbert’s immediate priorities is to address the pressing issue of corporate influence in politics. She plans to spearhead initiatives aimed at reducing the

outsized impact that corporations have on policy making. “Our democracy works best when it serves the interests of all citizens, not just the wealthy and well-connected,” she asserts.

Working alongside Robert Weissman, who has led Public Citizen since 2009 and is now also moving to the co-president role, Gilbert brings a collaborative leadership style that complements Weissman’s deep institutional knowledge. Their partnership is poised to strengthen the organization’s advocacy efforts and expand its influence.

“Robert’s leadership has been transformative for Public Citizen,” Gilbert notes. “I look forward to working side by side with him to build on this strong foundation and explore new avenues for advocacy and public engagement.”

Weissman is equally enthusiastic about Gilbert’s appointment. “Lisa is a powerhouse in the advocacy world. Her passion, expertise, and unwavering commitment to justice make her the perfect co-leader for Public Citizen,” he said. “I look forward to working along with her for a long time to come.”

As co-president, Gilbert will focus partly on new and emerging challenges. She is particularly concerned with the intersection of technology and privacy rights, and aims to ensure that advancements in technology do not come at the expense of individual freedoms. “In an increasingly digital world, it is crucial that we safeguard our privacy and protect against abuses of power,” she emphasizes.

Gilbert’s appointment as co-president of Public Citizen marks a significant milestone for the organization and the broader advocacy community. As she steps into this role, Gilbert remains steadfast in her belief that advocacy can drive profound change, empowering citizens and ensuring that their voices resonate in the halls of power.

“Public Citizen is more than an organization; it’s a movement,” Gilbert reflects. “I am honored to lead this movement alongside Robert Weissman and to continue our fight for a more just and equitable society.” ■

PUBLIC CITIZEN ATTORNEY HONORED WITH APPELLATE ADVOCACY AWARD

BY ASHLIE SIMMS

Public Citizen attorney Nandan Joshi was recently honored with the National Civil Justice Institute’s 2024 Appellate Advocacy Award in recognition of his exceptional work in consumer protection litigation.

The Institute, which presented the award to Joshi at a reception in July in Nashville, Tenn., selected Joshi for his work on the case *Kirtz v. U.S. Department of Agriculture Rural Development Rural Housing Service*, which addressed whether or not the federal government can be sued for violating the Fair Credit Reporting Act (FCRA). The case ultimately reached the U.S. Supreme Court, where Joshi won a 9-0 victory.

The plaintiff in the case, Reginald Kirtz, had borrowed money from the Department of Agriculture through a public loan program, and although he repaid the loans in full, the agency incorrectly reported to the credit rating agency TransUnion that his account was “past due,” lowering his credit score. Kirtz disputed the error and, when the agency failed to investigate the errors as required by the FCRA, filed suit under the FCRA in October 2020. The agency successfully moved to dismiss on the grounds that the FCRA did not apply to government agencies, and Kirtz appealed to the Third Circuit. At that point, Joshi entered the case as co-counsel with lawyer Matthew Weisberg of Weisberg Law firm.

Joshi successfully argued the appeal, winning a reversal of the district court’s order. The agency then filed a petition seeking



Supreme Court review on the issue of whether it was immune from suit under the FCRA. The Court granted the petition and Joshi took the lead in briefing and arguing before the Supreme Court.

In a unanimous decision issued in February 2024, the Supreme Court ruled in favor of Joshi’s client. The Court’s opinion, written by Justice Neil M. Gorsuch, holds that the FCRA waives the federal government’s sovereign immunity and allows a consumer to sue a federal agency for violating the statute — setting an important precedent. “The federal government is the nation’s largest furnisher and user of credit information. This decision ensures that federal agencies are held accountable for their FCRA violations to the same extent as everyone else would be,” said Joshi.

Joshi, originally from India, joined Public Citizen in April 2019, after working for several years at the Consumer Financial Protection Bureau and, before that, at the Federal Communications Commission. “The decision is an important victory for consumers, as it reinforces that all furnishers of information to credit reporting agencies must ensure accuracy and to be responsive to consumers,” said Allison Zieve, director of Public Citizen Litigation Group.

In 2021, Adam Pulver, another Public Citizen Litigation Group attorney, also received the Institute’s Appellate Advocacy Award for his outstanding legal work in two important cases under the Fair Debt Collection Practices Act. ■

Fighting for a Just Transition, Not Another Colonialist Trap

BY SARAH GRACE SPURGIN

Policymakers are finally catching on to the importance of curbing our demand on fossil fuels, transitioning to sustainable energy, and electrifying our vehicles. The transition to green energy and green products will entail a massive reorientation of the world's industrial processes and require the use of special minerals, many of which are often mined and processed under oppressive conditions. Public Citizen is working to make sure that increased trade and reliance on these minerals raises up human rights standards.

Bringing green manufacturing jobs back to the United States after decades of corporate trade-induced offshoring of industrial jobs is a core provision of the Inflation Reduction Act (IRA) and President Joe Biden's Investing in America agenda – and electric vehicles (EVs) are a \$177 billion piece of that puzzle. EVs are one of the focal points of the green transition; they are projected to account for 65% of new car sales in the United States by 2030 and nearly 90% by 2040.

This progress will not be possible without a steady supply of “critical minerals” such as lithium, nickel, cobalt, and graphite, which are necessary to build the batteries for EVs and solar panels. These minerals are scarce domestically, and are concentrated in a handful of countries, notably the Democratic Republic of Congo (cobalt), Australia (lithium), Chile (copper and lithium), China (graphite), and Indonesia (nickel).

In order to qualify for the Inflation Reduction Act's EV tax credit, a portion of the critical minerals used in an EV's battery must be mined from or processed in the U.S. or in a country with which the U.S. has a “free trade agreement.” The goal of this requirement is to support green jobs and domestic manufacturing, but countries that do not have a free trade agreement with the United States have complained about this – going so far as to threaten and launch disputes at the World Trade Organization.

In response, the Biden administration began to rap-

idly negotiate “Critical Minerals Agreements” (CMAs) and issued guidance allowing CMAs to qualify as “free trade agreements.” Public Citizen is concerned that CMAs lacking binding and enforceable labor, environmental, and human rights standards – as is the case with the inaugural U.S.-Japan Critical Minerals Agreement – could further incentivize the abuse of vulnerable populations across the Global South, while also undermining the intent of the IRA to bolster job opportunities for U.S. workers.

There are numerous well-documented instances of labor and environmental abuse in both the mining and processing of critical minerals. Since 2015, mining has consistently been the most dangerous sector for human rights defenders globally, and is heavily reliant on child labor. Battery makers who supply companies like Volkswagen and Samsung source their minerals from mining subsidiaries that use child labor, according to Amnesty International.

Numerous incidents of human and environmental rights violations have been documented in nickel mines in Indonesia and the Philippines. Lithium mining in Latin America has been linked to the illegal depletion of scarce water supplies, threatening one of the most critical ecosystems in the world with no redress for impacted communities. Toxic chemicals like lead and mercury are used in metals mining, posing significant threats to both public health and the environment. Industry experts are clear that mining requires more regulation and oversight.

Despite this, the U.S.-Japan CMA had no binding requirements for labor or environmental standards.

Public Citizen has been working in lockstep with the organization's allies in the labor, faith, environmental, and human rights communities to communicate that the Japan agreement is an unacceptable template for any further CMA discussions. Public Citizen worked with partners to develop cross-cutting standards that should be part of all CMAs in order to effect a truly just green

