

## RALPH NADER RADIO HOUR EP 263 TRANSCRIPT

**Steve Skrovan:** Welcome to the Ralph Nader Radio Hour. My name is Steve Skrovan along with my co-host David Feldman. Hello there David.

**David Feldman:** Good morning.

**Steve Skrovan:** And we have the man of the hour Ralph Nader. Hello Ralph.

**Ralph Nader:** Hello.

**Steve Skrovan:** And again, we have another fascinating show with guests you will not find anywhere else. We do not do the usual suspects people here at the Ralph Nader Radio Hour. First up, we're going to talk to artist Marilee Shapiro Asher who's been working as an artist for 83 years. Now in case you misheard that, I did not say she is eighty three years old; I said, she's been working as an artist 83 years. Miss. Shapiro Asher is 106 years old and is still working. Four years ago, she wrote an autobiography entitled Dancing in the Wonder For 102 Years. And we're going to talk to her about her life as an artist and how she stays productive so far into her later years.

And in the second half of the show, we're going to talk to an anti-corruption activist Ray Metcalfe. He is the founder of an organization called The Bribery Stops Here, which is a creative response to the dark money problem we've had in the country since the disastrous Citizens United Supreme Court decision. His approach sounds similar to me as the National Popular Vote. We've done a number of shows on how that movement seeks to neutralize the Electoral College state by state. The Bribery Stops Here movement is also trying to work state by state to draft legislation and what's called "pay to play", which means if you want something done you have to donate heavily to your rep's campaign. Mr. Metcalfe believes that if enough states adopt legislation, not just ethics statutes, but actual legislation, that would make this practice a felony and stem the tide of dark money flowing into campaigns. As always, we'll find out what's happening in the dark recesses, the corporate crime underworld with our corporate crime reporter Russell Mokhiber and if we have time, we'll work our way through a listener question or two but first let's talk to an artist that just refuses to quit.

**David Feldman:** Marilee Shapiro Asher has been sculpting since 1936. Living in Washington, D.C., She had juried shows at The Corcoran, The Smithsonian, The Baltimore Museums and had her first one-person show at The Watkins Gallery at American University. At the ripe young age of 88, she needed to turn her attention to a medium that was a little less physically demanding. That's when she started doing digital art. She learned to scan her drawings or etchings onto the computer where she would manipulate them and create new pieces of art. Her autobiography is entitled Dancing in the Wonder For 102 Years. We're going to do something a little different here as an intro we're going play a short clip of Marilee reading from her autobiography.

**Marilee Shapiro Asher:** I passed the century mark two years ago. I feel so happy today at age 102. The sky, the air, Ritalin helps [laughter]. I awoke to contemporary art in the 1930s, when I first saw the paintings of Picasso at the Art Institute of Chicago. I felt a sense of recognition and an intense emotional response. The first quarter of the 20th century is my time and I have never fully left it behind. Unlike my

piano studies, my experience sculpting with clay was not reading notes on a page to translate the keys on the piano. Working with clay meant placing your fingers into the very stuff that is you, home at last. It seems to have been my lot in life to be quote one of them rather than quote one of us. During the years in which I was an exhibiting sculptor, I was always interested in esoteric ideas. I dabbled in Zen, studied etching and Chinese calligraphy, took lessons in Flamenco dancing. I have no personal philosophy of art; I do it because there's nothing else I would rather be doing. In the studio, with an ongoing project in which I am absorbed, time does not exist. So here I am, a century old by some odd act of grace or luck. I'm still able to make reasonably small sculptures and work with the computer. Looking back, would I have rather been doing something else? I think not. The creative process is a struggle. It involves all of one's attention and intuitive powers. This struggle, this pursuit of a vision or an idea is what I have always loved to do. Presuming that God is in his heaven, I write this: Dear god, I don't know who you are or where you are or if you are, but I do want to thank you for my life and all the perks I have enjoyed. I want to thank you also for 30 more years than are usually allotted according to your Bible. I hope I have not overstayed my welcome. Sincerely, Marilee.

