



RFK — our next consumer movement maverick?

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The pushback against Robert F. Kennedy Jr.'s nomination to lead and direct the U.S. Health and Human Services agency fails the heuristic test but makes sense when influencers prioritize political circumstances over the fundamental steps we should follow in making healthcare and public health policies: 1) making intellectually honest inquiries into the nature and extent of a health problem, and 2) supporting reasonable and defensible public policy alternatives.

Generally, based on his thoughts, words, deeds, and intentions, Robert F. Kennedy, Jr., appears to be a good candidate to lead the DHHS. He is a nominee who resembles several giants of consumer activism who came before him and should have gained support from those who ostensibly work to improve the human condition.

Oddly enough, a myriad of healthcare and public health leaders and organizations are concerned, conflicted, or outright against his appointment, even though his pedigree aligns closely with those opposed to him, including party affiliation. The challenge for Kennedy is that his motivation, passion, and call to action are summed up by “Make America Healthy Again,” which resonates too closely with MAGA, causing those who oppose anything related to President Donald Trump to recoil. Considering a brief review of the actions taken by well-known consumer advocates in the past who shared the same goal of improving the health of Americans, it is puzzling that Robert F. Kennedy, Jr. has been relegated to *persona non grata* for asking big questions to ensure public officials are doing enough [“to enhance the health and well-being of all Americans.”](#)

Rachel Carson

Rachel Carson's *[Silent Spring](#)*, published in 1962, is credited with starting the environmental movement, symbolically represented by "[Earth Day](#)" each April 22nd since 1970. Carson's focus was on synthetic pesticides used in agriculture (DDT), pointing out that while there are benefits to preventing pests from ravaging crops, the chemicals continue to have negative effects. The environmentalists' chirpings have grown louder to preserve Earth's blessings by co-opting not only more "tree-huggers" but also uniting some groups from all three sectors (nonprofits, private corporations, and government) to work toward laws, regulations, and an overall sense of socio-cultural and political awareness of everything we hear, see, smell, and taste as humans.

Ralph Nader

A few years after Carson's book, consumer activist Ralph Nader published *[Unsafe at Any Speed](#)*, which jolted the American public out of its love affair with the automobile. Outside the home, the automobile is a person's next castle. Nader's dogged research showed that the design of the automobile is a hazard "at any speed" and much needs to be done to fix or mitigate these hazards. As with any major shift in a massive consumer product's design, advocates had to fight long and hard not only to get the manufacturers to change but to persuade consumers to adopt the new design. Car manufacturers were required by federal law to install seat belts in cars starting in 1968. However, because consumers were slow to adopt "the click" while driving, states began to pass mandatory seat belt laws. The first state to impose a law on the use of seatbelts by drivers was New York, which passed its law in 1984. Today, car manufacturers no longer need to be pushed to develop common-sense safety features, as they are introducing remarkable innovations, replete with flashing lights and beeps, thereby leading the customer.

Michael Pertschuk

Michael Pertschuk, in his work *[Revolt Against Regulation: The Rise and Pause of the Consumer Movement](#)*, chronicles the movers and shakers and seminal successes of the consumer movement in the U.S. during the 60s and 70s, pointing out gaps and barriers to public protection. Pertschuk was well beyond a pundit in protecting the health of the public; he was well-acquainted with all three branches of government, serving as a law clerk for a U.S. District Court Judge, a staffer for Senators, and in 1977, as the appointed chairman of the Federal Trade Commission. He helped pass the Consumer Product Safety Act, which established

the Consumer Product Safety Commission. In short, he worked to ensure that what is seen, heard, and tasted by consumers was truthful and ideally not harmful.

C. Everett Koop, MD

Following Pertschuk's swipes at Big Tobacco, this oligopoly met its match in C. Everett Koop, MD, who branded smoking as "Public Health Enemy #1." A buttoned-down, soft-spoken pediatric surgeon who "had some religion," which unnerved some Senators during the advice and consent confirmation, was a true warrior fighting for the public's health—well beyond the Surgeon General's symbolic military garb.

Dr. Koop published eight tomes on the problems with tobacco products (1982-1989). He issued a report on AIDS in 1986 and sent an educational pamphlet on AIDS awareness to every household in the U.S. In 1989, he demonstrated that public health work should focus on problem definition and policy alternatives, rather than bending to political circumstances, when he published *The U.S. Surgeon General on the Health Effects of Abortion*, concluding that there was limited evidence that abortion posed physical or mental risks to the mother. He viewed abortion as a moral issue, not a public health issue calling for a public policy response.