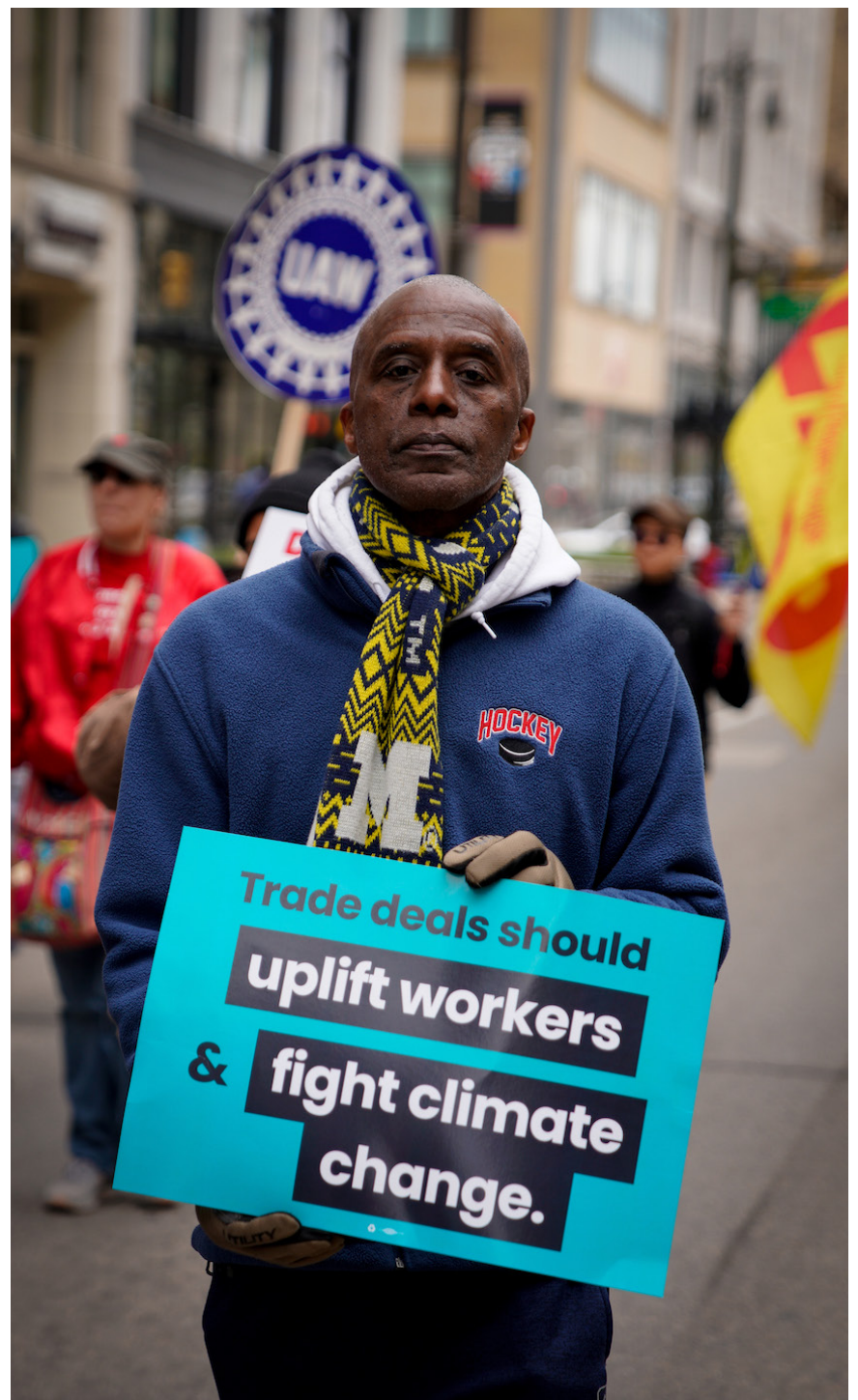
transition. In particular, all labor, environmental, and human rights standards must be subject to swift and certain enforcement that includes facility-specific enforcement mechanisms and meaningful penalties for violations.

In response to critiques on the substance and the opaque negotiating process of the Japan CMA, negotiations with other partners have slowed.

In August, Under Secretary of State Jose Fernandez argued that high environmental, social and corporate governance standards for new critical minerals agreements are actually an advantage when competing in foreign markets, rather than an impediment. “I've had some of my counterparts literally get up and give me

a hug because they want our standards. They want the benefits. They realize that unless they're able to use the investment to benefit their communities, they will not succeed,” Fernandez said.

There is an urgent need to source critical minerals for the green transition, but these new Critical Mining Agreements and other foundational texts will play a major determining role in the green transition. If we want to achieve a clean energy transition that is just and equitable, it is critical that in the process of sourcing those minerals, we do not allow U.S. taxpayer money to subsidize worker exploitation, environmental degradation, and harm to the communities where these minerals are located. ■



Protesters called for stronger climate and human rights protections during U.S. trade negotiations in Detroit in 2023. Photo courtesy of Ryan Harvey.

► **2024 Elections**, from page 1

amounts to 15% of all known corporate contributions since the 2010 *Citizens United* ruling, which total \$884 million. A whopping 92% of the corporate crypto spending is from this election cycle.

The primary vehicle for spending the corporate crypto cash is Fairshake PAC, a super PAC that has raised \$202.9 million. More than half of Fairshake’s funding – \$107.9 million – came directly from corporations that stand to profit from the PAC’s efforts, mostly Coinbase and Ripple.

The rest of the super PAC’s funds mostly comes from billionaire crypto executives and venture capitalists, including \$44 million from the founders of venture capital firm Andreessen Horowitz, \$5 million from the Winklevoss twins, and \$1 million from Coinbase CEO Brian Armstrong.

“This tsunami of corporate crypto cash is a brazen and unprecedented attempt by for-profit businesses to force their private, pecuniary priorities ahead of the public interest,” said Robert Weissman, co-president of Public Citizen. “Corporations can’t vote. But the sole reason crypto is a hot-button topic in this election cycle is that crypto businesses are spending eye-popping sums to make themselves impossible to ignore.”

The crypto sector’s Fairshake PAC and its affiliates have received nearly \$114 million directly from corporate backers, far more than any other outside spender this cycle. Koch-backed Americans for Prosperity Action, a hybrid PAC, is a distant second, having received nearly \$26 million, primarily from Koch Industries, the privately held

conglomerate owned by Charles and, formerly, the late David Koch.

Fairshake’s corporate backing is unprecedented. Though unlimited corporate contributions have been enabled since 2010 by *Citizens United*, this newcomer is already second only to the super PAC dedicated to electing Republicans to the U.S. Senate in terms of corporate money received. That super PAC, the Senate Leadership Fund, has received nearly \$119 million directly from corporations over the past 14 years, largely from fossil fuel corporations but including many other sectors, including crypto, tobacco, and for-profit prisons.

Because of *Citizens United*, corporations can spend as much as they want to tilt elections toward their favored candidates. There are, however, some limits on corporate political spending. Although corporations can contribute unlimited funds to super PACs and other types of outside groups, they cannot contribute directly to campaigns.

Additionally, longstanding anti-“pay-to-play” laws prohibit corporations that have contracts with the federal government from contributing to electoral campaigns. Public Citizen recently joined a complaint filed with the FEC alleging Coinbase’s \$25 million contribution to Fairshake and \$500,000 contribution to the Congressional Leadership Fund were made in violation of this law, as Coinbase is a federal contractor with the U.S. Marshals service, and the contributions were made when the corporation was legally prohibited from doing so.

Crypto sector spokespersons claim to represent a vast vot-

ing bloc, but the claim has little credibility. The sector itself offers skewed statistics that exaggerate the number of Americans who dabble in digital money, but a survey by the Federal Reserve finds only about 7% of Americans held or used crypto in 2023.

If a widespread grassroots constituency supporting the crypto political agenda existed, one might expect that Fairshake would be tapping into it and using its advertisements to vocally advocate for the constituency’s interests. That’s not what Fairshake is doing.

On the contrary, when Fairshake and its affiliates spend money to influence races, either by attacking crypto skeptics or boosting crypto supporters, the ads don’t mention crypto at all. When the super PAC spent \$10 million on ads against U.S. Rep. Katie Porter in California’s Senate primary, for example, the ads made zero mention of crypto policy, instead focusing on personal attacks against Porter.

The even partisan split in both houses of Congress means the crypto sector’s outsized influence in competitive races has the potential to tip control of Congress one way or the other.

Fairshake recently pledged to spend \$25 million backing 18 House candidates – nine Democrats and nine Republicans – in the general election. The super PAC also announced that it would spend \$18 million on three Senate races.

The Senate race spending includes \$12 million pledged to back Ohio Republican Bernie Moreno, who been described as a “crypto fan” and “blockchain businessman,” against incumbent Democrat and Senate Banking

Chairman Sen. Sherrod Brown, as well as \$3 million backing Arizona Democratic Senate candidate Rep. Ruben Gallego and \$3 million backing Michigan Democratic Senate candidate Rep. Elisa Slotkin. Gallego and Slotkin both voted in defiance of the Biden administration for the legislation transferring authority over crypto from the SEC to the CFTC.

Crypto is not the first corporate sector to distort our democracy by converting its financial power into political power, but the magnitude of its corporate spending is unusual.