**Ralph Nader:** Welcome to our program Marilee, you gave me permission to use your first name.

**Marilee Shapiro Asher:** You gave me permission to say, thank you, Ralph.

**Ralph Nader:** That's right. Thank you. Those three minutes should have been transmitted all over national radio. You can imagine how encouraging, motivating and sobering they appear to, I'm sure many of our listeners, when they hear them. And you don't go around touting your example but it's clear that you've shown how you can make what they call mid-career changes. You started learning digital photography at The Corcoran at age 88 and you were sitting next to youngsters in their early 20s. Not many people can learn new things even beyond 50 years old. And also, I think you're standing rebuke to the ageism unfortunately is unchallenged and too widespread in our society. I've been taking AARP and its magazine to task for having on the cover people who are 55 and look 40 and I said you know most people aren't gonna get any younger; why don't you put on the cover people who've done great things in their 80s, 90s and beyond. They still don't listen. The answer I got was, well we have to sell magazines. I said, no you don't. You have to sell the future of extending a productive life in a healthy and wholesome manner. If people want to wake up AARP to start writing about older people who are productive in their 80s, 90s and later as Marilee just call their toll free number 1-888-OURAARP and their website is [aarp.org](http://aarp.org) and their address is AARP, 601 E. Street, Northwest, Washington, D.C., 20049. If they don't hear from you, pretty soon they'll be having 40-year-old people on their cover in order to create a fantasy for their many millions of readers. 19 million people are subscribers to the AARP The Magazine, the biggest in the United States. So, with that sermon, I do want to start by asking you tell our listeners, how do you have maintained such a steady and productive life all these years.

**Marilee Shapiro Asher:** Oh well. That's a big question, I think there are in the aging process three things that help to work against it. And I would say number one is exercise and moving and I started going to exercise classes when I was in my probably mid-40s as I have continued that. I still do it, I still, here at the facility for senior living, I go to Tai Chi class and do yoga class, which helps to keep me kind of limber. That's very important but even more important is one's having an interest, having something that makes you want to get up in the morning and do it. I forgot what the third thing that I was going to mention, maybe I'll think of that later.

**Ralph Nader:** Well, how many children do you have Marilee?

**Marilee Shapiro Asher:** I have two. I have a son and a daughter. My son is a Psychiatrist; my daughter is a loving, funny, bright, wonderful woman.

**Ralph Nader:** And you're living now in Northwest Washington. You're overlooking Connecticut Avenue. And I assume that your apartment is full of your art. Is that correct?

**Marilee Shapiro Asher:** Unfortunately, yes because it hasn't been sold.

**Ralph Nader:** Can you give us for starters what your website is if people want to see your paintings, your sculptures and your digital art?

**Marilee Shapiro Asher:** Yes, my website is marileeshapiro.com.

**Ralph Nader:** That's good. merrileeshapiro.com and that is spelled M. A. R. I. L. E.E.

**Marilee Shapiro Asher:** Right.

**Ralph Nader:** Now one thing that really impresses me, because you know we have to be candid about, so many people in this country sometimes they don't learn anything new after a few decades. They become specialized, they don't pick up a book on some subject completely separate from their experience or what they're doing at work and you've managed to do that, because it's not just the art that you're engaged in, but your friends tell me that you're just very curious; you're interested in a lot of things that are going on. Would you say that curiosity has been part of the kind of interesting life you're having?

**Marilee Shapiro Asher:** Yes, I think that was the third thing that I was going to mention in relation to working against aging. Curiosity is just--well it sometimes gets in your way. I think it's gotten in my way, because I have never been consistently sticking with one medium. I would get bored and I would go into doing some Japanese printmaking on fabric; I'd get bored again I would go to an etching class. This in itself is anti-aging; it's also not being attractive to high- pressure galleries who want an artist who has a style which is consistent where people can recognize and want to buy. And I've been all over the place, so to speak, but I think that has helped to keep my interest alive.

