

RALPH NADER RADIO HOUR EPISODE 144

David Feldman: From the KPFK studios in Southern California.

Steve Skrovan: It's the Ralph Nader Radio Hour

Song: Stand up, stand up you've been sitting way too long!

Cold Open

David Daley: "In a state like Ohio right now, you see this "heart beat" legislation being passed trying to stop abortion after six weeks. This is not something that if you put to a referendum in the state of Ohio would pass. But because there are super majorities -unearned supermajorities - in Ohio's legislature, the Republicans can pass this kind of legislation without consequences at the ballot box, completely insulated from the voters."

Steve Skrovan: Welcome to the Ralph Nader Radio Hour. My name is Steve Skrovan and the voice you just heard was that of David Daley author of Rat-effed: The True Story Behind The Secret Plan to Steal America's Democracy. And he was talking about the effects of gerrymandering. I'm also here with my co-host David Feldman. David, do you know how the term "gerrymandering" originated?

David Feldman: I believe... yes it was Lord Eldridge... or there was somebody - somebody named Gerry like...

Steve Skrovan: It was a governor of Massachusetts Elbridge...

David Feldman: A salamander, a salamander.

Steve Skrovan: Well, he made this district look like a salamander, and so they put those two together and they called it gerrymandering from Elbridge Gerry.

David Feldman: Too bad he didn't make it look like a chameleon. That way it would have switched from red to blue.

Steve Skrovan: [laughs] Very good. And we also have the man of the hour Ralph Nader, hello Ralph?

David Feldman: Is he still there? [laughs]

Steve Skrovan: [laughs] Yeah.

Ralph Nader: Hello. Hi Steve, David.

Steve Skrovan: Well, we're going to be talking about gerrymandering on today's show. As well as talking about the remaining days of the Obama Administration. Despite press coverage of the Trump transition, Obama is still the President of the United States until January 20th. We'll be having that conversation with the president of Public Citizen, Robert Weissman. We're going to also crack open the listener mailbox and get to some of your questions to Ralph. We will, as always, hear from Corporate Crime Reporter, Russell Mohkiber, the Clark Kent of the corporate crime beat. I don't believe I've used that one yet.

David Feldman: Not yet.

Steve Skrovan: But first we're going to talk about gerrymandering with our first guest. David.

David Feldman: David Daley is the former editor in-chief of *Salon* and the recently appointed C.E.O./Publisher of the *Connecticut Mirror* and the author of - I can't say this word - Rat-effed. The True Story Behind the Secret Plan to Steal America's Democracy, which is a study of the 2010 REDMAP Campaign, which was a nationwide strategy to gerrymander state electoral maps in favor of the Republican Party.

Welcome to the Ralph Nader Radio Hour, David Daley. Ralph?

Ralph Nader: Yes, welcome David Daley, who heads the *Connecticut Mirror*, a Internet newspaper in Connecticut, filling an important gap with the decline of print papers, covering things in Connecticut like the Hartford Courant (used to). David, let me get to it right now. President Jimmy Carter monitors elections in third-world countries on invitation by the third-world country. And he's done over twenty-five of these elections. And a few years ago, he pronounced that the United States was no longer a functioning democracy, that it doesn't meet four or five of the criteria that he requires in order to go to these third world countries to monitor the honesty and appropriateness of their election process.

You wrote a book documenting how the Republicans did this gerrymandering coup de tat - in effect - in 2010, which resulted in the loss of the Congress to the Democrats under President Obama, and also the loss of most of the state legislatures.

David Daley: Right.

Ralph Nader: Could you first give us an overview of why you think we have lost our democracy, gerrymandering being only one of them. You want to give a list, and then we'll go through 'em one by one?

David Daley: Sure. I mean it's - it's startling to me. I mean here we are in a country that's as closely divided politically as it's ever been, and yet Democrats are completely shut out of power at the state level and at the federal level. Republicans control something like sixty-nine of the ninety-nine state legislatures. They hold the trifecta of the entire legislature in the governor's office in twenty-five States. They hold both chambers in thirty-five of fifty States. And there is, of course, a hammerlock on Congress, now the Presidency with what is right now 2.7 million fewer votes for Mr. Trump. And the judiciary comes with that. So, we are looking at I think a fairly dire situation. Gerrymandering goes back to the beginning of the Republic. Both sides have done it for as long as we have had a country. You can trace it back to Patrick Henry in Virginia, even before Elbridge Gerry in Massachusetts and his famous senate districts that looked like a salamander.

But in 2010 the Republicans reinvented - with the help of some really sophisticated computer technology and all of the data that's available about us that allows them to carve Congressional and legislative lines with surgical precision. That matched with a kind of partisan intent that - certainly this process has always been partisan - but it tended to be sort of a bipartisan bad process. It was an incumbent protection racket. It was a way to sort of push a troublesome legislator out of office sometimes. But it had not necessarily been used as a blunt force atomic partisan weapon as the Republicans determined to use it in 2010.

Ralph Nader: Sort of like systematically the politicians picked the voters. By covering up these districts, they pick the voters. And sometimes they'll cut deals with a group like the Congressional Black Caucus, carving out districts that are very safe with the African-American vote, sending African-American members to the House of Representatives in return for allowing the rest of the districts to be carved up to support the Republican Party.

David Daley: That's exactly what happened now.