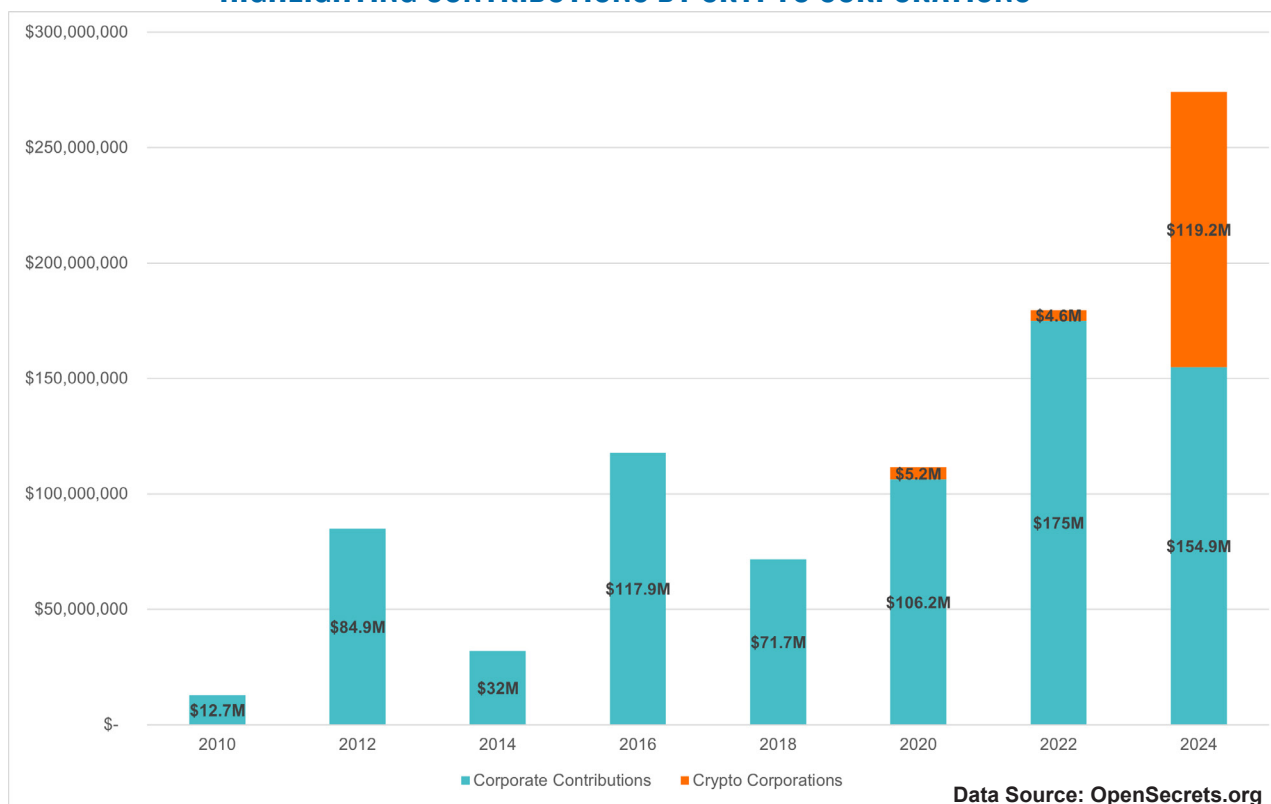
Concerningly, the strategy has been effective so far. Candidates are clamoring to demonstrate their willingness to pander to crypto corporations, and sitting lawmakers are backing off tough policy stances.

“The crypto sector’s massive spending this election cycle could be the start of an alarming trend,” noted Robert Weissman, co-president of Public Citizen. “With crypto companies shattering the norm of corporate reticence to make large-scale contributions to affect election outcomes, there’s a grave danger that other corporations will follow suit.”

“Big Crypto’s big spending is a clear indication that corporate spending is a serious factor in the 2024 elections - and a threat to our democracy,” added Claypool.

The influence of Big Crypto is more evidence a constitutional amendment is needed to overturn *Citizens United* – and restore our democracy to one in which people call the shots, not corporations. ■

CORPORATE CONTRIBUTIONS TO INFLUENCE FEDERAL ELECTION AFTER *CITIZENS UNITED* HIGHLIGHTING CONTRIBUTIONS BY CRYPTO CORPORATIONS



► **Chevron**, from page 1

regulatory decision this term came in response to a pair of related cases – *Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce* – in which the Court overturned a 40-year-old principle known as *Chevron* deference.

Chevron deference was based on commonsense and constitutional separation of powers principles. In short, the notion was that, when considering a legal challenge to an agency regulation, a court should defer to the agency as to the best reading of the statute, if the statute doesn't spell out the answer and the agency's view is reasonable.

Now, without *Chevron* deference, decisions will be left entirely up to judges, even in circumstances that call for policy expertise.

Unlike judges, agencies are democratically accountable to the public through the president and are subject to congressional oversight. In addition, to issue or update regulations, agencies must go through a process that requires public input. That is not the case for judicial opinions.

As a result of the decision, corporations have already signaled that they feel emboldened to challenge more regulations that protect the public. And without the *Chevron* deference framework, judges' personal and ideological preferences will play a greater role in deciding regulatory cases.

Thanks to another decision this summer, judges will have potentially infinite opportunities to do just that. In *Corner Post v. Board of Governors of the Federal Reserve System*, the Supreme Court essentially eliminated the statute of limitations for courtroom challenges to a wide range of regulations.

Prior to the decision, most new regulations could be challenged in court for six years after they were issued. After that, a company would have to petition the relevant agency, asking it to issue a proposed rule and go through a public comment process under the Administrative Procedure Act (APA) to finalize it.

In *Corner Post*, though, the Court held that the six-year statute of limitations begins for a particular entity when that entity is injured – not when the regulation is issued. For an entity that didn't exist when a regulation was issued, the clock would start on the statute of limitations when it was created. Under this approach, a corporation created in 2024 could challenge a regulation issued in 2010 – or 1970.

With litigants permitted to create new companies and new trade associations for the purpose of challenging agency rules, that is tantamount to eliminating the statute of limitations entirely for challenges to many federal rules.

The decision has the potential to flood the lower courts with challenges to worker, consumer, health, safety, and environmental protections, many of which have been settled law for decades.

Another decision, *Securities and Exchange Commission v. Jarkesy*, undermined federal agencies' ability to use administrative courts to impose civil penalties for violating regulatory protections. Several statutes authorize agencies to bring enforcement actions in-house, to be decided by "administrative law judges." A company that is found to have violated an agency regulation in that proceeding can then appeal to a federal court. Now, though, the Supreme Court has held that agencies have to bring those actions in federal court, with the possibility of a jury trial.

The cumulative effect of these decisions is to shift power from regulatory agencies, exercising authority delegated to them by Congress and allowing the public to play an important role in shaping the policies that affect them, to federal courts, where well-resourced corporate repeat players enjoy an enormous advantage.

"These decisions are gifts to big corporations, making it easier for them to challenge rules to ensure clean air and water, safe workplace and products, and fair commercial and financial practices," said

Robert Weissman, co-president of Public Citizen and co-chair of the Coalition for Sensible Safeguards. "It's another step in the long-term corporate project of neutering federal agencies' ability to protect the public from fraudsters, rip-offs, dangerous products, carbon polluters, and more."

However, the recent court decisions are no excuse for regulators to stop doing their jobs. Regulators must continue to work to advance their missions to protect consumers, workers, and our environment.

Public Citizen and the Coalition for Sensible Safeguards co-chaired by Public Citizen are leading the fight for two legislative remedies. First, we are urging Congress to pass the Stop Corporate Capture Act (H.R. 1507), which, as of press time, has more than 71 cosponsors in the House. The House version is sponsored by U.S. Rep. Pramila Jayapal (D-Wash.), chair of the Congressional Progressive Caucus. U.S. Sen. Elizabeth Warren (D-Mass.) is expected to have introduced the Senate counterpart by the time this story goes to print.

The Stop Corporate Capture Act offers a comprehensive blueprint for modernizing, improving, and strengthening the regulatory system to protect the public more effectively. It would even the playing field for all members of the public to have their views accounted for in regulatory decisions that affect them, promote scientific integrity, and restore our government's ability to deliver results for workers, consumers, public health, and the environment.

Importantly, the bill would restore *Chevron* deference by

requiring courts to defer to agencies that Congress empowered to protect the public in cases where the agencies' views are reasonable. But that's not all it would do.

The Stop Corporate Capture Act would bring transparency to the "black box" of the White House regulatory review process, which has become a focal point for corporate lobbying. The bill would make it a federal crime for corporations to submit false information to influence regulators during the rulemaking process and would require anyone submitting scientific or other technical research to agencies during the rulemaking process to disclose any potential conflicts of interest.