While the consumer movements of the past, led by these Mavericks, primarily focused on big business and corporations, governments at all levels can be seen as complicit in failing to fulfill their fundamental duty to protect people and their property. In the legislative branch, this is depicted through non-agenda setting, and in the administrative branch, it is often referred to as "captured bureaucracies." Both phenomena have a chilling effect on the goals of consumer movements.

David A. Kessler, M.D., J.D.

David A. Kessler, M.D., J.D., is another pediatrician like Koop, distinguished by his role as a high-level federal official who became "mad as hell [about what is making Americans ill] and would not take it anymore." Kessler served as a commissioner, including chair, of the Food and Drug Administration from late 1990 to early 1997. He wasted no time holding the "Biggies" (tobacco, pharma, and food) accountable for what they are selling us. Combining both his healthcare and legal expertise, he directed his agency to assert its right to regulate tobacco in ways that, for decades, Big Tobacco and a significant number of Congress members claimed the agency had no authority to do so.

As with any consumer advocacy leader, he authored books detailing the nature and extent of the health risks associated with consumer products and provided a behind-the-scenes look at how companies benefit from known or potentially harmful products. He wrote several books questioning the [practices of food companies](#) contributing to obesity and culminating the long battle nonprofit health organizations and government agencies had against regulating tobacco companies in his book: *[A Question of Intent: A Great American Battle with a Deadly Industry](#)*. Kessler proposed thoughtful solutions for our healthcare, showcasing two projects that book-ended his consumer advocacy efforts: in 1989, he co-edited *[Caring for the Elderly: Reshaping Health Policy](#)*, and in 2017, he wrote *[Capture: Unraveling the Mystery of Mental Suffering](#)*.

RFK: Make America Healthy Again

Branding Robert F. Kennedy, Jr. as yet another existential threat is disingenuous. The driving force behind his “Make America Healthy Again” movement is to ask questions. He is addressing the epistemic challenge laid out in step one of healthcare and public health policy: What is the nature and extent of the problem? He believes, and is not alone in this belief, that our healthcare system focuses more on mitigating and treating health problems than on preventing and protecting against them. He could be the next maverick for consumer protection and the catalyst for a new movement aimed at helping people achieve better health.

In 1956, President Dwight D. Eisenhower made a federal case out of the need for American youth to be healthier by establishing the [“President’s Council on Youth Fitness.”](#) Over the years, the Council has introduced new objectives and campaigns to raise awareness about the importance of physical fitness, from organized sports to messages like “Just Move,” to emphasizing good nutrition.

Kenneth H. Cooper, M.D., M.P.H., authored the book *[Aerobics](#)* in 1968, broadening the concept of physical fitness beyond muscle building to cardiovascular health, which sparked the first major running boom in America. In 1979, Surgeon General Julius Richmond issued a transformative report titled “Healthy People: [The Surgeon General’s Report on Health Promotion and Disease Prevention](#),” which served as the impetus for The [Healthy People](#) initiative, now in its fifth decennial publication outlining a comprehensive list of goals and objectives for the nation’s health.

Getting Back to a Gold Standard

The consumer and health promotion mavericks of the past, advocating for a healthier America, had their detractors. These detractors would characterize the mavericks using a range of pejoratives, from them emboldening a “nanny state” to being ideologically biased, to making unfounded or even wacky claims. What each maverick had in common is asking big questions all to improve the health of the people. And those questions were of actions taken by powerful people in powerful organizations that had a lot to lose in such an inquiry.

The consumer mavericks took seriously the epistemic challenge of asking, “How do we know what we know?” This challenge should always precede the consideration of policy alternatives and should not be overshadowed by political circumstances. For example, the public, as well as insiders within government healthcare and public health agencies, are fed up with agency staffers at the highest levels being distracted by political actors and partisanship instead of leading collective efforts to serve and protect communities.

Kennedy does not purport to be the be-all and end-all “voice of science,” nor will he stifle the voices of scientists asking critical questions about best practices and effective healthcare and public health policies. His formula for being a consumer maverick is ostensibly about returning our knowledge-generation process to a gold standard, which includes strategic replication of findings, full transparency, and thorough reflection to regain the trust of all Americans.

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