Ralph Nader: And let me - let me give some figures that you have in your book for Pennsylvania. In 2012, President Obama carried Pennsylvania by 300,000 votes. And the state's Democratic congressional candidates collectively out-poll their Republican rivals by nearly 100,000 votes. What was the result? Republicans still won thirteen of Pennsylvania's eighteen seats in the US House of Representatives. You see what I mean, listeners? And this is happening all over the country.

David Daley: North Carolina the same thing: 10 - 3 Republican, Michigan despite 240,000 more votes for Democratic candidates, 9 - 5 Republican, Ohio the ultimate 50/50 bellwether state 12 - 4 Republican. And this is just at the Congressional level. If you look at it at the state level, you have the exact same problems in states like Pennsylvania, North Carolina, Michigan, Ohio, Wisconsin, Florida. These are all states where Democratic candidates routinely win more votes in Assembly in legislative races than Republicans, and yet in many of these states Republicans hold super

majorities in the state legislatures. That is how in a state like Ohio right now, you see this “heart beat” legislation being passed trying to stop abortion after six weeks.

This is not something that if you put to referendum in the state of Ohio would pass. But because there are super majorities - unearned super majorities - in Ohio's legislature, the Republicans can pass this kind of legislation without consequences at the ballot box, completely insulated from the voters. And if you look at the kinds of voter ID and voter suppression and limited voting hours that were passed heading into this last campaign, in twenty-one of the twenty-two states and new voting restrictions in 2016, they were controlled by the Republicans.

What you see here is a systematic effort to govern from the minority by first redrawing lines in their favor in order to deliver themselves impunity from voters at the ballot box, and then once ensconced in these completely safe veto-proof majorities, they pass laws limiting the vote and holding down the franchise. This is how you win when you have fewer votes. It's not democratic. And you're right. The word to use often is a “coup.”

Ralph Nader: Yeah, and here's an example. Trump allegedly won Wisconsin by around 10 – 20,000 votes or so. Forty thousand African-Americans in Milwaukee, who used to vote, could not vote, because of a law passed by the Republicans requiring certain kinds of identification papers that they weren't able to pull together in time. That would have switched the election on behalf of Hillary Clinton. So that's how it operates. Yeah, I'm often curious how we unload on these third world countries who consul and use the word “corruption – corruption.”

Well, here is a difference between overt corruption where bags full of money in these countries get things done unlawfully, and institutional corruption in our country, where the overall veneer of money in politics of course, sets the stage...

David Daley: Yes.

Ralph Nader: ...for the institutional corruption where they pass these laws or these rules or these exclusions of third-party candidates from the debates, or suppressing the vote, they do all this

under cover of law. Some may argue that it's not Constitutional or what have you. There's a difference to an institutional corruption and a more raw overt form, say of corruption in these other countries. Who are we to lecture them?

David Daley: We are nobody to lecture them. Our system is deeply broken. It has been perverted. It is diseased at the root. Our media is not up to covering the ways in which the system has become completely corrupted. And we as voters have lost control of the ballot box.

Ralph Nader: And Jill Stein of the Green Party is pushing - as you know - for recounts in Wisconsin, Michigan and Pennsylvania. I think the value of that - it's not going to change the election or the - should we say minority president-elect Donald Trump's move into the White House. As you indicated Hillary Clinton got 2.7 million more votes in this country. And most countries, if you win the majority of the votes or the plurality of the vote, you win the office.

Not in this country we have the Electoral College, which we have gone over in prior radio programs, including with a champion, who got this interstate compact underway, Steve Silverstein. So maybe the Electoral College by interstate compact may be history in two to four years.

David Daley: Let's hope so.

Ralph Nader: But what's happening here goes right to the *counting* of votes. There are no more paper ballots to have these voter machines. And in about a third of these voting machine districts, there is no paper trail. So if you want to recount, you rely on the software, which is easily hacked these days and which is owned by the company that sold the voting machines to the state government. You just can't keep up. The League of Women Voters used to have a list of irregularities obstructing voting, and they can't even keep up anymore, especially with proprietary software data. So, take us to the reforms. How do we get this turned around? How do we get public indignation here, when the radio airwaves are controlled by Rush Limbaugh and other right-wing radio talk show hosts. And the TV doesn't spend much time on it? And the newspapers think it's rather boring, "Get over it. Don't be a sore loser..." Nonsense. If we're not sore losers, we're going to keep losing...

David Daley: It means that...

Ralph Nader: ...to corrupt practices. So how would you if - if you're asked - we're talking to David Daley, who is the chief editor of the *Connecticut Mirror*, a fine electronic newspaper that keeps giving people the news in an era of declining print newspaper. What if you were asked, let's say by a civics class, "All right, David Daley, you've laid it out - better than most anybody - all the institutional corruption affecting the elections, repudiating majority will of the voters, carving up districts, suppressing votes. All this laced with special interest money, like the Koch Brothers. How would you reform it? One, two, three, four reforms and how would you mobilize behind it?"

David Daley: Well, I think we're going to see a big mobilization effort as we head into 2018 and 2020. I think that first this takes a lot of public education. It takes a lot of public conversation. It takes discussions exactly like this, because people think gerrymandering is boring. They think it is the thing that made them fall asleep in civics class in eighth grade. It is not. It is the root of our democracy. These district lines are the building blocks of our democracy. And when they get corrupted, there becomes a huge disconnect between the public will and the policy outcomes.