The bill also would create an Office of the Public Advocate, charged with promoting agencies' public engagement and helping the public participate more effectively in regulatory proceedings, especially people from marginalized communities. And it would bar the White House from unreasonably delaying essential safeguards by empowering agencies to resume work if the regulatory review process fails to conclude after 60 days.

A second bill introduced by U.S. Reps. Jerry Nadler (D-N.Y.) and Lou Correa (D-Calif.) would restore the statute of limitations for challenging a wide range of federal regulations. The *Corner Post* Reversal Act would prevent the disruptive impact of the Supreme Court's decision by reinstating a time limit for legal challenges to regulatory protections. ■



Photo of the U.S. Supreme Court building courtesy of Wiki Commons.

House Republicans' Smoke and Mirrors Anti-ESG Attacks

BY JON GOLINGER

An 18-month noisy crusade by the Republican-led House of Representatives Committee on Financial Services against responsible business environmental, social and governance practices (often referred to by the acronym “ESG”) has generated a lot of noise but no new laws, insight or information.

On Aug. 1, during the congressional summer recess, House Republicans issued a little-noticed report called “The Failure of ESG: An Examination of Environmental, Social, and Governance Factors in the American Boardroom and Needed Reforms.” A press release billed this report as the “culmination” of House Republicans’ work on this issue. It came out a year after a so-called “Anti-ESG month,” when House Republicans held a series of six controversial Capitol Hill hearings consuming over 16 hours in the People’s House.

This blitz of congressional activity was purportedly done to shed light on profound problems and make the case for urgently needed legislative solutions. However, not a single one of the 16 “Anti-ESG” bills proposed by House Republicans has been approved by Congress – and none should be, in the judgment of Public Citizen. Instead, the House Republicans’ report reiterated the same ideological critiques of responsible investing and called for similar draconian solutions drawn out in the Heritage Foundation’s Project 2025 “Mandate for

Leadership” report. That report also proposed drastically limiting investor information and options and argued for slashing the oversight authority of the Securities Exchange Commission, Federal Trade Commission, and Department of Labor.

Whether the failed anti-ESG crusade in Congress will continue remains to be seen, but it’s not a crusade that the American public supports. Polling commissioned by Public Citizen in the wake of last year’s Anti-ESG month found that voters from across the political spectrum overwhelmingly oppose Congress taking anti-ESG actions to cut off investor options and information about corporate risks, which the various anti-ESG proposals would do.

The national survey of 1,000 likely 2024 voters, conducted by national polling firm Lake Research Partners, had the following key takeaways:

- More than half of voters (56%) oppose, while less than a third (30%) support, Congress passing legislation to limit the type of information about a corporation’s business record that is disclosed to pension and retirement fund managers, investors, and the public. This opposition crossed partisan lines – Democrats 58% oppose, 38% strongly oppose; Independents 63% oppose, 46% strongly oppose; Republicans 52% oppose, 34% strongly oppose.
- When it comes to specific information that congressional

legislation could keep from being disclosed to investors and the public, a plurality of voters strongly opposed not disclosing information about whether a company utilizes slave or forced labor overseas; whether the company has a record of product safety violations, including harm to consumers, injuries, or death; corporate spending on lobbyists; and gender discrimination within the corporation, including pay equity.

- When voters heard an engaged debate of statements on both sides, a strong majority of voters came down on the side of making decisions based on additional information and not solely based on profit. Fifty-eight percent of voters said investment managers should make investment decisions on both a company’s profit margins and potential financial risks, including the company’s environmental, social, and governance record. A third of voters said that investment managers should make these decisions based solely on profit margins, not social change.
- Voters strongly oppose Congress creating a new advisory committee made up of corporate executives paid for by taxpayer dollars who will have the legal authority to influence government regulators’ decision-making on corporate activities, as

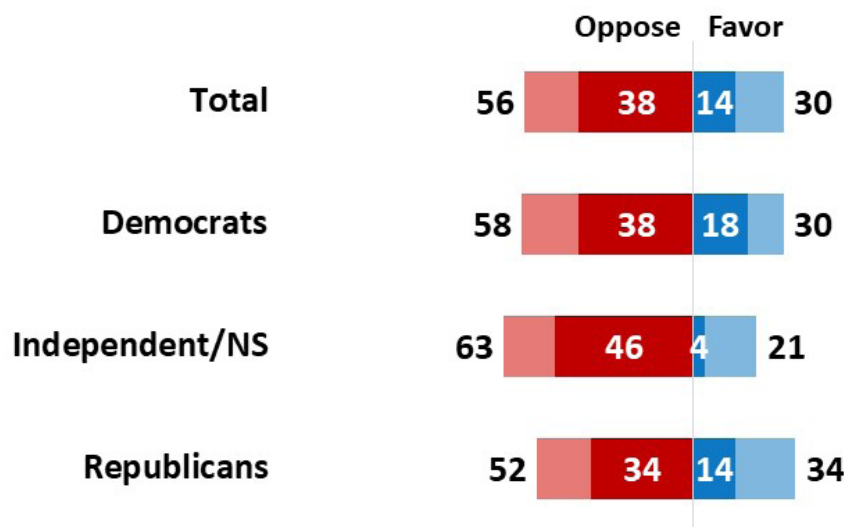
one of the bills (H.R. 4790) would do. Over two-thirds of voters oppose the creation of this committee (68%), with 52% strongly opposed (22% favor, 7% strongly). Republicans are even more opposed to the creation of this corporate executive advisory committee (73% oppose, 54% strongly) but Democrats and Independents are also overwhelmingly opposed (64%, 50% for Democrats; 67%, 53% for Independents).

- By a 2-to-1 margin, voters in the survey said that financial risks related to a company’s environmental record (65% yes to 27% no) and financial risks to their investment portfolios related to climate change (63% yes to, 33% no) should be taken into account when making decisions about potential investments.

Perhaps it’s fitting that the House Republicans’ anti-ESG report was titled “Failure” since that appears to be what the anti-ESG crusade in Congress has been. From the very first anti-ESG hearing last summer, it was clear that this was little more than a dog and pony show to please the sponsors’ benefactors in the oil industry, right-wing billionaires, and the Heritage Foundation, who have funded and fueled the anti-ESG ideological crusade from the beginning. As polling shows, the American people are having absolutely none of it. ■

• **Over half of voters oppose legislation to limit the type of information about a corporation’s business record that is disclosed to fund managers, investors and the public. Opposition crosses partisan lines.**

Would you favor or oppose Congress passing legislation to limit the type of information about a corporation’s business record that is disclosed to pension and retirement fund managers, investors, and the public?*



Not so strongly oppose Strongly oppose Not so strongly favor Strongly favor

*Split Sampled



Private Equity Firms: Stripping Hospital Assets and Threatening Patient Safety

BY ROBERT STEINBROOK, M.D.

(A version of this article originally appeared in the August 2024 issue of *Public Citizen's Health Letter*.)

Private equity firms – takeover companies – have become increasingly involved in the U.S. health care sector, threatening the quality of patient care. A recent analysis published in *JAMA (Journal of the American Medical Association)* highlights how these firms often prioritize financial gain over the well-being of patients, particularly when they acquire hospitals.

Private equity firms operate by acquiring companies, loading them with debt, and then extracting value through various means such as asset sales, high fees, and dividends. In the health care sector, these practices can damage patient safety and care quality. A 2023 study also published in *JAMA* found that private equity ownership of hospitals was linked to a rise in hospital-acquired adverse events, including falls, bloodstream infections from central venous lines, and surgical site infections.” Central venous lines are long catheters inserted into veins near or within the heart, often used for administering medication or fluids.

The report, led by Dr. Elizabeth

Schrier, a resident physician at the University of California, San Francisco, examined how private equity acquisition affects hospitals' capital assets. Among the coauthors were Drs. David U. Himmelstein and Steffie Woolhandler, research associates at Public Citizen's Health Research Group.

The findings show private equity firms tended to strip hospitals of their assets – including include land, buildings, equipment, and health information technology – shortly after acquisition.

The study found that within two years, the capital assets of hospitals acquired by private equity decreased by an average of 15%, while those of the other hospitals increased by 9.2%. Additionally, 61% of the acquired hospitals saw a reduction in capital assets, compared to just 15.5% of the other hospitals.

The study's findings extended to a five-year period, showing that the trends at two years not only persisted but also worsened over time. The depletion of hospital resources under private equity ownership raises serious concerns about the ability of these hospitals to provide quality care to patients.