**Ralph Nader:** Yeah, I've noticed that curiosity in an information age actually is somewhat rare. I think one of my kind criticisms of the younger generation is while they will go into the computer or into their iPhone, there's a certain level of curiosity they just don't have. Maybe it's because they're just overwhelmed by information and flashes of imagery. Can you give us your view of what you think is happening to young people by spending too much time just looking at screens instead of personally interacting with one another and with older people who have wisdom to convey to them?

**Marilee Shapiro Asher:** I completely agree with you. It's pity to see; walk on the street and see everybody with their ears tied up with wires and listening and looking at something in their hand. It's pitiable. I think the one of the greatest compliments that I ever got was from one of the fellow residents here who was a physicist and I would ply him with questions because I wanted to know and he once said to me you are a very curious person; you are full of curiosity I consider that, for me, a great compliment.

**Ralph Nader:** Well curiosity generates imagination and imagination generates a sense for real possibilities doesn't it?

**Marilee Shapiro Asher:** Exactly. Exactly.

**Ralph Nader:** Tell us about your art. I know you've said that you've lived a life where you couldn't imagine doing anything better than what you're doing or more interesting than what you're doing and I'm interested to see what you want to convey to others through your art, or are you like some artists, you just do art for art's sake and you're not interested in what it conveys to people who view it. And a lot of your art has been viewed in downtown Washington galleries; I know that. What is your communication view of your art let's put it in that way?

**Marilee Shapiro Asher:** That's a hard one, I don't think I ever was trying to communicate. I think that very often I start from something material, something I see that looks very interesting and I want to play with it. I do believe that art is the very highest form of play.

**Ralph Nader:** You know it's interesting you say that, because there are some artists who've told me that I want my art to do its own communication and that depends on how people view it differently from one person to another and I take it that's probably what your view is wouldn't you say?

**Marilee Shapiro Asher:** Yes, yes, yes. I would like to see the work to speak for itself; that's all.

**Ralph Nader:** And that's what invokes curiosity in the person who views artists' work. One thing that was fascinating to me and some of our younger listeners need to be told about the Works Progress Administration under Franklin Delano Roosevelt. It was called the WPA and they had an artist program which supported unemployed artists, musicians all over the country to produce wonderful works and you took a sculpting class that was offered by the Works Progress Administration (WPA). What a difference from today. Can you tell us about the WPA and how it gave you a start?

**Marilee Shapiro Asher:** That was one of the great, great things of the Franklin Roosevelt period. I discovered that there was an art class in a basement of a nearby school where I was then living in Chicago. And I went to it; the minute I felt clay, physical clay, I just loved it; I knew this is what I wanted and from then on that was it. A young, very talented young artist was being supported by this program and he was a very good teacher. I worked there I think for over a year maybe two years and then a very well-known, world renowned artist, Archipenko came to Chicago. That was during the build-up of the fascist regime in Germany, and he opened a studio in Chicago and I was fortunate to be able to be his student for two years.

**Ralph Nader:** I should say the WPA also had a program supporting writers, novelists, non-fiction, poets in addition to art and photography. It's a history, we should relearn in today's more vapid world coming out of Washington, D.C. You also combined drawing and photography. What led you to do that? That's fairly unique.

**Marilee Shapiro Asher:** Well I don't know what exactly you mean by drawing. What I am doing now with photography, I am learning to handle a digital camera and because my mobility is limited and I don't drive or get out very much, I have to use the material that's around me-- pretty much on the block that I live in or the apartment that I occupy. And therefore, I use the materials, the objects, the things-- the way the light touches them, this and that, in my own apartment and photograph it and then it goes into the computer and with Photoshop program I manipulate and produce the image.

**Ralph Nader:** Listeners might want to know that Marilee's mother, Bonnie Harris, took up painting at age 79 and was so productive and special that her work is now in the permanent collection of such noted museums The Smithsonian National Collection of American Art, The Baltimore Museum of Art,

The Phillips Collection and The Folk Art Museum. Your sister Eleanor was also a talented artist, but your mother didn't teach you art as a young child, you learned that later is that correct?

