

RALPH NADER RADIO HOUR EP 239 TRANSCRIPT

Steve Skrovan: Welcome to the Ralph Nader Radio Hour. My name is Steve Skrovan along with my co-host David Feldman. Hello David, how are you?

David Feldman: The beer's a little warm today, but I'll soldier through it.

Steve Skrovan: He likes beer. He likes beer. I don't know how this man feels about beer, but the man of the hour is here, too, Ralph Nader. Hello Ralph.

Ralph Nader: Hello, I don't like beer. I don't like the taste of liquor, period.

Steve Skrovan: There we go.

Ralph Nader: That doesn't prejudice me against Judge Kavanaugh. There are other important reasons to stop his nomination.

Steve Skrovan: Yes. Well usually on this show we talk about things that don't get the 24-hour play in the mainstream commercial media. But this subject is just too important. That's why on the show today, we are once again gonna talk about Brett Kavanaugh. We've done a number of shows on that on the past couple of months. We spoke to Robert Weissman of Public Citizen about the report they put out detailing how as a lower court judge, Brett Kavanaugh, came down the side of corporate interest, over the public interest, an astounding 87% of the time. He also whiffed on the two civil rights cases put before him. We also spoke to constitutional scholar Bruce Fein, who warned against Kavanaugh's views on executive power. But today, we're gonna talk to Lisa Graves who worked as the chief counsel for nominations for Senator Patrick Leahy when he was the ranking Democrat on the Judiciary Committee. Something that has been lost now in all the scandal over beer drinking and sexual assault is the earlier charge that Kavanaugh lied about receiving stolen emails when he was an adviser on the judicial nominations in the Bush Administration. Lisa Graves has a particular insight into that because she actually wrote the strategic memos that were stolen. She makes the case that not only should Brett Kavanaugh be denied a position on the Supreme Court, he should also be impeached as federal judge altogether, because he also lied about it during his confirmation hearings back then. Now listeners should note that we are recording the show on Thursday morning. Republican Senate leader Mitch McConnell has promised to plow through and vote on Kavanaugh's nomination on Friday. By the time you probably hear this, we won't know what happened between now when our show begins to air. However the relevant point remains, even if he is confirmed as a Supreme Court Justice, there seems to be a strong case for impeachment.

That's just the first half of the show. In the second half, we will be welcoming back health care expert Dr. John Geyman, who has written a book entitled TRUMPCARE: Lies, Broken Promises, How It Is Failing, and What Should Be Done. Personally I didn't even know that there was something called Trumpcare. I don't remember any coherent program being put forth. But we look forward to talking to Dr. Geyman about that. Somewhere in between these two important topics, we will check in with the corporate crime reporter Russell Mohkiber. First, let's dive back into the Kavanaugh story, David.

David Feldman: Lisa Graves is the co-founder of Documented, which investigates corporate influence on democracy. She serves on the boards of the Center for Media and Democracy and U.S. Right to Know, and is on the advisory board of UnKock My Campus and Free Speech is For People. Ms. Graves was the former chief counsel for nominations for their ranking member of the Senate Judiciary Committee under Senator Patrick Leahy, and was Deputy Assistant Attorney General in the Department of Justice. Welcome to the Ralph Nader Radio Hour, Lisa Graves.

Lisa Graves: Oh it is my pleasure to be on. Thank you so much for having me on.

Ralph Nader: Welcome indeed Lisa Graves. In order to frame this discussion about Judge Kavanaugh and the nomination of the judge to become Associate Justice of the Supreme Court of the United States, let me quote from an article written by Andrew Cohen who's a fellow at the Brennan Center for Justice. I quote him, "We can already predict from his past rulings as a judge in the U.S. Court of Appeals for the District of Columbia and from his loyal work for the Bush Administration, that Kavanaugh as a Justice, will do great harm to the rights of women, the health of the planet, and the economic welfare of workers. But none of the garden variety ways in which he'll do the Federalist Society's bidding on the court, makes his nomination the most important of our lifetime. What qualifies him for that distinction is the fact that if confirmed, Justice Kavanaugh before the end of the year, could cast a deciding vote in a case involving a direct challenge to the power of the dubious president who nominated him." One might add that Judge Kavanaugh is antagonistic to the rights of plaintiffs who are wrongfully injured and who use the law of torts and want their full day in court before trial by jury. He also was a political hack in the Bush/Cheney Administration, right in the White House where he was secretary to President George W. Bush. When Bush and Cheney were launching and engaging in the criminal invasion of Iraq, which has taken over one million innocent Iraqi lives, and destroyed the country in so many ways. He also was a supporter of dragnet surveillance under the FISA Act, which violates the Fourth Amendment of the United States Constitution. So there are just a lot of reasons, Lisa Graves, why he should be denied the nomination, and in your context, even impeached. Quite apart from the sexual assault charges, which we will discuss a little later in your interview. What is your appraisal here of the performance of the democrats on the Senate Judiciary Committee, and overall the supervision of this nomination, by what I call the tyrant Mitch McConnell, who has closed the hearing off to important requests to testify from Republican constitutional scholar Bruce Fein. I asked formerly to testify. We never even got an acknowledgement.