And I think that people are beginning to see that there is a connection between this. The Republicans were able to get away with this in 2010 and 2011, because the media thinks it's politics as usual and the public thinks it's boring. We have seen now five years into this and after the third election on these maps in which there is no change, despite the public will in all of these states and at the federal level. People are beginning to understand that something has got to be done about this.

The problem is the Republicans have knotted up the system at multiple levels. These district lines in forty-one of fifty states are drawn by state legislatures. And the state legislators themselves are so deeply gerrymandered that they've got veto-proof supermajorities. Somehow, we have to take the power to draw these lines away from the politicians. Yes, it is an inherently political process. It is very hard to come up with a way to do this. But, you cannot have the most political, the most

self-interested people drawing their own lines and choosing their own voters. We are the only democracy in the world that allows this to happen.

There are commissions in several states. They don't always work perfectly. But they work a little bit better than allowing the politicians to draw their own lines. California's Commission for example, has increased competitiveness. There were only eighteen congressional elections in 2016 that were within 5%. California had three of those eighteen races. That's something. That is at least a start. So they had 1/6 of all of the competitive congressional races in the country.

Ralph Nader: If, David, if you don't have a competitive election with at least two viable candidates not to mention multi-party elections, you don't have a democracy, period.

David Daley: You don't.

Ralph Nader: The vast majority of Congressional districts and state legislative districts, listeners please heed, have had no competition from the major opposing party. Like in Texas, there're state legislative contests where there's only the incumbent. That's all.

David Daley: Yeah.

Ralph Nader: Massachusetts the same thing on the Democrat side. Isn't the more basic question whether the American people care about democracy at all?

David Daley: Well, I would like to think that they do. I'm not sure that they have been given a choice. However, the numbers in Ohio in this last election are just a start. In Ohio in 2016, Ohio was supposed to be the ultimate 50/50 bellwether. 25% of the legislative seats there went uncontested. Democrats didn't bother in twenty. Republicans didn't put up a candidate in eight of them. Of the 87 seats that were contested. More than half of those races were decided by over thirty points.

Ralph Nader: Yeah.

David Daley: More than a 1/4 of them were decided by over forty points. There were zero within 5%. We have eliminated competitive elections. And that is the deeper problem for a democracy, when people do not have a true choice, when the other party cannot win in these districts, when they are drawn in such a way as to ensure one party control, the other side - it takes a lot of effort. It takes a lot of money. It takes a lot of time to get out and run for office in these states. And when you know that you are going to lose by thirty points in most of these races,

no matter what you do, it is really hard - I would imagine if you're a candidate out there to say, "Yes, I'm going to put in eighteen months and go door knock. And I'm going to go run in that race. But what it does is, it leaves us with one-party control. And this is exceptionally dangerous. And you can't call ourselves a democracy.

Ralph Nader: I bet more than one listener right now is asking the following question: "All right, David Daley, what about the losing major political party who's been screwed by this process. Why do they tolerate it? Is it because they're willing to suffer the loss, so they think someday they'll be on the screwing end..."

David Daley: I think it's not...

Ralph Nader: And they can screw the opposition?" Is that the major reason? And are we left with just popular voter referendums to clean up the swamp to do it in state after state with a reform agenda and put it to referendum to the people?

David Daley: Where that is even allowed, yes. Let me work through all of that. The Democrats - they had their lunch eaten in 2010. They did not understand what the Republicans were going to do despite the fact that the Republicans laid out their strategy. Karl Rove spelled it out on the op-ed page of the *Wall Street Journal*. He's like, "We are going to plot our comeback through redistricting. When you draw the lines you make the rules." He said, "We're going to win 104 state legislative seats. It's going to give us control, veto-proof control over drawing 193 of the 435

congressional seats.” They went out they executed exactly that plan. The Democrats put up no opposition. It was a catastrophic, strategic failure.

Ralph Nader: Why no opposition? That's what they're supposed to be doing, fighting the Republicans.

David Daley: Is what they're supposed to be doing. They were fighting by the old rules. They were getting ready for sort of, you know, court challenges after the fact to new maps. They were not ready to fight for control of state legislative chambers. And they were not ready to match the concerted effort that the Republicans put into having complete control of the remapping process in all of these states. They have begun to wake up to this. They are working on efforts for 2020. But my fear is that a lot of these efforts involve trying to rerun the Republican plan ten years later. It will cost a whole lot more money. It's not likely to be very effective. But you see in the last election cycle Nancy Pelosi saying, “We're going to take back the House of Representatives.” No she's not. There's no way for that to happen under these maps. What she's trying to do is fund raise. Yes, she's trying to raise a lot of money, and when you do that, you hurt public education on these topics. You maybe raise a little bit more money, but you get nowhere.

Now what can be done? Referendums are exceptionally popular on this issue. This is why I think that people do understand that their democracy is atrophying. Whenever you put these democracy issues - especially redistricting on the ballot - it wins. It doesn't matter if it's a red state, a blue state or a purple state. In Florida, California, Arizona, Ohio voters approved these measures by upwards of 60%. This is why in many states, legislators are now trying to take away the power of citizens to put gerrymandering and redistricting initiatives on the ballot. They've done this in Michigan. They've done this in North Carolina. They know that voters don't like this monkeying with the process. And they do not want to give up the power to draw their own lines.