**Marilee Shapiro Asher:** My sister Eleanor was a big influence on me as an artist and as far as my mother is concerned my sister and I tried not to influence her and when other artist friends would offer to help her, we would not let them because she was already perfect in what she did.

**Ralph Nader:** In your own right you started a lot of activity in Washington, D.C. It used to be written up what you and your fellow artists did in the "Style" section of The Washington Post quite frequently and there is something called The Associated Artists Gallery, which had quite a pioneering spirit. Do you want to explain that Marilee?

**Marilee Shapiro Asher:** Yes, four of us began a gallery during the Kennedy Administration and when Arthur Goldberg became Secretary of Labor and his wife Dorothy was one of my partners in this gallery, we really got the press. We were on the front page of the Style section very, very often with original programs. I must say that Dorothy Goldberg was a visionary and she introduced programs to our little gallery that were very successful such as brown bag lunches where she would give a talk and show projected pictures on a slide machine for people that registered for this little course and we invited other important people to have guest shows. For instance, we gave the first black show--the first black gallery in Washington--we gave them a show in our gallery.

**Ralph Nader:** Fascinating. You know one thing that really caught my attention was here again listeners you'll see what her marvelous resilience is like; she said after so many years of sculpting and painting "I got real tired of myself in a way, tired of my own images. I just got bored with myself" and that's when you went into digital photography and became a user of what you call "a really first-class Nikon digital camera".

**Marilee Shapiro Asher:** Yeah, yes.

**Ralph Nader:** There aren't many people who would rebound; they would just drop out you know they would just stop doing what they're doing. What do you think our listeners are thinking now?

**Marilee Shapiro Asher:** Unfortunately, I think a lot of that is lack of energy as one ages. If there isn't something that you are really interested in that carries you forward and through those diminishing years, it's too bad.

**Ralph Nader:** You know someone once told me the only real aging is the erosion of one's ideals. And of course, you've said on more than one occasion that you have no personal philosophy of art, but you used to think suffering was needed to produce art and now you don't think suffering is needed to produce art and you talked about animals and people liking to organize things; you said something about birds; can you tell us?

**Marilee Shapiro Asher:** Oh, I have seen on television, a bird, I cannot remember the name of it, that makes an area, decorates it with leaves and stones, as a courting technique to get a lady bird. Also, I don't know if it's true or not, but I have seen colored images that supposedly have been done by elephants, by chimps; I don't know that that's real, but I do know that that bird-decorating instinct is real. The nest for instance, every birds nest is carefully worked out in a pattern. There must be some satisfaction to the bird to do it in a certain way.

**Ralph Nader:** It is amazing the symmetry of it all. Isn't it?

**Marilee Shapiro Asher:** Yeah.

**Ralph Nader:** Of course, their feathers are a work of art too.

**Marilee Shapiro Asher:** Yes.

**Ralph Nader:** And their plumage. Before we close Marilee, I do want to give Steve Skrovan and David Feldman a chance to discuss how they're reacting to all of this? Steve?

**Steve Skrovan:** Yeah, I have a question Marilee. When you were in your late 80s and decided that you were going to shift your medium; I know a lot of older people are intimidated by technology, but you took a class in Photoshop and digital art. How intimidating was that for you; had you used computers before?

**Marilee Shapiro Asher:** I had never used a computer; I didn't even know how to turn it on. I don't think that class taught me anything except that I wanted to continue it and fortunately the teacher of the class was himself an artist and a printmaker. And he agreed to give me private lessons. And that's how I learned Photoshop. I could never have done it on my own.

**Ralph Nader:** Marilee why did you call your book Dancing in the Wonder?

**Marilee Shapiro Asher:** Well that was a song from probably the 30s that I always liked. I liked the words and I liked the tune and it's a metaphor for life.