Lisa Graves: Well, I think that what you're seeing happen in the United States Senate is in some ways the transformation of that body into really just a version of the House that's more counter democratic. You see a Senate that no longer functions the way it used to in terms of courtesy toward fellow members, in terms of having the opportunity to have full hearings with full sets of witnesses. You're seeing the Senate act in the sort of "might makes right" way that the House has operated. And what that's done is it has reduced any incentive for compromise, for collegiality, and for just basic courtesy in terms of having the opportunity to have the time to consider matters, which is supposed to be one of the roles of the Senate historically, in the way it is structured and to have the opportunity to have, members have what used to be considered equal say or equal weight as Senators to request things, whether it is requesting delay, or whether that's requesting time for full and extensive debate that might stop a matter. Those practices of the Senate have not always been used for good. In fact, for most of the Senate's history, those powers were deployed by segregationist Southerners to thwart Civil Rights amendments and more. But as soon as they've been deployed by more progressive members, to advance justice, or to advance the interest of ordinary Americans, they've been curtailed - particularly in the area of nominations. The Senate Democrats have, I think, fought very hard to try to protect the courts, but they're fighting from a distinct disadvantage, because there are so few Republicans willing to cross the aisle. There's no incentive for them to do so, with, as you say, the tyrant Mitch McConnell, leading the Senate and him doing the bidding of, you know, big coal oil and gas interests and more, like the Koch brothers; him steamrolling things through with very little real process, which we've seen also in the Senate Judiciary Committee. Senator Grassley has broken nearly every single rule of that committee. They've all done this in a quest to install Brett Kavanaugh on the court because he's a political operative, because he's a sure thing for their extreme agenda—this extreme corporate agenda and right-wing agenda.

Ralph Nader: What do you make of Chairman Grassley's behavior? I thought higher of him before this event with Justice Kavanaugh. Is he taking orders from McConnell; is he afraid of McConnell or Trump?

Lisa Graves: Well you know I've sort of had the same dissonance, Ralph. I had some sliver of respect for him as having some independence from the party, from his party. I think it is been very, very slim, and now it is non-existent. He's behaving in the same sort of mean-spirited way, although that's an understatement given the stakes and the context. But he is not hesitating at all, to do whatever is necessary to bully this nomination through the Senate. I think he's certainly been manipulated in some ways by his staff. He just reads whatever they put in front of him. He is someone who basically has himself lied repeatedly during this process, about the traditional background investigation process, the process for supplemental background investigations, about the rules for the Senate for having a nomination go forward in the business committee, about the rules regarding staff contact with witnesses, and the long-time Senate rule for proper notice for deposing a witness versus the unilateral interviews by his staff that then pronounce Kavanaugh basically innocent. You know, so it has been an extraordinary miscarriage of justice, the way Senator Grassley has proceeded on that committee. And he has been given a pass, by many people over time, because he sometimes participates in bipartisan

investigations regarding the executive branch. But that's really, in some ways, a very narrow part of his actual record. I mean, we see him in his full agenda here in this nomination.

Ralph Nader: What's amazing is he's retiring. This is his last term. He doesn't have to worry about elections or raising campaign money. He's not getting much heat by the Des Moines Register, the big paper in Iowa. He doesn't seem to think about his legacy. He doesn't seem to think that Justice Kavanaugh would have opposed his chief contribution in Congress--the passage of the federal False Claims Act of 1986, which was spearheaded by Senator Grassley, and has recovered over 60 billion dollars in attempted fraud on the U.S. taxpayer. It's very puzzling and even more puzzling is this solidarity of all the Republicans in the Senate. I have never, in all the years I've been in Washington, seen such a militant solidarity. I know there are a few Republicans that would think for themselves. They were often called liberal Republicans. They would vote for consumer protection or the environment. Now we're down to five senators, who are considered the swing Senators as the New York Times reported. Let's go through each one and see what the chances are of defeating Judge Kavanaugh. The Senate is split 51 to 49, in favor of the Republicans. If there's a tie, Vice President Pence can break the tie, if it's a 50/50. It is often said that if two or three Senators bolt, that would be the end of Judge Kavanaugh's nomination. Let's start with Senator Flake. He's not running for re-election. He abhors Trump. He did put a temporary stop, when he said he'd vote to pass a nomination out of the committee only on condition that there be an FBI investigation. Let's take your appraisal of Flake.

Lisa Graves: Well yes, let me just say Ralph, I do appreciate the False Claims Act. That is high point in Grassley's career. But as you pointed out, he has no incentive to just do the bidding of McConnell, and yet he's doing it so willingly, as is every other member of the Republican Caucus, except for Flake showing this moment a week ago to say that, really there has not been a full investigation and there needs to be one. I have to say with Senator Flake, I was hopeful that he would do the right thing. I've been disappointed many times, because his rhetoric has not matched his actions. It has been important for him to call out Trump, but he's called him out and then voted for the Trump agenda time and time again. I have to believe, notwithstanding the fact that I certainly respected his position on the Patriot Act—he fought hard for reforms to that against the tide of his party when he was in the House. But I have to say that I think that what's going on here with him and with Bob Corker of Tennessee, who also has called out Trump and also is not running again—what you see I think is just the way the whole revolving-door process has transformed our government, so that these members risk their payout when they cash out, basically. They are not doing the right thing when they could, without facing party consequences, because this is not the end of their career. They perhaps, hope to become lobbyists or otherwise benefit from the largesse of the corporate interests that bankroll the political process in Washington. They in essence, from their own calculus, can't afford to go against that, even when it means going along with Trump. I don't say that to give him a pass. I say that, because it's confounding to think that someone could make such moral statements against Trump and yet go along with him, even perhaps at this moment on the Supreme Court, particularly for Senator Flake, who, as you point out, is someone who would otherwise be deeply concerned about the types of concerns that Bruce Fein has raised, that you've raised, and that others have raised about the extreme nature of Brett

Kavanaugh's views of executive power--the fact that he would likely try to exonerate and prevent Donald Trump from being held to account.