Ralph Nader: Well, these are the Republican forces of tyranny. This is outright tyranny. It's stripping voters of their right to decide what kind of government they're going to operate under. They're taking away rights that prior politicians concurred in decades ago. How sick is the Democratic Party? Did anyone get fired for this 2010 debacle when they were asleep at the switch

and they turned over the US government and state governments to the most ruthless, corporatist Republican Party in its 164-year history?

I mean is there a better argument for a multi-party system? But we're stuck with these two major corrupt parties. But what gets me is: why the Republicans more indignant? Why do they have more energy? Why have they better strategy? Is it because the Democrats never fire their leaders, like Nancy Pelosi just got reinstated after losing four straight Congressional House elections from 2010 to 2016?

David Daley: Yes, I don't understand how the Democrats keep making the same mistakes over and over again. What is just as concerning is that they don't seem to have any answers for them. I mean, Tim Ryan who opposed Pelosi for the leadership, said that, "If he did not take back the House in 2018, he would resign after one term as minority leader." That is also not a useful strategy. It convinces people that the problem is not as deep and systemic as it actually is.

The Democrats are working on a plan that is being headed by former Attorney General Eric Holder and by President Obama who has called redistricting his top political priority after he leaves the White House. A lot of the details of this plan remain sketchy, but it seems to involve much greater coordination and much greater awareness of the importance of 2018 and of 2020 and a real state-by-state process to try and win back a seat at the table. But that really is the best that the Democrats can hope for in 2020 is a seat at the table. They are not going to take back the Wisconsin assembly where they're down sixty-four to thirty-five. They're not going to take back the Ohio senate or legislature or North Carolina, where there are super majorities of...

Ralph Nader: Yeah.

David Daley: ... Republicans in the states. The only hope in this state is to win the governorship in 2018 in Wisconsin, Pennsylvania, Michigan, and Ohio. These are the key races right now, are the governorships in those races. And then the Democrats have to think about the states in which ballot initiatives are allowed and to pursue those cases where that's possible. And then there's a handful of cases making their way towards the Supreme Court from North Carolina, from Virginia

and from Wisconsin that could finally convince the court to enact a judicial standard on partisan gerrymandering.

Ralph Nader: See, this is for our listening audience, who wants us to get more concrete here. We're talking to David Daley, who's the editor of the *Connecticut Mirror* electronic newspaper. What does this mean? It means that tens of millions of American workers are making less today in inflation-adjusted wages than 1968 workers. It means thousands of Americans die every year because they can't afford health insurance to get diagnosed and treated in time, probably 35,000, if we adhered to the estimates of a Harvard Medical School peer-reviewed study a while back. It means that we're going to have more pollution in the air. Our public lands are going to be ravaged for private profit. It means more empire. It means crumbling roads, highways, sewage water systems, libraries that are supported publicly, schools that aren't rebuilt. It means that we're not monitoring our food system the way we should for safety. It means a complete distortion of taxes, where you - if you're middle class or less - are paying more taxes and the big, rich corporations or multi-national corporations and the wealthy plutocrats are paying less. You see it affects us, right? What I say, David, is what if your neighbor - okay, American people - what if your neighbor had that kind of power over you?

David Daley: Right.

Ralph Nader: Would you continue playing tiddlywinks?

David Daley: No.

Ralph Daley: Would you continue watching reruns of *Friends*? Would you continue playing video games? Just assume that these autocratic forces are coming in, and we still have the power. We are - "We the People" that's what the Preamble the Constitution says, not "We the Republican or Democratic Parties" or "We the corporations" who run them. So it just takes 1% or less of the people in every state to take control of what most people would support taking control of in terms of reform. And you can control the state legislatures. You control this Congress. Okay, Connecticut is a really blue state. You're in Connecticut, David Daley?

David Daley: Yes.

Ralph Nader: You know the politics. How do they do it there? Is it fairer there?

David Daley: It's slightly more fair here. It is essentially is a commission process here. But it certainly results in – Connecticut has five seats and they're - they're all Democrats. It's the same thing in Massachusetts. Every single seat is a Democrat. So, if you are a Republican or a Green or a Libertarian in any of these states, you don't have any representation at all, which is why there are a lot of folks who are talking about bigger reforms, are talking about multimember districts, talking about representative voting in which - proportional voting - in which, if the state is 55% Democratic and 45% Republican, you have some sort of mixture in your delegation. We probably need to be thinking about serious long-term election reforms that restore real debate, that restore actual political persuasion, that force these politicians to have to answer to voters to talk to voters. Because right now in these districts that are rigged to only elect one side, you can't do anything about it.

Ralph Nader: David, explain multi-member district. That's what brought the first woman elected to Congress, Jeanette Rankin from Montana. She had a multi-member district in Montana. She came in second and still was a Representative in Congress.

David Daley: Yeah.

Ralph Nader: Explain that.

David Daley: It's a terrific idea. So, say a state that has six Representatives right now and from six districts. You might have two districts that represented three people. So if you had three members of Congress from these districts, they would be bigger districts and you would be able to have more and deeper representation that went beyond simply all of these districts, simply automatically re-electing the blue or red person that elects them now. You essentially only had eighteen districts that were competitive out of four hundred and thirty-five last time. That system

is not working. It's not working for the Democrats or for the Republicans, let alone for other people who would like to break the two-party stranglehold on it.