One of the most glaring examples of the damage caused by private equity in health care is

the case of Steward Health Care in Massachusetts. Steward, which was acquired by the private equity firm Cerberus, initially bought a chain of Catholic hospitals. Steward stripped them of their assets. In 2016, the company sold the hospitals' real estate to an investment trust - using the proceeds to enrich Cerberus and saddling the hospitals with high rent payments and pushing them toward financial ruin. By May 2024, Steward had filed for Chapter 11 bankruptcy. As a result, physicians and patients began leaving, further destabilizing the company. By July 2024, Steward planned to close two hospitals and sell its remaining six Massachusetts hospitals.

This situation has drawn national attention to the risks associated with allowing private equity firms to acquire hospitals and other health care organizations. The financial instability and closure of some of Steward's hospitals have had a ripple effect on the surrounding communities, where patients now face reduced access to essential health care services.

In response to the growing concerns about private equity's impact on health care, U.S. Sen. Elizabeth Warren introduced The Corporate Crimes Against Health Care Act, in June 2024.

Co-sponsored by U.S. Sen. Edward J. Markey, the bill seeks to curb the exploitative practices of private equity firms in the health care sector.

The bill would require health care providers receiving federal funding to publicly report mergers, acquisitions, changes in ownership, and detailed financial data, piercing the veil of secrecy that private equity takeover firms use to hide their exploitative business practices. Second, the bill would empower state attorneys general and the Department of Justice to claw back private equity compensation if an acquired health care firm experiences significant financial difficulties due to asset stripping. Finally, the bill imposes criminal penalties on executives who strip assets from nursing homes, hospitals, and other health care entities if the asset stripping leads to a patient's death.

Congressional action is urgently needed to protect patients, physicians, hospitals, and the health care system from the predatory practices of private equity firms. The Corporate Crimes Against Health Care Act would help address these issues by ensuring that health care remains focused on patient care rather than corporate profits. ■



U.S. Sen. Elizabeth Warren speaks in June 2024 about a new bill that would hold health care executives accountable for corporate greed. Photo courtesy of Wikimedia.

Fighting Joe Manchin's Latest Dirty Deal

BY ALAN ZIBEL

Just months before he leaves Congress, U.S. Sen. Joe Manchin (I-W.Va.) is threatening the planet again – and Public Citizen is fighting back.

The senator, a longtime fossil fuel ally, unveiled a sweeping energy-permitting deregulation bill in July 2024. The piece of legislation may be gathering support from both oil-friendly Republicans and some centrist, corporate-allied Democrats.

Manchin's bill, written with another friend of dirty energy, U.S. Sen. John Barrasso of Wyoming, is being promoted to the public as a benefit for the planet.

In reality, the bill is a trojan horse, packed with fossil fuel giveaways that undercut potential climate benefits. Public Citizen and its allies are working hard to press President Joe Biden, Vice President Kamala Harris, and Senate Majority Leader Chuck Schumer to block this dirty deal.

Supporters of the legislation argue that it will speed up the deployment of renewables and that fossil fuel giveaways are worth the tradeoff. But Public Citizen and allies on Capitol Hill are working to derail this misguided legislation, which will harm far more people than it helps.

"Climate change is an existential threat to this country and to the planet," said U.S. Sen. Bernie Sanders (I-Vt.), one of only four lawmakers in the Senate to oppose the permitting bill in a committee vote. "Yet given all that we know, the United States Congress is still considering legislation to provide a huge giveaway to big oil to drill, produce, and sell more fossil fuels."

Crucially, the Manchin bill eviscerates public interest review requirements for liquefied natural gas (LNG) exports that President Biden has pledged to strengthen at the start of the year – under pressure from Public Citizen and allies.

Under a 1938 law, the U.S. Department of Energy (DOE), must determine whether new export applications to countries without free trade agreements with the U.S. are in the public interest. The same public interest test even applies to facilities in Mexico or Canada if they are fed by methane extracted in the U.S.

The Department of Energy,

"Joe Manchin is doing the best he can to deliver one last favor to the fossil fuel industry before he leaves Congress."

— Tyson Slocum, director of Public Citizen's energy program

however, currently has no methodology to assess the environmental impacts of LNG exports on communities of color living near these giant hazardous facilities.

Manchin and his fossil fuel allies were enraged that the Biden-Harris administration sought to modernize its assessment of the LNG export review process to more accurately conform to the longstanding public interest standard. As a result, they now seek to undercut the government's ability to protect the public by eviscerating the required public interest review and eliminating any hope of a fair examination of exports' impacts on domestic consumers, frontline communities near export terminals, and the climate.

Instead, the Department of Energy would be forced to rely on discredited Trump-era economic and climate studies when evaluating LNG export applications. Under the bill, LNG export reviews would be automatically approved after 90 days.

The LNG portion of the Manchin-Barasso bill would effectively greenlight five pending LNG export terminals, locking in new greenhouse gas emissions equivalent to 165 coal-fired power plants or more, creating between \$27-\$80 billion per year (up to \$1.7 trillion through 2050) in climate damages, according to analyst Jeremy Symons.

In essence, this legislation would enact pieces of the harmful agenda of Project 2025, the far-right corporate-friendly policy agenda developed by the Heritage Foundation. That agenda calls for a new presidential administration to "eliminate political and climate-change interference in DOE approvals of liquefied natural gas (LNG) exports."

"Joe Manchin is doing the best he can to deliver one last favor to the fossil fuel industry before he leaves Congress," said Tyson Slocum, director of Public Citizen's energy program. "Fossil fuel corporations will do everything they can to obscure the reality that they are padding their own pockets while boosting

prices paid by American families and harming the planet in the process."

Manchin has long frustrated efforts to make progress on climate. In 2023, he fast-tracked the approval of the Mountain Valley Pipeline, which brings fracked gas out of Manchin's home state of West Virginia. That pipeline's approval was a major setback for efforts to counter the climate crisis.

Even though Manchin has left the Democratic party and declared himself an independent, he still holds a powerful position in Congress as the chairman of the Senate Energy and Natural Resources Committee.

The bill would also make it harder to build renewable energy on public lands, while making it easier to drill for oil and gas and to dump mining waste.

As U.S. Rep. Raul Grijalva (D-N.M.), the top Democrat on the House Natural Resources Committee, said: "Checking off wish lists for oil, gas, and mining companies is not permitting reform." ■



Photo of Sen. Joe Manchin (I-WV) and Sen. John Barrasso (R-WY) courtesy of Wikimedia.

Public Citizen Protests Blackrock Takeover of Minnesota Power

BY PATRICK DAVIS

When a global financial giant sets its sights on your local power company, who really ends up in control? BlackRock, one of the world's largest asset management firms that also operates a private equity unit, is making a bold move to acquire Duluth, Minn., energy utility, ALLETE, in a \$6.2 billion deal. The move, which Public Citizen has criticized, could leave consumers across Minnesota and Wisconsin paying the price.

BlackRock's acquisition of ALLETE would leave more than 165,000 captive customers at the mercy of a private equity company that has taken an active interest in controlling fossil fuel infrastructure across the country over the past few years.

ALLETE plans to sell the utility to Global Infrastructure Partners (GIP) and the Canada Pension Plan (CPP) investment board for \$6.2 billion. Global Infrastructure Partners is in the midst of attempting to be acquired by BlackRock for \$12.5 billion.

BlackRock controls \$9.5 trillion worth of assets and its gargantuan role as an overseer of voting securities is unparalleled in the history of modern capitalism. While BlackRock claims that its control over dozens of utilities is passive in nature, that changes when its private equity (corporate takeover) arm seeks to directly own and operate a utility like ALLETE.

Indeed, Public Citizen noted that BlackRock already is the largest shareholder of not only ALLETE's regional competitors, but also two of its largest energy customers, U.S. Steel and Cleveland Cliffs.

"BlackRock's acquisition of GIP, and, in turn, GIP's purchase of ALLETE, fundamentally transforms BlackRock from the world's largest passive investor into an entity with active control over significant fossil fuel and utility assets, threatening competition, rates and regulation," said Tyson Slocum, director of Public Citizen's Energy Program. "We therefore call on the Federal Energy Regulatory Commission to force a separation or divestiture between BlackRock's role as an investment manager and its private equity arm that owns and

controls energy assets."

Public Citizen's concerns have been echoed by Minnesota Attorney General Keith Ellison, who warned in a recent legal filing that "if the transaction is consummated, ALLETE and Minnesota Power will become subsidiaries of Global and Canada Pension. Global is itself set to be acquired by BlackRock, one of the world's largest asset managers. All of these entities have numerous other investments in energy and non-energy industries, presenting opportunities for cross-subsidization and self-dealing that could harm Minnesota Power's ratepayers and the public interest."