Ralph Nader: But the other factor, of course, is a corporate factor. I've described Judge Kavanaugh as a corporation masquerading as a human being. He is again, and again--when corporations are confronting the interests of consumers, medical patients, workers, communities, environmental issues--Judge Kavanaugh comes down for the corporation--the big corporation, again, and again, and again. Senator Flake has been a big supporter of corporate issues in the Congress. He even voted in the House to eliminate legal services for the poor, twice. Maybe that's the factor with Corker; that's a factor with Flake who obviously are retiring, but they're looking for some nice, cushy corporate job as a consultant, or maybe as a lobbyist, or as an executive. Let's go to Senator Heitkamp from North Dakota. She is a Democrat running in a close race, and she is undecided. What would you appraise there?

Lisa Graves: I'm surprised by that in part because her opponent in that race made such a grotesque statement about the lack of seriousness, in his view, of the serious, credible evidence against Brett Kavanaugh regarding the sexual assault claims of Dr. Ford. I thought that she might have an advantage there. But when I look at her situation more closely what I can see is a huge amount of money being spent by the Kochs and by the dark money interests that are behind the Judicial Crisis Network, to basically squeeze her in that race. She certainly has been cultivated by the Koch cash. She's someone who they have sought to side with them on their corporate interests on oil and gas, on climate and more. Not only have they sought to sort of bring her into their fold, they also, through these various networks, are running heavy ads there and other places against her in favor of Kavanaugh, basically. I don't think that she's a weak link.

Ralph Nader: And Trump, by the way, went to North Dakota and campaigned against her. But what's interesting is I think she's too cautious. When you're too cautious, you lose. You want to be more authentic. She could have gone more deeply into the tradition of populism in North Dakota. The non-partisan league tradition is still in North Dakota's political culture, even though it has become a big oil-producing state. People don't like waverers. She should really take a strong stand, especially about the whole sexual assault, which we're gonna get to in a moment. Now the two most likely senators to vote are Senator Collins from Maine, Republican, and Senator Murkowski from Alaska, Republican. These women should be expected to vote against Judge Kavanaugh, quite apart from the other negatives about him that we've discussed--just on the sexual assault issue, and the inebriation that goes with it. There wasn't much question of Judge Kavanaugh about whether he still has a drinking problem. He threw it back when it was initially probed by Senator Klobuchar. But he opened the door for it when he said to the Senators, "I liked beer" when he was a young man and he said, "I still like beer." The real question is whether he has still a drinking problem. Do you know anything about that? Comment on the two Senators.

Lisa Graves: Sure, I mean I was stunned by that moment. But let me just echo something you said Ralph, which is, there is a strong tradition of populism in the Upper Northwest. You can see it in Montana. The Montanans have not wavered. There's strong power there. Heidi Heitkamp could have taken the high road on that. It appears that she's not. On the question of Kavanaugh, I was struck by that testimony. I've seen people deny addiction. His testimony last week on Thursday, a week ago, was really very reminiscent of people who are denying addiction. He, I mean in some ways I suppose, would say that he did not deny addiction, because he said that he liked beer. I can't think of another precedent in judicial nominations battle, or really even globally, where someone who is being appointed to such a high post, or potentially appointed to such a high post, would make such sort of cavalier statements about drinking. I suspect personally that he may very well have a serious drinking problem that started when he was in high school, and all the classmates, many even who've come forward who have not been interviewed by the FBI both from high school and college, have attested to that basically. In terms of Senator Collins, Senator Murkowski, they certainly should vote against Kavanaugh. He is definitely someone who has lied to the Senate in my view. He's also been very deceitful in his reassurances to Senator Collins about Roe v. Wade. It is quite clear from his statements that are in the emails from the White House, how he was coaching witnesses on nominees of the Bush administration, to not really, fully affirm Roe v. Wade as truly binding precedent, but merely as precedent--in essence that could be overturned the first instance that they get a chance.

Ralph Nader: Well you know, "The Pendulum From Maine" is my description of Senator Collins. When she met with Judge Kavanaugh, she came out of her office and said to the press that Judge Kavanaugh had assured her he would not vote to overturn Roe v. Wade. Well, why wasn't that put to Judge Kavanaugh? He didn't say that in open hearing under oath.

Lisa Graves: You're exactly right Ralph. I couldn't believe that he could get away with making such an assurance to her, such an apparently firm assurance to her, and then refuse to answer that question under oath before the Senate Judiciary Committee--refuse to give the same assurance in essence. He really dodged on that question over and over again. He was called out on dodging on it, and yet somehow Senator Collins would prefer to believe what he told her behind closed doors, than his own actual testimony. And that also flies in the face of the actual evidence of how he was coaching Bush Judicial nominees to avoid really giving the full assurance on Roe v. Wade being binding precedent. Plus, you have evidence from the small number of files that were provided to the Senate that show that he was actively promoting hardcore, right-wing judges to the bench who were devoted to overturning Roe v. Wade like William Pryor from the 11th Circuit and others. So, he's just not credible on that point and for her to give him credit on that is wilful blindness, in my view.