**Ralph Nader:** "Dancing in the Dark" was a popular song in the 1930s wasn't it?

**Marilee Shapiro Asher:** Yes.

**Ralph Nader:** Yes indeed. I like the way you said "Art for me has been very, very good because there's something you want to do every day. There's some reason to get up in the morning. There's something to think about when you're lying in bed wanting to go to sleep. I believe that it contributes to health and longevity". Marilee before we close can you give your website again so people can see the fantastic, variety of your art?

**Marilee Shapiro Asher:** It's simply merileeshapiro spelled S. H. A. P. I. R.O dot com.

**Ralph Nader:** That's it merileeshapiro.com. Is there anything else you think we should ask you?

**Marilee Shapiro Asher:** I don't know [laughter] I'm 106 and I'm just taking it as it comes. I'm enjoying it very much; I'm physically very well and life is good.

**Ralph Nader:** Well you know Doctor Sid Wolfe and Susan Goldberg brought your work to our attention. I know The Washington Post wrote it up. Petula Clark, the columnist a few years ago wrote up your art work, but I never imagined it would be such a pleasure to talk with you and I'm sure that Steve and David share my sentiments. You are a total inspiration and I know you're not a finger waiver and you're not, what we used to call in philosophy, class didactic and telling people what they should do. You're just in your quiet, steady, delightful way, a shining example for all of us.

**Marilee Shapiro Asher:** Well I thank you, all of you, for giving me this opportunity. I've enjoyed it thoroughly.

**Ralph Nader:** And may you have many more years of such a productive and exemplary life. Thank you, Marilee Shapiro Asher.

**Marilee Shapiro Asher:** Thank you.

**Steve Skrovan:** We've been speaking with artist Marilee Shapiro Asher. We will link to her work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). We're going to take a short break and when we come back, we're going to talk to Former Alaska State Representative, activist and whistleblower Ray Metcalfe, founder of The Bribery Stops Here. Now let's check in with our Corporate Crime Reporter, Russell Mokhiber.

**Russell Mokhiber:** From the National Press Building in Washington, D.C., this is your Corporate Crime Reporter, "Morning Minute" for Wednesday, March 20, 2019. I'm Russell Mokhiber. As Attorney General of California, Kamala Harris declined to investigate Herbalife, the nutritional supplement company. Documents obtained by Yahoo! News show that in 2015, prosecutors in the San Diego office of the California Attorney General sent Harris a lengthy memo arguing for an investigation into Herbalife and requested resources in order to undertake such an investigation. Similar investigations into Herbalife were already taking place elsewhere. About three weeks after the San Diego letter was sent, Harris received the first of three donations to her campaign for the US Senate from Heather Podesta, the powerful Washington lobbyist whose ex-husband, Tony's firm, then called the Podesta Group, had worked for Herbalife since 2013. Heather Podesta's own lobbying firm, Heather Podesta and Partners, would soon be hired by Herbalife too. Harris did not pursue an investigation. For the Corporate Crime Reporter, I'm Russell Mokhiber.

**Steve Skrovan:** Thank you Russell welcome back to the Ralph Nader Radio Hour, my name is Steve Skrovan along with David Feldman and Ralph. Our next guest has started a movement to fix the Supreme Court's Citizens United decision one state at that time. David?

**David Feldman:** Ray Metcalfe is a two-term Alaska State legislator. Alaska's 2016 Democratic Party nominee for US Senate and whistle blower whose actions resulted in the indictment of US Senator Ted Stevens. Mr. Metcalfe also spent two years as a volunteer consultant for the FBI as they investigated, prosecuted and convicted six Alaska legislators and four lobbyists for bribery. Welcome to the Ralph Nader Radio Hour Ray Metcalfe.

**Ray Metcalfe:** Thank you and glad to be here.

**Ralph Nader:** Indeed, welcome Ray Metcalfe. I've never seen anybody so specific and determined to deal with bribery, especially on government officials, since one of our former interns went to Canada, Duff Conacher, became a lawyer and started [democracywatch.ca](http://democracywatch.ca) in Ottawa. And so, this is by way of telling our listeners this is a real movement underway it's going to go into every state including your state and I want Ray Metcalfe to lay it out for us right now.