So, if you want to do something about it, let's rip up the other way we're currently electing people and adjust it for, you know, a 21st Century reality. This system from the Electoral College on down was created more than two hundred years ago in a completely different time. It is creaky. It has to be updated. If we want to take democracy seriously, we have to care about the health of these institutions. They have to work and function properly and they are not right now. And this ought to be a civic emergency that everybody is deeply concerned about. Put down the video games and turn off *Friends*, as you say, there is a crisis going on.

Ralph Nader: Yeah, you know, in my fictional rendition called Only The Super Rich Can Save Us, a book that came out a few years ago, I prophesied a Clean Elections Party. They just rolled in a wave across the country, because I think - let's explain to people - it's going to have left/right support back home.

David Daley: Oh, that's right.

Ralph Nader: And I think the ordinary voters, whether they are conservative, liberal, progressive, libertarian, they don't like this. So I think maybe there has to be a specter of election reform third party that puts itself out of business after winning one election here and there in state after state in order to send that clear message to parties if they don't shape up, they're going to be shipped out by the American people, and they're going to be new parties. We've got a situation here, David Daley, where the media is more than falling down on the job.

David Daley: Oh, absolutely.

Ralph Nader: The television hardly covers this. They don't think it gets them ratings, like Donald Trump's insults. And so they've corrupted themselves in favor of their profits, using public airwaves - our property by the way. The radio is controlled almost 90% by these right-wing fanatics like Rush Limbaugh, who once I accused of being on corporate welfare, because he's using

the public airwaves free to make his \$35 million a year. He was so obtuse, he didn't even know I was talking about.

David Daley: [laughs]

Ralph Nader: And, you know, the welfare king of the radio airwaves, Rush Limbaugh. So what are you going to do on your part in the *Connecticut Mirror*, your electronic newspaper? By the way WPKN in Bridgeport carries this program, folks, so you can listen to it in my native state of Connecticut, a little privilege here. What are you going to do - by way of example - in this all this we've been talking about for the last half hour?

David Daley: Yeah, I think we have to continue covering this in a systemic and sustained way. The media in this country has completely dropped the ball on the democracy agenda, let alone on gerrymandering. They think that this is something that both sides do. They think that it's more about geography and clustering than it is about the efficiency and surgical precision of these lines. It needs to be covered deeply and seriously. And the media has got to make the connection between the way that the lines are drawn and the kinds of outcomes that we see in state after state.

And Connecticut, fortunately, is closer to having fair representation. But in state after state this is just not the case. Just this month in Ohio you had legislators that took away the rights of cities in the state to raise the minimum wage on their own or to mandate a cleaner environment on their own. They are sucking away the power of local governments to do things that the people back and support. And they're doing this in these veto-proof legislatures that are immune from the vote. And if we don't get serious about taking it back, if we don't cover it like the coup that it is, we are all to blame.

Ralph Nader: Yeah, well we're losing local democracy to the state autocracies that are pulling away from municipalities' powers to protect their own people.

David Daley: The Emergency Manager bill that destroyed the water system in Flint and killed children was the result - you can trace it back to the gerrymandered Michigan legislature.

Ralph Nader: So what are we made of, folks? Eh? What are we made of here? What you should do is ask for personal meetings with your legislative representatives. Start right there. Don't just be satisfied with a corner, picketing here and there. Just say you want them to come back to the town meeting that you create. You're going to get several hundred people there. You're going to get down to tacks. You're going to eyeball them, no flacks in between, no PACs in between, no PR people in between. Sit down these lawmakers in whom you have put your enormous power under the Constitution for it to be betrayed and sold for "a mess of pottage" as the old phrase says. Before we conclude, David Daley, tell us a little bit about the *Connecticut Mirror*, and who supports it.

David Daley: Absolutely, a pleasure. The *Connecticut Mirror* was founded seven years ago. It is a nonprofit, nonpartisan news source here in the state that was founded by concerned citizens here, who worried that our newspapers were no longer living up to their First Amendment responsibilities in a time of cutbacks in the media. And a lot of those cutbacks affected state politics and policy reporting. So, we have moved in to fill that void. We have the largest number of reporters at the state capital of any institution in the State of Connecticut. We have the only Washington reporter, who is covering DC on behalf of the citizens here. You can read us at ctmirror.org. We are funded by our readers, by grants from institutions. And if folks are interested, please do check us out at ctmirror.org. And donate there as well.

Ralph Nader: And this is a model that's being replicated all over the country with the decline of traditional print newspapers not being able to service the information needs of their readers anymore. So thank you very much, David Daley, who edits the *Connecticut Mirror*. To be continued. We look forward to groundbreaking investigations of these electoral scandals from you, David.

David Daley: A real pleasure. A real pleasure, thank you. I'll have a – I'll have a new edition on the paperback that I think will update a lot of this stuff in a couple of months.

Ralph Nader: Yes, your – your new book on this, which is widely reviewed. Page one in the *New York Times Book Review*. It was subject of an article in a *New Yorker*. Just tell them the title of the book and how they can get it.

David Daley: The title of the book is, “Rat-effed.” I think your readers are smart enough to understand what the “Effed” means. You can find it on Amazon. You can find it in your local bookstore or you can find it pretty much anywhere.

Ralph Nader: And the subtitle the...

David Daley: [The True Story Behind the Secret Plan to Steal America's Democracy](#).

Ralph Nader: And that is well-documented. It's not a hypothesis or a conspiracy theory. It happened in 2010. And we're paying the price day after day for the failure of the Democratic Party to rescue the country from the most ruthless, autocratic, corporatist, Republican Party in that party's history. Thank you very much, David.