Ralph Nader: Well let me quote Andrew Cohen again. He said, "Kavanaugh will gleefully endorse the idea of sweeping presidential powers during Republican Administrations and sweeping restrictions on executive action during Democratic ones." I'm quoting Andrew Cohen continuing, "We now know that Kavanaugh once mused about the power of a president to pack the court. We now know that he once suggested that the Supreme Court's seminal ruling against President Richard Nixon, requiring the White

House to turn over the President's tapes, may have been wrongly decided. We even know now that he didn't think much of the Independent Counsel Statute, now gone--a position that helps us get a clear sense of where Kavanaugh would land in a clash between the Trump White House and Special Counsel Robert Mueller." What is your view of the FBI investigation? I must say I have never been impressed by the quality of FBI investigations in certain events in past years. This one seems to be very, very quickly done, and many relevant witnesses not even contacted to be interviewed.

Lisa Graves: Well I have to say that it looks like a whitewash to me and there are a couple of components to that. One is that it is clear that the FBI failed the interview nearly forty witnesses who had tried to reach the FBI, wanted to testify about these matters, which involved in this most recent controversy, Brett Kavanaugh being drunk and attacking people sexually or being sexually aggressive, or sexually assaulting them in the case of Dr. Ford and her statement. It seems like a real whitewash. What they've done is basically go back and interview people who don't remember anything like that happening, which is exactly what Dr. Ford has said--they wouldn't remember--it wasn't a significant event for them. They refused to interview witnesses who could back up Debi Ramirez and her claims from when she was at Yale College as a freshman. They refused to interview other people. But that's not all. When you hear now about the prior FBI reviews, you learn that his freshman roommate wasn't ever even interviewed, which is a basic ordinary part of these FBI background checks. You hear the President Trump saying things like "there have been six, and now seven FBI investigations." Well, the first one just goes through and looks at your roommates and neighbors and employers, and asks them, basically, are you someone who has a drug problem; they're fixated on pot and drug use and have you ever associated with communists. They clearly, apparently skipped one of his roommates from his very first year of college. I'm not sure what kind of answers they accepted from his frat brothers in terms of what his good character was, but it sure sounds like the prior FBI investigation wasn't thorough. The next one after that just picks up the next five years. The next after that picks up the next five years and so on and so forth. It is not as though he had a probing review of his background in light of the most recent allegations at all.

Ralph Nader: You've been on the inside, in the Senate Judiciary Committee, as a key staffer on judicial nominations to Senator Patrick Leahy who was a chairman of the committee when the Democrats controlled the Senate. What's your projection now? Senator McConnell who's the head of the Senate, is pushing by the hour for a quick vote—a lifetime appointment, 30 years on the court by Judge Kavanaugh, then to become Justice Kavanaugh--the tyranny that he can inflict without accountability as a key vote on the Supreme Court for that length of time. Are there any procedural obstacles? The first step is a procedural vote. Would you run us through the process and see whether, apart from enough Republicans moving to oppose him and ending the nomination, any procedural obstructions or processes?

Lisa Graves: Well yes. In general the Senate rules, they have a Rule 22, which is the cloture rule, which allows a certain amount of debate before debate is closed. What McConnell did last year in 2017, was to destroy that rule as it applies to Supreme Court nominees. So President Obama's nominees, his two

nominees to the U.S. Supreme court, were subject to the traditional super-majority rules in the Senate, which meant that there had to be at least 60 Senators willing to end debate, to allow an up or down vote. What McConnell did last year was to destroy that rule as it applied to Supreme Court nominees. Now, in the U.S. Senate, he only needs to have a bare majority, 51 members of the Senate, in order to end debate, and also to force a vote. That leaves the Democrats very few procedural options to stop this. The only real options going forward are gonna be options through the House, through possible impeachment and other measures, for example, to pursue Bret Kavanaugh perhaps, for his lies to the United States Senate, for perjury, or through the Bar.

Ralph Nader: I think Senator McConnell is in a risky situation here. If he gets the nomination of Judge Kavanaugh through the Senate and a few days later, even more damaging accusations are levelled, or charges are erupted, or things come out from the fallout from the FBI investigation. Then where is Senator McConnell? What can he do if something extremely serious and credible, erupts, say a week or two after the nomination is confirmed, but before Judge Kavanaugh takes his oath of office at the Supreme Court--that interregnum--what can be done?

Lisa Graves: What happened is what they did with Justice Thomas, which was they had a very speedy, informal, swearing-in of him as soon as that vote happened, shortly thereafter, I think within one day. Then he had his formal investiture a couple of weeks later. In the meantime, the Washington Post had come out with more information backing up Anita Hill, but he was already sworn into the Court. I would suspect that they would do the same game plan here, because as you point out, the press is finding more and more information out about Brett Kavanaugh every single day. And just because the White House and Senator McConnell participated in this white wash with the FBI—to not include these important witnesses—that doesn't mean the story ends for Bret Kavanaugh. I suspect there will be more to come.