**Ray Metcalfe:** Well Ralph the things that I learned when I was working with the feds was, before that I thought that we probably need a 100 pages of ethics legislation. And after two years of working with the feds and looking at the hurdles they had to surmount to address corruption issues, I totally revised my entire thinking on what it would take to deal with this and boiled down to basically a one page statute

that embraces what the US Supreme Court has said works and what clearly was working for the feds. When I was working with the FBI, they were focused on a rather vague statute called the Honest Services Act and all the Honest Services Act says is that you as a citizen have a right to honest services from your representatives, from your legislators, and from your US Senator. And one of the ten people that was convicted in the Alaska investigation challenged that all the way to the Supreme Court and the Supreme Court upheld it. The Supreme Court also upheld a case in Nevada and it was an ethics case. And Nevada has a statute that effectively says if you have a conflict, you have to recuse yourself. And somebody had assisted somebody in getting a gaming license for their best friend by approaching the guy that they had just helped get elected and someone took that to court and said, hey you would not have done that for me; you did that as a favor for him therefore, it was a conflict. And the jury agreed with that in Nevada and for all the reasons the young lawyer right out of law school might think of, the Supreme Court of Nevada threw it out. And the State of Nevada took it on to the Supreme Court and the Supreme Court upheld it on a 9-0 reversal of the Nevada court. And so, the proposal I had worked up, after having worked with the feds for a couple years, focuses on that and it focuses on the felony statute that was upheld by the court when the legislator from Alaska appealed the Honest Service Act all the way to the Supreme Court. So, combining those two rulings I came up with a one-page proposal for legislation that I think would effectively resolve the problems created with Citizens United.

**Ralph Nader:** Explain Citizens United briefly--the Supreme Court decision.

**Ray Metcalfe:** Citizens United is where the US Supreme Court effectively said a corporation or anybody can spend as much money as they wish on political influence, where as you can /anybody can buy as much time as they want and put their opinion out there on anything they want and they cannot be constrained, but here is where I think a lot of people have been misguided. Now there's a lot of people who want to go out there and overturn Citizens United via a Constitutional amendment and having been around for a while in this political arena, I know just exactly how hard it is to amend the US Constitution; it's just probably not going to happen in my lifetime. But the Supreme Court, when they ruled on Citizens United, what they didn't do was guarantee those corporations the right to receive something in exchange for what the time they purchase, buy and promote a particular candidate. And when they ruled in the Nevada case, they made it very clear that if the state has a statute on its books that simply says if you have a conflict you must recuse yourself, and they also made it very clear that a contribution can be a conflict. And so, any state that passes a law that says you must recuse yourself, if you have a conflict, the courts will uphold that. And so, the corporations can spend all they want on speech, but if they help somebody get elected with that speech, they can't then approach that person and say will you help me get this legislation through.

**Ralph Nader:** Let's get very specific, because I think our listeners need examples. Years ago, we got some city laws passed like in Santa Monica, California, which said that members of the city council could not take contributions from contractors working for the city on projects like repairing highways and they want to grab the contract from their competitors, so the company makes contributions to the mayor or the members of the city council. And there are about five towns in California that passed that. Listeners you should know that this kind of wheeling and dealing is what ruins representative, honest government. In other words, they divert your taxes to corrupt purposes to enrich the powerful. They don't repair your public services because they're working to get tax loopholes for the rich. And the corporations drain the money away that way or to give even bigger contracts to military production firms like Lockheed Martin. So, this affects everybody in the country, but the question Ray is the bribery

definition itself. A lot of these corporations have been careful not to put hundred dollar bills in envelopes and slip it under the table to some senator, representative, mayor or governor while they are having dinner at a fancy restaurant. They found with the advice of their corporate law firms very clever ways to do it and one of them is called a campaign contribution. And we know that in Congress all the time you get bankers giving the most money to the members of Congress who are on the banking committee. Wonders of wonder and that's why these have been called deferred bribes. So how do you draw the line between an honest campaign contribution and one that has a signal we're not bribing you to do XYZ but you know we love you to do it.