David Daley: Thank you Ralph. Appreciate your time.

Ralph Nader: You're welcome.

Steve Skrovan: We've been speaking to David Daley, author of [Rat-effed: The True Story Behind the Secret Plan to Steal America's Democracy](#). We will link to that at the Ralph Nader Radio Hour website. Now, David I just want to ask you, you know, we're both old enough to know that term “Rat-effed,” which we can't say the true name on the radio. But did you know that that was what they called the dirty tricks during the Nixon campaign of '68 and '72. Donald Segretti, during the Watergate investigation sort of coined that term or explained that term. Did you know that?

David Feldman: No, I did not. I did not know that. I know Daniel Segretti he was - was not like so much a criminal as a prankster, right?

Steve Skrovan: I think so, yeah, he was not. I don't think he was indeed a threat, I don't know he went to jail for anything. Maybe he did, I don't know.

David Daley: I think he was the one who made Muskie cry. I think he planted some kind of story in the Manchester newspaper and...

Steve Skrovan: Right.

David Daley: ...got Muskie to cry. That kind of stuff, but nothing too bad. You know, the Democrats had their own prankster at the same time, Dick Tuck the...

Steve Skrovan: Dick T-? You're not making that name up?

David Daley: Nope, his name was Dick Tuck. He was a prankster for the Democratic National Committee, and he picked on Nixon. Nixon was giving a speech at a whistle-stop in - I believe it was like 1960 - and Nixon was speaking from the back of a train and Dick Tuck just waved the conductor and told him to start the engine [laughs] and while Nixon was speaking the train just took off.

Steve Skrovan: [laughs] Pulled out of the station.

David Feldman: I think so.

Steve Skrovan: So it's both sides?

David Daley: Both sides both sides but yeah, but...

Steve Skrovan: Yeah.

David Daley: When it comes to the really dirty stuff, it's not the same.

Steve Skrovan: Well, speaking of dirty stuff. Let's go to the National Press Building in Washington D.C.

David Feldman: [laughs]

Steve Skrovan: And hear from our corporate crime reporter, Russell Mohkiber. Russell?

Russell Mohkiber: From the National Press Building in Washington D.C, this is your Corporate Crime Reporter morning minute for Friday, December 16, 2016. I'm Russell Mohkiber. In a growing market for black cosmetics, black women have limited choices for products that score low in potentially harmful ingredients. That's according to an environmental working group analysis of more than eleven hundred products found. Because black women appear to buy and use more personal care products, the limited options could mean they are being exposed to more potentially hazardous chemicals. EWG researchers analyzed more than eleven hundred products, looking at the hazards posed by their ingredients and found that black women had fewer healthy options based on the products marketed to them. Fewer than 25% of the personal care products marketed specifically to black women rated well in EWG's Skin-Deep database compared to 40% percent of those available to the general public. For the Corporate Crime Reporter, I'm Russell Mohkiber.

Steve Skrovan: Thank you, Russell.

Robert Weissman: "We have real reason to be worried about whether basic norms about how a democracy functions are going to be respected under Trump administration. And it would be easy and important for President Obama to speak about that."

Steve Skrovan: You know, people seem to be talking and acting as if Donald Trump is already the President of the United States...

David Feldman: Especially Donald Trump.

Steve Skrovan: [laughs] Especially Donald Trump. But the sitting President, Barack Obama, still has until January 20th until it all becomes official. The question is: how should he use his remaining time in office? What have past presidents done at the tail end of their administrations? And how might that inform what President Obama should do? David?

David Daley: Robert Weissman is the president of Public Citizen, one of the most influential public interest organizations in the country. Public Citizen is dedicated to resisting corporate power and defending democracy. In the wake of the Trump electoral victory, Robert has appeared on many media outlets, including *NPR* and *Democracy Now!* to talk about the potential conflicts of interest Donald Trump's businesses pose as he assumes the presidency. Welcome back to the Ralph Nader Radio Hour, Robert Weissman.

Robert Weissman: Great to be with you.

Ralph Nader: Good of you to come on, Robert Weissman. While most people are legitimately focusing on the corporatist, militarist Trumpy tsunami that's about to hit Washington D.C and the executive branch and the Congress and the White House on January 20th, I want to ask you about the remaining six weeks of the Obama Administration. Two simple questions: What do you think he is doing in his remaining days in office by way of deeds and oratory? And what do you think he should be doing in addition? He's got six weeks to January 20th.

Robert Weissman: It's an important question, because a lot of people feel like the presidency ends November 8th with the election. He actually *is* the president until the handover on January 20th. And there are a lot of - and obviously the president has a lot of responsibilities. Three months time is a lot of time - or two and half months time is a lot of time to do work. One area where we're very focused is on rule-making. The Republicans in Congress are trying to say, "Look, no more rules. Just stop being President when it comes to rules. Just kind of be a ceremonial President for two and a half months." But, he's actually the elected president, and it's important that they continue to push out various kinds of public protections that they are working on. In the pipeline still - and should be finished before Obama steps down - rules to protect worker health and safety, rules to ensure that Americans have the right to join together in lawsuits and that big corporations

can't use tricks and contracts to block them from joining together to file lawsuits, a number of environmental protections and a lot more. And I think it seems that the Administration is pushing forward on those things and I think it's critically important that the President make sure that happen. And, he's been going around making clear - and he's in kind of tough spot with Trump following him - making clear he's trying to sort of get Trump educated and maybe orient him a little bit to be able to assume the responsibilities responsibly, which makes sense. But, he also has to think about his ongoing communications to the American people and to defend the core American values, and also to speak to not sort of people, who are frustrated with the outcome of the election, but to the civic aspirations of the country and to what people joined together to support when he was first elected.