Ralph Nader: So you think there will be a limousine ready, the minute the vote confirms Kavanaugh, to whisk him over to the Supreme Court to get his oath of office, probably.

Lisa Graves: I believe so. I think that's exactly what they'll do. They'll do that same game plan as they did with Thomas.

Ralph Nader: And then it is 30 years of judicial nightmare because Kavanaugh doesn't hide his views. He's got a lot of judicial opinions. Those are his views. He also has been part of the Bush/Cheney Regime and he certainly supports what they have done to the country and to the world: often unconstitutional wars of aggression, federal statutes like the FISA Surveillance Statute violated with dragnet snooping on the American people, torture--violating the Geneva Conventions. This is a much-damaged judicial creature and unfortunately, the Democrats who didn't win enough Senate seats when they had three Republican seats up for every one Democrat seat up for the Senate in 2016, bare a very

grave responsibility here, as well as Senator Harry Reid, who started the process of ending the filibuster and the super-majority for judicial nominations at the district- and circuit-court level. What would you leave us with here? Impeachment is a very difficult process. The Democrats don't have much stomach for it and there will be other crises that they'll be distracted with under the Trump Administration.

Lisa Graves: It's a disaster for our courts. It is a disaster for our country. Bret Kavanaugh really is a political operative in black robes. He's perhaps the most aggressive political operative that we'll have had on that court, and that includes the legacy of Justice Scalia and Justice Rehnquist who also were very partisan individuals in many ways. As you point out, impeachment is a difficult path. There's both the process of getting a bill of impeachment in the House and then the very difficult prospect of actual impeachment by two-thirds of the majority of the U.S. Senate, but I think that those proceedings should be undertaken by the Democrats. I think that the country's gonna have to look at whether we can transform our democracy into a 21st-century democracy, with a 21st-century court. That probably includes adding additional justices to that court because they are only taking maybe 90 cases a year, out of nearly 8,000 cases. They're not doing justice. They're picking and choosing what cases they want to rule on. The cases they want to rule on are cases to advance the corporate agenda over the rights of ordinary human beings at every single turn. I think the American people have to say, that's not good enough; that's not what we want for our court, and we're gonna reform it!

Ralph Nader: Just as the Congress under the Republican rule is blocking participation by the people-- you can't even get through the members of Congress's office now. Very often you get voicemail during working hours. They have a chart--the caller comes in--is he or she a contributor...we'll then give them a staffer or something. Now the Court, as you say, its load has gone from but a hundred and fifty, a hundred and sixty cases a year to 90 or less. They're denying cert, which means they're rejecting a lot of cases that prior Supreme Courts might have accepted, which gets us to the whole issue of the corporate state, and Judge Kavanaugh is one of the architects of the corporate state as Bush/Cheney, and I'm sorry to say, Obama have been. You're working now in a group that deals with corporate control of our society. Could you describe the group and what you're up to before we conclude?

Lisa Graves: Sure, I'm the co-director of Documented, documentedinvestigations.org. What we do is we work to investigate corporate influence on our democracy, corporate distortion of our democracy-- that includes long-term investigations of some of these huge corporate interests like the Kochs, like big oil/big coal, as well as other front groups that they've deployed to advance their agenda and also, their role in really spending all sorts of dark money on elections to distort the outcome. That includes looking at groups like the Judicial Crisis Network (JCN), which is funded by big-money interests and has been running big ads to try to back Kavanaugh. Our work is designed to try to illuminate these matters so that people can stand up, speak out, and demand significant changes to address the corporate state that has risen, that is squashing human rights, and squashing our ability as a democracy to deal with the challenges we face, including the devastating climate changes that are underway; the economic injustice that's being hardwired into our system and more.

Ralph Nader: The big corporations are strategically planning every aspect of our political economy and even culture. When you look at it, it is really quite remarkable, with the help of their corporate attorneys, they are strategically planning our elections, our government, and our military budget. They're strategically planning our genetic inheritance. They're planning the level of pollution that they're fighting any control over in our environment. They're even strategically planning childhood by massive commercial inundation, and marketing directly to children bypassing and undermining parental authority, which is why I think the opposition to the corporate state is a liberal and conservative one. Authentic conservatives, with liberals and progressives can mobilize. Tell us again the name of your group, and very slowly how people could connect with it, how they can get information on your website, and after you do that, Lisa Graves, say it again.

Lisa Graves: Will do. Thank you so much Ralph. My organization is called Documented. Our website is documentedinvestigations.org. That's documentedinvestigations.org. It is plural. If you search for [documentedinvestigations](http://documentedinvestigations.org), you'll find us and you'll find our most recent stories. We've also done a number of stories with the Intercept so you can find us there. If you search for me, Lisa Graves, you'll be able to track me down. If you have a tip, if you're a whistle blower, let me know and I'm happy to see what I can do to help shine a light on the injustices that we're seeing in this corporate state—as you point out Ralph—that is growing more powerful by the day.

Ralph Nader: That's documentedinvestigations.org. Another young oak tree in the dwindling forest of democracy. Thank you very, very much Lisa Graves.

Lisa Graves: Thank you, it was an honor to be on. Thank you all.

Ralph Nader: You're welcome.