Private Equity Utility Control is Part of a Growing Trend

Nearly 90 years ago, Congress demanded that public utilities and their customers be subjected to enhanced regulatory treatment, beyond that required of most other companies. The law governing utility ownership, the Federal Power Act, requires all rates and

charges of public utilities to be "just and reasonable."

And because public utilities are "affected with a public interest," Congress sought to ensure any entity seeking to acquire or control a public utility must first obtain permission from the Federal Energy Regulatory Commission (FERC), giving the Commission the authority to ensure any change in control of a utility is in the public interest.

"The law dictates that utility ownership must be handled in the public interest, not for shareholders or to maximize profit," said Slocum. "Yet, efforts by private equity to gain controlling interests in energy generation raises serious questions about what is in the public's best interest."

Public Citizen called on the Federal Trade Commission (FTC) in 2022 to open an investigation into whether private equity giant Blackstone controlling seats on the boards of directors of multiple U.S. utilities violates antitrust law. In the letter to FTC Chair Lina Khan, Public Citizen called on the

FTC to step in and enforce Section 8 of the Clayton Act, prohibiting directors and officers from serving simultaneously on the boards of competitors, subject to limited exceptions.

Public Citizen's call for the FTC to intervene came days after FERC rejected concerns raised by Public Citizen and Citizens Action Coalition about Blackstone's plan to acquire a stake in an Indiana utility.

"Allowing a private equity behemoth like Blackstone to control multiple utilities is anticompetitive and risks harm to consumers," commented Slocum.

For Minnesota ratepayers, FERC established a mid-September deadline for parties to intervene and raise issues, meaning a final decision isn't likely until the first quarter of 2025.

"We'll continue to challenge these types of dark acquisitions," said Slocum. "When corporate power comes for local energy utilities, we need to fight to protect ratepayers." ■



Photo of BlackRock headquarters in Midtown Manhattan, New York City courtesy of Wikipedia.

Public Citizen’s Work to Advance Vaccine Equity Worldwide

BY LIZA BARRIE

Vaccination is one of the most effective public health strategies, critical to saving lives and stopping viral threats before they can spread around the world. Civil society organizations are crucial in advancing this vital strategy by ensuring that vaccines are available, affordable, and accessible to everyone – especially the most vulnerable populations.

As Vice Chair of the Civil Society Steering Committee for the international vaccine alliance known as Gavi, Public Citizen has a singular opportunity to influence global vaccine access. In this elected role, the group is promoting policies to tackle unfair vaccine pricing, supporting local vaccine production, and working to ensure that civil society plays a full role in national immunization programs. Public Citizen’s leadership is helping drive policies that address systemic health disparities and enhance the effectiveness of vaccination efforts worldwide.

Established in 2000, Gavi’s mission is to ensure equitable access to new and underused vaccines for children in the world’s poorest countries. The vaccine alliance brings together governments from developing and industrialized countries, UNICEF, WHO, the World Bank, the pharmaceutical industry, the Bill & Melinda Gates Foundation, and civil society to boost vaccine coverage in 54 low- and middle-income countries. Gavi has helped immunize nearly 1 billion children over the last two decades, resulting in a significant reduction in preventable deaths.

Despite these achievements, global childhood vaccination rates have stalled. New data from WHO and UNICEF reveals an alarming increase in unvaccinated children, exacerbated by the COVID-19 pandemic when child immunization rates plunged. The rise in “zero-dose” children has led to more frequent outbreaks of vaccine-preventable diseases such as diphtheria and measles, particularly in conflict and fragile settings.

“Gavi must act swiftly to restore and expand vaccination coverage to avert further public health crises,” said Peter Maybarduk, director of Public Citizen’s Access to Medicines Group.

In this critical context, Public

Citizen is working to build stronger coordination and collaboration among the thousands of civil society organizations that Gavi relies on to support vaccine delivery, generate vaccine demand, and advocate for and mobilize financial support. These groups include the formidable Doctors Without Borders, which provides essential medical aid in 70 countries; grassroots women’s groups raising community awareness about the importance of vaccination; and religious leaders who can significantly increase vaccine acceptance and uptake. Another influential partner working with Public Citizen is RESULTS, the D.C.-based advocacy organization that helped build a bipartisan coalition in Congress that led to the Biden administration’s recent pledge of \$1.58 billion over five years to Gavi—the largest U.S. pledge since its inception.

Effective collaboration among civil society organizations in global immunization efforts can greatly enhance their impact. Collaborative networks can resolve common challenges more effectively by fostering the exchange of knowledge, best practices, and resources. When groups present a unified front, their influence is markedly stronger, particularly in negotiations with major stakeholders like Gavi and its partners. Strong collaboration helps prevent duplicate efforts, streamlines activities, and harnesses each organization’s strengths. Together, civil society organizations can address barriers to vaccination coverage and access.

The Civil Society Steering Committee operates independently from Gavi but receives funding support from Gavi for coordination, advocacy, communications, and participation in global meetings and events. Civil society needs to be actively involved in discussions where key vaccine-

related policy decisions are made. The Steering Committee regularly brings together civil society organizations to share updates on disease outbreaks (such as the recent global mpox emergency declared by the WHO) and to discuss new vaccine rollouts.

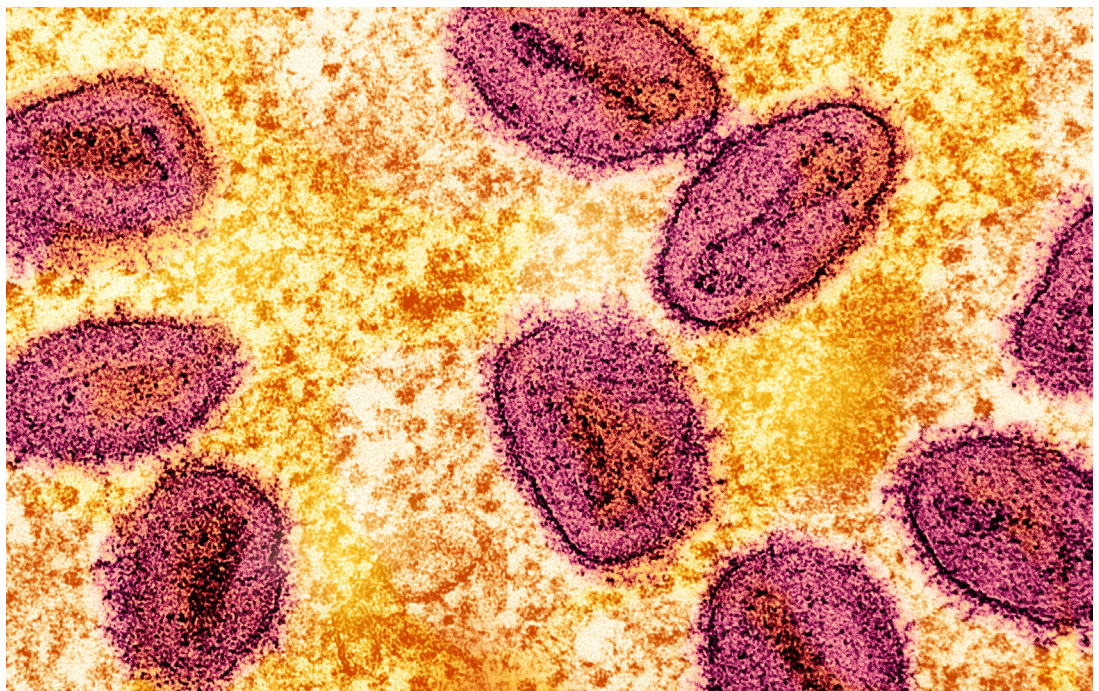
For instance, a recent call that Public Citizen led focused on the introduction of two new malaria vaccines in 15 African countries. These rollouts of the new vaccines are finally taking place after significant delays since the first malaria vaccine received major regulatory approval in 2015. With demand for these vaccines expected to far outstrip supply for several years, the active involvement of civic organizations is crucial to ensuring an effective and equitable rollout.

Since 2000, Gavi has spent around \$23 billion in immunization efforts across poorer countries and over \$12 billion to buy vaccines for COVAX, the initiative aimed at ensuring equitable access to COVID-19 vaccines. As the largest purchaser of vaccines for poorer countries, primarily funded by public money, Gavi wields significant bargaining power in negotiations with pharmaceutical companies. This position allows Gavi to purchase vaccines through pooled procurement, long-term agreements, and market shaping to encourage competition. The prices of the vaccines that Gavi buys vary considerably. For example, in 2023, Gavi secured measles vaccines at just \$0.23 to \$0.52 per dose.