We really saw in the 2008 election a mobilization and a real social movement coming together - for better and for worse - but around the idea of the "hope and change" but the promises of the Obama administration. And they created an organization after the election, and they never really used it. And they didn't mobilize people, except again for the next election. And one big question is like: "What's what is the role for people in society? What's the role for a civic society? What's the role for organizations from community, state, and national?" And you've been touting this idea for a long time, Ralph, and I think it's absolutely right. The President, as he's leaving office, ought to speak to that. He's been very eloquent that "institutions matter," "things go back and forth," and we have to "think about the long term." But what drives things forward really, what makes the country a democracy really, is when people are organized and mobilized and demanding deliverance on the promises of justice and liberty, freedom and democracy. And it would be just extremely helpful if the President could use his eloquence to speak to that as some forward looking thing that needs to go on.

If he got together with civic leaders in Washington but from around the country for a large address, where he really recognizes the importance - not just people participating in electoral process - but participating in the civic process and doing it all the time, not just around elections and really said, "Look the things that make this country great and the things that we want to make greater about this country, it depends on the people both defending those rights - but also crucially - advancing those rights. And you do that through engagement in the process, everything from writing letters

to the editor, to letters to Congress, to mobilizing in the street and even occasionally clicking petitions online.”

But that sort of civic role is something he really ought to be elevating as one of his final acts and one of the final messages that he gives to the country as president, not because it’s a conclusion to his presidency but to think about what goes forward after he steps aside.

Ralph Nader: Well, there’s more than one giant ballroom in Washington, very near the White House where he can address an assembly of a thousand civic leaders with millions of members around the country with an historic address, as you alluded to, that people can use as touchstones in the future to build democracy from the grassroots up and to invigorate and enlarge civil society, which is essentially shut out of the election process in the last year - the presidential and congressional process. None of the civic leaders ever were asked for their opinion on taxes or pensions or pollution or neighborhood revitalization. It was all the pundits, the political consultants, the candidates. And the repetition and redundancy of all of the stuff during a campaign is really mind blowing.

What do you think President Obama should do in terms of executive orders that he could issue to set a standard for Trump? And do you think he should address the Trump Administration publicly? He's been talking to Trump on the phone. He met with him once in the White House, sure. But why not set some standards of expectation for due process, for honesty in government, for proper policies? Why doesn't he do that? Presidents don't usually do that. They just wave to the crowd on January 20th noon, and take off in a helicopter.

Robert Weissman: Yeah, well a lot of questions there. One thing that's interesting is kind of in contrast to the sort of the demobilization. Obama had a real, not just charisma, but just this real social movement built up around him around 2008. And then notwithstanding creating the organization, they just basically let that whither. It was an e-mail list but nothing really else. If you look at Trump, he's really taking a different approach of these Victory Rallies. And they're frightening in their way, because there’s just a fascistic element to the campaign and to now the

president-elect period. And we've got to be worried about this going forward. But the idea that you should mobilize the people on a constant basis, that's an idea that we should be owning on our side. And it's something that even the President could - President Obama - could do in his remaining time. And I think on the other thing you're raising - among other things you are raising there - about some public statements. There are understandable reasons why presidents - the outgoing president just tries to step aside gracefully and the attention is focused on, "It's time for the new guy." But this is not a regular circumstance. And leaving aside a range of substantive policies - which is a long list. And we're really looking at both the most wholesale corporate takeover of the administration under Trump. It's quite frightening. But even leaving that aside for a moment. We have real reason to be worried about whether basic norms about how democracy functions are going to be respected under a Trump Administration, and it would be easy and important for President Obama to speak about that. Do you have the right to dissent without fear of intimidation or potential physical assault? Can you organize in the street? How is machinery of state going to be used against the enemies of the president? Are we going to look at people being forced to sign a registry based on religion. Are immigrant populations able to walk on the street safely without fear of being swept up? These are the kinds of questions that are just... it's sort of appalling that they have to even be considered. But they do now. And President Obama can't just be quiet about those things. And I think he could really, you know - Trump plays to the crowd, doesn't really believe in anything, conflicted from moment to moment. I think President Obama could set a tone of what's to be anticipated and demanded of the President - of President Trump - and hopefully with some actual impact on what he does, but if it's not, at least to set a standard against which he should be measured and to help people...

Americans turn out to demand he adhere to those standards and really to mobilize if he...

Ralph Nader: Yeah.

Robert Weissman: ...falls short of them. Those are things to worry about.

Ralph Nader: You know, he has George Washington as a precedent. George Washington's famous Farewell address has rung down through the ages. He warned us about not getting into

entanglements in European conflicts. He basically did not take a third term. He, I think, believed in civilian control over the military. And that's going to be a big issue with all the generals that Trump is nominating to all these high posts. And that Fairwell Address really had a considerable, educational and moral value decade after decade. So I suppose is that something you're suggesting that President Obama should do?

Robert Weissman: Yeah, it's a good idea. Or Eisenhower's warning about the military-industrial complex, as he was leaving. It's true. There's another strain of history about what presidents should do on the way out besides just shake hands and wave, then jump on the helicopter.