Steve Skrovan: We've been speaking with Lisa Graves, co-founder of Documented. We will link to her work at ralphnaderradiohour.com. When we come back, we're gonna dive into the state of healthcare under President Donald Trump with Dr. John Geyman. But before we do that, let's take a short break and find out what's happening on the corporate crime beat with our Corporate Crime Reporter, Russell Mokhiber. You are listening to the Ralph Nader Radio Hour. Back in a minute.

Russell Mokhiber: From the National Press Building in Washington DC, this is your Corporate Crime Report "Morning Minute" in for Friday, October 5, 2018, I'm Russell Mokhiber. Amazon is working behind the scenes to defeat any attempts by workers to unionize and bargain collectively for better wages. A 45-minute Amazon training video, which according to Gizmodo was sent to managers of the

Amazon-owned Whole Foods last week, instructs company leaders on how to detect early warning signs of potential organizing, which includes workers suddenly hanging out together and using union words like “living wage”. While warning managers not to openly threaten workers who they believe are engaged in organizing efforts, the video encourages company leaders to give their opinions on unionization. Opinions can be mild like ‘I’d rather work with associates directly’, or strong ‘unions are lying, cheating rats’. The law protects both, the video says. For the Corporate Crime Report, I’m Russell Mohkiber.

Steve Skrovan: Thank you Russell. My name is Steve Skrovan along with David Feldman and Ralph Nader. This is the Ralph Nader Radio Hour. The topic on the table now is healthcare. To give us the latest on the state of our health care system is someone we’ve had on the show before. David?

David Feldman: John Geyman is an MD and professor emeritus of Family Medicine at the University of Washington, School of Medicine in Seattle. He’s a family physician with 21 years in academic medicine. He has also practiced in rural communities for 13 years. Dr. Geyman has served as president of Physicians for a National Health Program, and is a member of the National Academy of Medicine. His new book is entitled TRUMPCARE: Lies, Broken Promises, How It Is Failing, and What Should Be Done. Welcome back to the Ralph Nader Radio Hour, Dr. John Geyman.

Dr. John Geyman: Thank you. I’m glad to be here.

Ralph Nader: Dr. Geyman, you have been a prolific author on healthcare in America. You’ve written many books and articles in addition to your practicing medicine and teaching medicine. This latest book is a state-of-the-art because you are coining the word TRUMPCARE: Lies, Broken Promises, How It Is Failing, and What Should Be Done because Trumpcare has really deteriorated, even the inadequate Obama Care, and is proceeding to do more. The book is praised by many of the leading, practicing physicians and academics in our country. One that caught my attention was Dr. Charles North who is at the Indian Health Service and was a retired captain from the United States Public Health Service and Professor of Family Community Medicine, University of New Mexico. He said, “Obama Care, Trump Care, when are we going to get America-Care? We are running out of time and options. Working Americans and their families, they deserve better.” Dr. Geyman shows us how we can have accessible, high-quality and affordable healthcare insurance. “American families deserve better than our expensive and unfair patchwork of unpredictable insurance plans and benefits. Meanwhile, American businesses are saddled with unnecessary healthcare expenses, making it hard to be competitive, for example, vis-a-vis companies in Canada.” He urges people to “read this book from a wise family doctor, to find out how we can create a better future for our loved ones, our economy, and our country.” That really sums up your book very, very well. It is also praised by the premiere scholars of the deficiencies of our health care, Dr. David Himmelstein and Dr. Stephanie Woohandler, who said, “This superb book is essential reading for anyone concerned about where healthcare is headed under President Trump. Dr. Geyman meticulously documents what the administration is doing wrong, and provides a vial roadmap of where

we need to go from here.” Let’s start with Chapter 14 in your book describes the current crisis in US healthcare. Let’s run that by our listeners as a context for further discussion.

Dr. John Geyman: The current crisis is several fold: number one, inadequate access to care. There were 49 million people, uninsured before the Affordable Care Act, the Obamacare thing. Now, it is about 28 or 29 million, but headed for 32 million next year, and 41 million in 2025, according to the Congressional Budget Office. That’s just about up to where it was before Obamacare sunk. Being uninsured is still a big deal. Being underinsured is a huge deal. There are over 30 million people underinsured now. That’s gonna get worse and worse. There are huge disparities across the population that are based on race and ethnicity, or socioeconomic status, or age, or location, gender and disability status and those are getting worse. For instance, there’s an example, seniors, even though Medicare is a pretty solid rock for them, doesn’t cover everything and much of it is being privatized, which Trump wants. The sabotage that they’ve done already of the Affordable Care Act has made it possible for insurers to charge seniors much more than they could under the Affordable Care Act.

Ralph Nader: Tell us about Medicare Advantage, which has seduced about a third of elderly Medicare people.

Dr. John Geyman: It is a huge rip-off, these Medicare Advantage programs. They charge big premiums. They say they will offer more; they actually offer less. They’re full of fraud and profiteering. Their administrative costs are really high. The cost of regular Medicare that started in 1965, is less than 3%.

Ralph Nader: That’s the administrative cost?

Dr. John Geyman: Yeah, administrative cost. So part of the crisis is inadequate access to care, unaffordable cost of care is another huge area. The average family of four now pays \$28,000 a year for healthcare and insurance premiums--\$28,000. I think the median income of a family of four in this country is about \$60K now. That’s just totally unsustainable.