However, newer vaccines such as HPV and malaria are much more costly. The price for HPV vaccines last year ranged from \$2.90 to \$26.75 per dose. Public Citizen believes Gavi can reduce the cost of HPV and other vaccines, as was accomplished with measles.

In line with Public Citizen’s commitment to advancing vaccine equity, the organization is mobilizing allies to strategically pressure Gavi to negotiate the best possible prices from pharmaceutical companies. In response to the growing mpox crisis and related challenges, Public Citizen led a civil society letter to Gavi’s CEO Sania Nishtar, urging her and the Gavi board to leverage their influence to secure fair pricing for millions of doses of Jynneos, Bavarian Nordic’s mpox vaccine, for which the Danish pharma company is charging the exorbitant price of \$50-75 per dose. This high cost risks depleting Gavi’s resources and limiting funds for future outbreaks. Our letter sparked major media coverage, forced a response from Bavarian Nordic’s CEO, and is being used by health agencies including the Africa Centers for Disease Control to secure a more affordable price.

“Price matters for access, and Bavarian Nordic’s price for mpox vaccines is far, far too high,” said Maybarduk “The world cannot afford for Gavi to sit on the sidelines of pricing and must use its power to negotiate affordable cost-plus pricing and ensure that public funds are spent responsibly.” ■



Colorized transmission electron micrograph of mpox virus particles (pink) found within an infected cell (yellow), cultured in the laboratory. Image courtesy of the NIAID Integrated Research Facility / Flickr.

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IN THE SPOTLIGHT

The following are highlights from our recent media coverage.

Robert Weissman, co-president of Public Citizen

On Donald Trump’s 2024 crypto platform: *The Washington Post*. **On states targeting AI and deepfakes as election interference threats loom:** *CNN*. **On the Federal Communications Commission (FCC) pursuing new rules for AI in political ads:** *Associated Press*. **On companies that sent AI calls mimicking President Biden to New Hampshire voters:** *Associated Press*. **On Democrats decrying the FCC commissioner’s Project 2025 involvement:** *The Washington Post*. **On regulators considering the first federal rule on AI-created political ads:** *NBC News*. **Harris sets economic goals:** *BBC News*. **On the Federal Election Commission not acting on AI in election ads this year:** *Axios*. **On Trump hiking Mar-a-Lago membership to \$1 million, raising concerns of selling access:** *The Guardian*. **On Biden and Sanders denouncing the corporate greed of Big Pharma:** *Nation of Change*.

Lisa Gilbert, co-president of Public Citizen

On Trump’s post of a fake Taylor Swift endorsement being his latest embrace of AI-generated images: *Associated Press*. **On a federal judge dismissing Trump’s classified documents in a criminal case:** *Pennsylvania Capital-Star*. **On crypto fanatics flocking to Trump’s campaign:** *The Washington Post*. **On Elon Musk making a Kamala Harris deepfake ad go viral:** *NBC News*. **On Harris backing Biden’s call for a Supreme Court overhaul, Trump’s immunity reversal:** *Common Dreams*. **On Biden urging term limits for U.S. Supreme Court justices and a new ethics rule:** *Missouri Independent*.

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

On what Kamala Harris’s historic bid for the U.S. presidency means for science: *Nature*. **On warnings that Mpox vaccine makers may be exploiting the latest global health crisis:** *Common Dreams*.

Tyson Slocum, Director of Public Citizen’s Energy Program

On a federal appeals court reversing approval of massive LNG export plants in South Texas: *Inside Climate News*. **On federal regulators approving Icahn’s utility board seat:** *The Epoch Times*. **On the Federal Energy Regulatory Commission (FERC) appointing three**

new board members: *Utility Dive*. **A Senate panel advances the Manchin-Barrasso energy permitting bill:** *Common Dreams*.

Melinda St. Louis, director of Public Citizen’s Global Trade Watch

On House Democrats calling to end Investor-State Dispute Settlement (ISDS): *Inside U.S. Trade*. **On an ISDS tribunal tossing the Keystone XL pipeline case:** *Inside U.S. Trade*. **On a panel ending TC Energy’s \$15 billion claim over Keystone XL cancellation:** *Morning Star*.

Dr. Robert Steinbrook, director of Public Citizen’s Health Research Group

On the FDA declining to approve novel MDMA therapy to treat PTSD: *CNN*. **On an FDA loophole that raises concerns about oncology drug approvals and more:** *Oncology News Central*.

Adrian Shelley, director of Public Citizen’s Texas Office

On Texas leaders worrying that Bitcoin mines threaten to crash the state power grid: *InsideClimate News*. **On Texas campaign ethics laws rarely yielding repercussions:** *Texas Tribune*.

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

On right-wingers’ plan to make it difficult for Democrats to replace Biden: *Rolling Stone*. **On Harris and Trump shielding their big campaign fundraisers from the public:** *The New York Times*. **On dishonest politicians in Illinois making a mockery of public service:** *Chicago Tribune*. **On how the FDA tells staff leaving for industry jobs, You are free to influence us “behind the scenes”:** *British Medical Journal*. **On the FCC’s election deepfake ads proposal sparking turf fight with FEC:** *Bloomberg Law*.

Public Citizen Litigation Group

On recent U.S. Supreme Court regulatory decisions: *Yale Journal on Regulation*, *Bloomberg Law*. **On Wisconsin prisons hiring doctors who were censured for misconduct:** *Wisconsin Watch*. **On a Shopify appeal becoming a battle royale over where internet companies can be sued:** *Reuters*. **On the Chamber of Commerce’s wins offering a playbook on rule challenges against federal regulations:** *Bloomberg Tax*.

Democracy Rallies on the Anniversary of John Lewis' Death

BY JONAH MINKOFF-ZERN

On the fourth anniversary of the passing of civil rights icon Rep. John R. Lewis, Public Citizen collaborated with partners to organize 85 events nationwide in support of democracy and voting rights. Lewis famously said: “We must get in good trouble, necessary trouble, and help redeem the soul of America.” Public Citizen made sure that the day of this anniversary was one of good trouble.

The events, which advocated for the rights Lewis championed, ranged from marches and rallies to press conferences and community gatherings, spanning major cities like Philadelphia, Los Angeles, and Atlanta, as well as smaller communities in Wisconsin, Arizona, and Texas.

Led predominantly by Black leaders and organizations, these efforts highlighted a national commitment to passing crucial legislation, including the Freedom to Vote Act, the John Lewis Voting

Rights Advancement Act, the Native American Voting Rights Act, and the D.C. Admission Act. The activities garnered significant local media attention, with members of Congress joining many events to advocate for these vital measures.

Among the impactful events, a standout moment occurred in South Carolina, where a well-attended press conference featured powerful speeches from local leaders, including South Carolina state representative Heather Bauer, South Carolina state senator Tameika Isaac Devine, and Allison Terracio of the Richland County Council. In Kentucky, more than 65 attendees gathered for a viewing of the documentary “John Lewis: Get in the Way,” followed by discussions on voting rights mobilization for individuals with felony convictions – a critical issue in a state where past felony convictions can permanently disenfranchise citizens.

Simultaneously, in Washington,

D.C., a flagship rally drew a large crowd to hear Jalisa Giles, leader of Public Citizen’s Secure the Vote Coalition, speak alongside D.C. Mayor Muriel Bowser, Rev. Thomas Bowen, and Barbara Arnwine, president and founder of the Transformative Justice Coalition. The event also featured performances from the Duke Ellington School of the Arts choir and a local middle school student’s recitation of John Lewis’ March on Washington speech, culminating in a moving candlelight vigil.

The John Lewis Day of Action was more than a commemoration; it was a coordinated effort to galvanize support for critical voting rights legislation. Public Citizen’s Democracy team, alongside dedicated interns, worked behind the scenes to coordinate logistics, engage local communities, and amplify the voices of those most affected by voter suppression. The success of these efforts underscored the

power of grassroots organizing and the vital role of community leaders, particularly youth, in advancing the movement.

As this issue of *Public Citizen News* goes to print, Public Citizen is coordinating actions on National Voter Registration Day and other nonpartisan get-out-the-vote efforts throughout the fall, particularly during National Voter Education Week and Early Voting Day.