Ralph Nader: Well, I think the civic community of which you're an important part - we're talking to Rob Weissman, who's the president Public Citizen - the civic community should contact him in the White House and suggest that, in very clear terms representing millions of people around the country. After all, he's had eight years of experience, some of that should be distilled into forms of wisdom that he can convey to the Trump administration that's going to replace him, as well as publicly hold up these standards for the public to use and reverberate. Look at how many times we all referenc, as you indicated Eisenhower's warning - prophetic warning - about the emerging military-industrial complex. And as he saw it, it's a threat to our freedoms. He added those words.

So maybe a coordinated call as to what President Obama should be doing in these precious five weeks that remain would be in order. We're out of time, but those of you who want to know what Public Citizen does and has done, just go to citizen.org. That's very simple. Go to citizen.org. See what the various groups under Public Citizen have done. Support them if you'd like. And there's a new biography of Public Citizen isn't there? Can you tell our listeners how they could get that, Rob Weissman?

Robert Weissman: Yeah, well it's a history of the most of the organization, not the last several years. And it starts with you Ralph, as you very well know. And it's dramatic both in the sense of it's actually a good read, but also just a remarkable story of achievement. A relatively small staff, backed by a lot of supporters and activists around the country, with some focused energy and a

willingness to disregard conventional wisdom about what can't be done have racked up just a remarkable set of achievements that have made this country much, much stronger and safer, fair and more just.

Ralph Nader: Quite an...

Robert Weissman: And the book is...

Ralph Nader: Yeah.

Robert Weissman: You get the book at the same citizen.org.

Ralph Nader: Citizen.org. And it's a good demonstration over forty years of what a few people can do, supported by hundreds of thousands of donations from people like you. And a lot of things in this country are better because of Public Citizen. Thank you very much Rob Weissman. We look forward to President Obama's last five weeks in office.

Robert Weissman: Thanks, Ralph. Thanks, Steve.

Steve Skrovan: We've been speaking with Robert Weissman, president of Public Citizen. Go to citizen.org for more information. We will also link to it at ralphnaderradiohour.com. And I think we have time to get to at least one listener question. This question comes from Amechi Nwosu - - I hope I'm pronouncing it correctly. He says, "How can Bernie Sanders lead a movement of progressive independents like myself when I found that he largely spoke of very lofty utopian-like goals which only excited to millennial generation - who I classify as the generation which wants something for nothing" is what he says. "Even though he did represent the anti-establishment." What do you say to that, Ralph?

Ralph Nader: Well, first of all, he has this group called, 'Our Revolution.' And you can look it up. And he wants to continue on the agenda that he spread before the country and almost won the Democratic nomination - some people think he would have, if the procedures were fairer, the

Democratic nomination for president. I don't think this millennial wants something for nothing. They've been subjected to horrendous student loan rackets without the government protecting them, high interest rates, all kinds of fine print that traps them after they graduate. They didn't ask to live in the only country in the Western world that leaves its youth in massive debt starting out life. You don't see student loans racked up in places like France and Germany and Japan and Sweden. They didn't ask for that. They didn't ask for the Wall Street collapse on their heads, unemploying eight million workers in 2008, 2009, stripping pensions and mutual funds of trillions of dollars, their parent's savings, and then racking up a huge bailout - a multi-trillion dollar bailout on the backs of their parents' tax dollars.

So, I think that we shouldn't try to divide the generations here. We should not deal with different ethnic, racial, generational groups. The issue is corporate power. It's the people against the corporate domination of our political economy, of our media, even right down to the commercialization of childhood, undermining parental authority whether it is conservative or liberal. That's the issue. It's what Jim Hightower has said, "The issue is not left/right. The issue is top/down." We have huge left/right support for many of the things we want in our country, but we have to get the corporatists off our back and subordinate the corporate entity to the supremacy of the people as envisioned by the Constitution which gives the authority to "We the People," and never even mentions the word "corporation" or "company." Why are they ruling us?

Steve Skrovan: Thank you for that question. Keep them coming either Ralph's Facebook page or on the Ralph Nader Radio Hour website. That's our show. I want to thank once again David Daley, author of [Rat-effed: The True Story Behind The Secret Plan to Steal America's Democracy](#). And also thank you, Robert Weissman, who gave us his take on what President Obama could and should be doing with his final days in office.

David Feldman: A transcript of this episode will be posted on ralphnaderradiohour.com.

Steve Skrovan: For Ralph's weekly blog go to nader.org. For more from Russell Mohkiber, go to corporatecrimereporter.com.

David Feldman: Remember to visit the country's only law museum, the American Museum of the tort law in Winsted Connecticut. Go to tortmuseum.org.

Steve Skrovan: The producers of the Ralph Radio Hour are Jimmy Lee Wirt and Matthew Marran.

David Feldman: Our executive producer is Alan Minsky. Our theme music, "Stand up, Rise up," is written and performed by Kemp Harris.

David Feldman: Join us next week on the Ralph Nader Radio Hour. We'll talk to you then, Ralph.

Ralph Nader: Thank you very much. And, listeners, if you think there's too much music on your local radio show, call them up and have them carry the Ralph Nader Radio Hour. I think sometimes we forget that we're the listeners and without the ratings these radio stations wouldn't be making so much money. And so they've got to listen to you and to your recommendations.