Ralph Nader: And by the way, there are seminars now as we speak, by the health insurance industry, for Medicare Advantage. They invite elderly people, and provide refreshments. Then they give them a totally one-sided, deceptive appeal to switch from traditional Medicare, to Medicare Advantage. The federal government doesn’t do much rebutting. They have prosecuted some Medicare Advantage fraud syndicates, but they really don’t counteract what goes on every day in these seminars all over the country. Is that correct?

Dr. John Geyman: They turn a blind eye, that's exactly right. They have devious ways of recruiting the healthier patients like they'll have those conferences up on a second floor with stairs and no elevator so you got to be able to climb the stairs such as that. The insurers are expert at selecting out the less costly, healthier patients, and avoiding the sicker patients.

Ralph Nader: It ends up that the elderly who are in Medicare traditional plans are subsidizing this rip off.

Dr. John Geyman: Precisely. So the crisis is, number one, very inadequate access, actually getting worse. The increasing costs of care that are totally unsustainable and we can learn that anything we've done to try and control costs, have not worked, and I can go back to that. Then the quality of care is really poor. We're among--if you compare this country with ten other countries as the Commonwealth Foundation has done for years--we're at the bottom among those 11 countries in access, in cost, in equity, and in administration.

Ralph Nader: We've had experts on the program Dr. Geyman, on the fraud. The estimated billing fraud is 350 billion dollars this year--billion with a B--according to Professor Malcolm Sparrow, the applied mathematician expert at Harvard. And isn't there a loss of life, too, for people who can't afford insurance to get diagnosed and treated in time?

Dr. John Geyman: Of course. So many people, because of cost, they forego care. They just don't go and then they get sick later and they do worse and die earlier--even preventable deaths that could have been prevented. The quality of care is really bad and it varies a lot across states. You can guess that states, especially the south, with more restrictive policies such as for Medicaid do much worse. So the map of the U.S. shows there's a healthcare divide. New England is better, and the west coast is better, and the south is worse.

Ralph Nader: Largely because they've restricted Medicaid for poor people.

Dr. John Geyman: Exactly. The Trump Administration has put all kinds of new things on Medicaid. They give waivers to states, so they can apply work requirements. It turns out, most people on Medicaid already are working so that's just an administrative morass.

Ralph Nader: This is what shocks Canadians. I was up in Canada recently and I said, you know, Trump wants to put a work requirement for healthcare. And they said, "What? We just have a little card called Medicare". When they have to see a doctor or hospital, which they can choose by the way--there's no networks--they get care! They hardly ever see a bill. Tell us about the Canadian system, and how the

Reader's Digest always tries to degrade it and other corporate publications. But tell us about the situation just north of the border.

Dr. John Geyman: Just north of the border, the Canadians set up in the 70's a national program, a single-payer program, which is not socialism. The hospitals are not owned by the government, and physicians and other health professionals can be in their own practice. But it's a single-payer system, which is much more efficient than us. It takes up maybe 9% of their Gross National Product (GNP), versus 19% in this country.

Ralph Nader: Think of that difference listeners. They cover everyone for 9%. We don't cover everyone. Twenty-nine million people uncovered; millions more under covered and we go to 19% of the economy.

Dr. John Geyman: And it's just getting worse. There's no end in sight. We've tried to control cost by stupid ways that don't work. But we have to change our financing system. Right now the whole healthcare system here is a for-profit, huge medical-industrial complex. The corporate interests and Wall Street and their shareholders and CEO's are doing phenomenally well. The healthcare stocks are up and the leading Standard & Poor's (S&P) up there.

Ralph Nader: The CEO's are massively paid, like the United Health Care CEO. When do you think there's gonna be a revolt and will it be led by more and more physicians who are sick and tired of the present commercialized system compromising their independent judgement and telling them what to do, and not to with their patients?

Dr. John Geyman: Yes, more and more physicians are totally unhappy with this system. We're seeing much more burnout among physicians. We're seeing many early retirements. The student AMA have even come up with an interest group for Medicare for All. The older physicians are getting ready to leave practice, but no, there will be lots of support from within the healthcare system. The national groups of nursing are very strong on Medicare for All. Public Health Association has come out in favor of Medicare for All. The oncology groups have leaders that are wanting Medicare for All, because they see their cancer patients unable to afford chemo or radiation therapy. It is just a disaster. As to when, I would say, that the turning point should have been before now, but I hope that with the mid-terms coming up now, I hope the Democrats will take the House and I hope eventually the Senate. I want the Democratic Party to have Medicare for All Universal Coverage in its platform. But it is pretty wimpy right now. Centrist Democrats are starting to call for, "Oh, let's have a little public option in here, and we'll call it Medicare for All." That's not what we want. We want real Medicare for All, which is a HR676 in the House.

Ralph Nader: It's been signed by over 120 Democrats in the House already.

Dr. John Geyman: Exactly.

Ralph Nader: You say in your book, TRUMPCARE “Eleven Democrats are running for these open governor seats on a platform of single-payer Medicare for All including: California, Colorado, Florida, Iowa, Maryland, Massachusetts, Michigan, Minnesota, New York, Ohio, and Vermont.” That’s a bit of energy there that didn’t exist a year or two ago.