The John Lewis Day of Action demonstrated what is at stake and what can be achieved when we unite for a common cause. It honored the legacy of a man who dedicated his life to the fight for voting rights and reminded us that democracy is a principle we must actively defend. The work continues as we organize, mobilize, and demand our leaders take action to protect our democracy. ■

Public Citizen Recommends ...

“Stolen Pride: Loss, Shame, and the Rise of the Right”

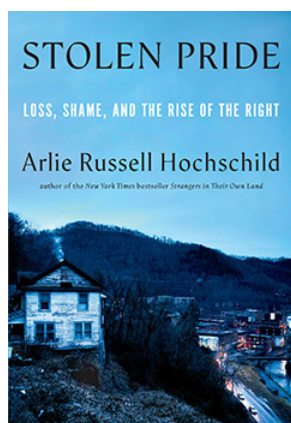
By Arlie Russell Hochschild; \$30.99; *The New Press*

In her acclaimed book “Strangers in Their Own Land,” sociologist Arlie Russell Hochschild explored the deep divides between conservative and liberal America, focusing on the emotional underpinnings of political beliefs. Traveling to Louisiana, Hochschild sought to understand why many people in this environmentally ravaged region, who were directly impacted by industrial pollution, supported a political movement that opposed environmental regulation and government intervention.

Through her immersive, five-year study, Hochschild uncovered what she called the “great paradox”: the tendency of some populations to resist measures that could improve their own lives. She attributed this paradox to a “deep story” that these communities told themselves – a narrative in which they saw themselves as hardworking citizens who had played by the rules, only to be left behind by a government that seemed to favor others who hadn’t earned their place in line.

In her new book “Stolen Pride: Loss, Shame, and the Rise of the Right,” Hochschild tells another

deep story – this time about pride. Focusing on Pike County, Ky., a region once flush with jobs in coal mining and now “the whitest and second-poorest congressional district” in the nation, she interviews a range of residents, including the mayor of Coal Run, various right-wing extremists, prisoners, and recovering drug addicts, to get a sense of each person’s “pride biog-



raphy.” Some of her subjects take “bootstrap pride” in their ability to support their family while others fashion themselves as moral outlaws.

One of the more infamous figures Hochschild profiles is Matthew Heimbach, the Neo-Nazi founder of the Traditionalist Workers Party. In 2019, Heimbach was sued for having co-led the Unite the Right march in Charlottesville, Va, an event that symbolized the resurgence of

racial hatred as a major feature of our contemporary politics. Hochschild interviewed him after the violent march, which left one person dead and 35 others injured, and found that Heimbach, a descendant of both German and Confederate ancestors, was driven by the desire to restore lost pride in himself and others like him. “He seemed to think that liberals wanted him to feel carried shame for the past sins of his people, and he stood ready to beat up anyone asking him to do that.” By the end of the book, he professes that his views about race have changed, but also admits that he admires Russia’s Vladimir Putin and that he has not passed “the DHS definition [of] ‘de-radicalized.’”

Several of Hochschild’s subjects tell her that they “felt they were living in a region that others – often young and educated – were leaving.” This sense of abandonment often gave rise to what Hochschild calls the “pride paradox”: people “were more prone to blame themselves for failure, but they lived in states with fewer economic opportunities.” One small business owner struggled with shame and the instinct to direct blame inward when his tattoo parlor and computer networking business failed. He “didn’t qualify for unemployment insurance or food stamps” and “scrambled to put a lot of little jobs together. But then those little

jobs began to dry up.”

Without casting judgment on her subjects, Hochschild speculates that several “stayers” in the region found in Donald Trump a heroic figure through whom they could “grieve their own stolen pride.” He had embraced the Proud Boys, Oath Keepers, and Three Percenters, and his invocations of a “stolen” election especially appealed to people on the violent fringe. To Roger Ford, the CEO of an energy corporation and a pro-Trump organizer of a 2020 vehicle parade, Trump symbolized nothing so much as “a master anti-shame warrior,” someone who could repel both personal shame and other unwanted forms of shame.

To reduce this pervasive sense of shame – and decrease the likelihood of fascism entering “the mainstream of American life” – Hochschild counsels “calm deliberation” and, in the long term, “relief from the uneven burdens of the pride paradox.” She suggests that we revise the notion of the American Dream and equalize access to it. All Americans, she writes, need to “recognize the faces of the overburden” – a term referring to “the mountaintop soil the machines dump over the side” – and “add care, foresight, and access to the American Dream.” ■

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

Watchdogging Texas' Environmental Watchdog

BY JOSÉ MEDINA

The report contained a stinging two-word rebuke: reluctant regulator.

For many Texans living in the shadow of a polluting facility, the criticism was fair.

The Texas Commission on Environmental Quality (TCEQ) was deemed a “reluctant regulator” in a report issued in 2022. This criticism was even more remarkable because it did not come from an advocacy group, an activist, or a neighborhood resident impacted by pollution. The criticism came from the state itself. More specifically, it came from the Texas Sunset Advisory Commission, which periodically evaluates Texas state agencies and recommends how they can be improved.

Because it’s clear that Texas’ environmental watchdog needs a watchdog, the Texas office of Public Citizen is launching a new campaign to hold the TCEQ accountable.

“It’s unfortunate, but a watchdog for a watchdog is what happens in a state whose environmental agency typically sides with polluters rather than people,” said Adrian Shelley, the director of Public Citizen’s Texas office. “The TCEQ is the only state environmental agency in the country that includes economic development as part of its mission statement. That explains why the agency functions the way it does, seemingly indifferent to the health and safety of people and communities.”

Once a campaign director is named in the coming weeks, Public Citizen’s TCEQ campaign will monitor the agency’s activities

“The TCEQ is the only state environmental agency in the country that includes economic development as part of its mission statement. That explains why the agency functions the way it does, seemingly indifferent to the health and safety of people and communities.”

— Adrian Shelley, director of Public Citizen’s Texas office

and manage a roster of issue-area experts, including community experts, to weigh in on specific agency actions. This work will help vulnerable neighborhoods access information and navigate TCEQ procedures.

The TCEQ functions the way it does by design. The Legislature’s work in 2023 is a case in point. Rather than fix the problems identified in the state’s Sunset report or listen to the outcry of communities near polluting facilities, lawmakers moved instead to make it easier for the agency to dodge its responsibilities by passing a bill that allows some complaints against the industry to go ignored. The bill, which Texas Gov. Greg Abbott later signed, chimes with another criticism: that TCEQ commissioners will enable the industry to “police” itself.

“Too much pollution is something we live with every day in my neighborhood,” said Delores McGruder, a resident of Houston’s Fifth Ward, when she traveled to the Capitol last year to meet with lawmakers. “People feel like they are being left to fend for themselves against these big facilities that put toxic pollutants into our air, land, and water. The TCEQ is supposed to protect people, but we don’t see it happening. All we are asking for from the Legislature is a much

better TCEQ that sides with us first.”

Public Citizen has long argued that the agency has the authority to deny permits for facilities that would harm the environment. However, the agency stubbornly takes the position that it must approve any permit deemed complete. It is a position that leads to multiple polluting facilities in the same neighborhoods, as the agency looks at the environmental impact of polluting facilities individually, instead of considering the cumulative environmental impacts of multiple facilities in the same neighborhood. Such is the situation in Houston’s Fifth Ward, the historically black community where McGruder lives.

Texas advocates say the agency has earned a reputation as a rubber stamper of permits rather than a guardian of the environment and public health. Take the case of ITC, a chemical facility in the Houston-area city of Deer Park. A recent Public Health Watch report found that state investigators had evidence of cancer-causing and other harmful chemicals leaking from ITC Deer Park as far back as 2002. In the years that followed, TCEQ issued only small fines to ITC and only for equipment problems, not for leaks. Despite these and other issues documented, TCEQ renewed

ITC’s permit without hesitation. In March 2019, ITC exploded and burned for three days, releasing dangerous chemicals into nearby communities. A federal probe determined the explosion was preventable.

“Incidents like the one at ITC don’t happen if these corporations face meaningful consequences,” Shelley noted. “Texas needs the TCEQ to be effective. ITC was a worst-case outcome, but others get far less attention. Concrete batch plants are one example. Trust me, your lungs don’t want a batch plant near your home. In many cases, the plants are located in residential areas – with the permission of the TCEQ.”

The Texas office of Public Citizen will launch its TCEQ watchdog program in early fall, in time to inform Public Citizen’s environmental agenda – including TCEQ reforms – for the next session of the Texas Legislature, which begins in January. ■

IN THE NEXT ISSUE...

We report on how four former Democratic politicians are doing the bidding of pipeline companies and methane gas drillers.

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