Dr. John Geyman: I think there’s a lot of energy and I think there will be a grassroots energy as people struggle and die earlier, and can’t afford care, and get angry about it across the country, and across the political spectrum. So, it is gonna happen. I would hope that the mid-terms will change in this direction. I will hope that the 2020 election Democrats, will have a real, solid Medicare-for-All platform, which we don’t see on the inside. I hear that there’s some wimpy centrist Democrats that aren’t putting their head on the line yet, but I will hope in January of ’21, we will pass the equivalent of HR676 in the House and then go on in the Senate.

Ralph Nader: Well certainly the polls are moving in that direction. You cite a March 2018 poll by the Commonwealth Fund found that 92% of adults under age 65 in our country, think that all Americans should have the right to affordable healthcare. Last poll I saw, is that even without a major publicity drive, 60% of Americans want full Medicare for All. Isn’t it true now that a growing majority of doctors and nurses want full Medicare for All or Single Payer?

Dr. John Geyman: Exactly. All that’s true. And just to clarify, what we got with Single Payer Medicare for All--the real thing, which is HR676. To side track just very briefly, Bernie’s Bill in the Senate, SB1804, I worry about some. It doesn’t have all the strength in it that the House bill does.

Ralph Nader: Yeah, that was a disappointment to us, Bernie Sanders’ Bill.

Dr. John Geyman: Yeah. But the House bill, as soon as it’s passed, will bring universal access to healthcare for all Americans from day one, with all providers and hospitals, “in network.” Everyone’s got full choice of physician or provider, or hospital. It will be coverage of all necessary--medically necessary care--including inpatient and outpatient care, prescription drugs, reproductive health, mental health, dental, vision, and long-term-care coverage of 100% of health care cost without premiums, co-pays or deductibles when you go to the site of care. Administrator simplification--I’ll bet we could do it for 5% overhead.

Ralph Nader: Which is now over 20%, right?

Dr. John Geyman: Now it is over 20 with the private insurers. They would be knocked out of the game. We'd have large-scale cost controls including global budgeting of hospitals and other facilities be they surgi-centers, or dialysis centers. We'd have negotiated fee schedules with physicians and other providers and we would have bulk purchasing of drugs and medical devices, just like the VA has done for many years, and they got prescription drugs down to 58% of what you and I pay.

Ralph Nader: The much-maligned Veterans Administration is way ahead of the corporate sector in two areas. One, data assemblage, in order to find out what's going on, they're state-of-the-art. And, as you say, the area of negotiating for cheaper drugs.

Dr. John Geyman: Right. And another thing that we need to develop when we get Medicare for All--we need to get an apolitical, scientific body that will evaluate treatments that are useful based on efficacy and reliable research. Right now, it is too possible for pharmaceutical companies and medical-device companies to market their products without enough research. Up to 1/3 of healthcare that's being provided every day is really unnecessary or inappropriate. So we better reign in the unnecessary, and also the treatments that don't work.

Ralph Nader: Exactly, treatments that don't work, rife in this profiteering, corporate, healthcare industry. The book is TRUMPCARE: Lies, Broken Promises, How It Is Failing, and What Should Be Done by Dr. John Geyman. I might say to our listeners, here we go again—it's 535 members of Congress. You've got about a third of them already on the right side. You are in the congressional districts, and you can make it happen. It takes 1% or less of the people in this country, congressional districts, to reflect public opinion. The public is behind you to organize Congress Watchdog groups for single-payer, full-health Medicare for All--cheaper, safer, more comprehensive, less anxiety, dread and fear and more rational on many other grounds as described by Dr. Geyman on this program now, and more thoroughly in his book TRUMPCARE.

All right, well, this concludes our interview with Dr. John Geyman, prolific author, never gives up. He never gives up. We shouldn't give up. If this program's gonna have any impact, please get this book, TRUMPCARE. Get a few of them. Get some neighbors in your living room, or down at your school auditorium and start a Congress Watchdog group on your Senators and Representatives. Praise them if they signed onto HR676, the legitimate single-payer bill in the House of Representatives, which has over 120 Democrats signed on already. It is a good start. In other words, do your bit back home. Start that rumble. We can win this one. We've got the mass of the American people behind us. Thank you very much Dr. Geyman.

Dr. John Geyman: Well thank you for having me, and all the best.

Steve Skrovan: We've been speaking to Dr. John Geyman, author of TRUMPCARE: Lies, Broken Promises, How It Is Failing, and What Should Be Done. We will link to that at ralphnaderradiohour.com. Well that's our show. I want to thank our guest again today, Lisa Graves and Dr. John Geyman. For those of you listening on the radio, we're gonna check out right now. For you podcast listeners, stay tuned for some bonus material we call the Wrap Up. A transcript of this show will eventually appear, actually pretty soon these days on the Ralph Nader Radio Hour website. We're getting much better at that.

David Feldman: For Ralph's weekly column--it is free--go to nader.org. For more from Russell Mohkiber, go to corporatecrimereporter.com.

Steve Skrovan: Visit the American Museum of Tort Law and go to tortmuseum.org and check out the Tort Museum Bookstore for engrossing books and memorabilia.

David Feldman: The producers of the Ralph Nader Radio Hour are Jimmy Lee Wirt and Matthew Marran. Our executive Producer is Alan Minsky.

Steve Skrovan: Our theme music "Stand Up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon.

David Feldman: Join us next week on the Ralph Nader Radio Hour. Thank you Ralph.

Ralph Nader: Thank you everybody. To form a Congressional Rat Watcher's group, go to ratsreformedcongress.org.