**Ray Metcalfe:** You have to look at what the Supreme Court has done, what they've said and it's impeccably clear if you look closely enough. They distinguish between quid pro quo which is required for bribery and conflict. And so, if I am showering you with gifts you can classify that as a conflict; if I'm giving you contributions you can classify that as a conflict and so if you are wining and dining somebody and that somebody turns around and votes to do a favor for you, you don't have to prove bribery, which the Supreme Court has made rather difficult, but it's easy to prove conflict. And so, you make a fairly stringent conflict statute; in my recommendation it would be a Class C felony, which is a minor the lowest class of felony. And it would have a ten-year statute of limitations, which means that if you think you've got your deal cut with the current governor or the current attorney general, they won't be in power ten years from now and someone else might have a different attitude, so you have to worry, that somewhere down the trail, you may get prosecuted. And so just the fact that it's a felony, people are going to steer clear of it and it'll become somewhat self-enforcing. And the jury that hears this, under the proposal I've laid out, would have the option of determining whether or not there was a quid pro quo. And if the jury concludes there was a quid pro quo, then it meets the US Supreme Court's definition of bribery. So, it's a two-step scenario and whether you're selling favors kind of on the QT, the conflict part deals with that. And if you're being blatant about, I give you this if you'll give me that, then both people go to jail.

**Ralph Nader:** Let's see how this would work out, you have your state legislator let's say or your member of Congress—Senators/Representatives. They've been taking campaign contributions and suddenly something comes up for a vote, affecting the corporation that made the contribution. What should that Senator or Representative or state legislator do to avoid getting in trouble with the law?

**Ray Metcalfe:** They would have to stand up and say I'm sorry I can't vote on this; it would be a conflict. This person did A,B and C for me. This would be a conflict; I can't vote on this.

**Ralph Nader:** All right. Let's take a contemporary example right. The Boeing Corporation is in deep trouble after the disasters in Indonesia and Addis Ababa with their 737 Max 8. They knew about the problem before; they knew about it after the Indonesian crash. They didn't send out warnings and training manuals to the airlines for their pilots. They played complicity with the FAA which is a toady agency and more and more is going to pour out. I've just learned that 330 members of Congress have been taking regular campaign contributions from Boeing. There are going to be congressional hearings and we hope reform legislation. So that this never is allowed to happen again. Over 535 lives have been lost in just two planes, brand new planes in Indonesia and Addis Ababa. So, let's say the bill comes to the floor; you have 330 people who have been taking campaign contributions from Boeing. What did they do under your proposed legislation if it's enacted?

**Ray Metcalfe:** Well here's the crux of the issue: from Boeing's standpoint, they would simply have to stop those contributions once this becomes law because anybody that contributed to could not vote on stuff for Boeing. So, getting something passed--how do you get a majority when you compromise the majority of the Senators in Washington? And here is one other aspect of the proposal. This is not your local political watchdog. This isn't where everybody gets to go make a complaint. We're dealing with felonies. We're dealing with a situation where if you have a problem that you think warrants investigation, you're going to have to convince investigators that is worth investigating. You're going to have to convince your district attorney that they should take it before a grand jury. You're going to have to convince a grand jury to indict and then you're going to have to take it to trial. So, it's not your local complaint department for political misdeeds and because of the felony, because it's a criminal act, it may apply to your US Senator. You know, your US Senator is exempt from the Ethics Acts of your state. They have their own ethics, but they're not exempt from your criminal statutes and here's why that makes a difference. Suppose for a moment that you have a gas station on the south side of the road and I have one on the north side of the road and you're getting all the traffic bound one direction and I'm getting all the traffic bound the other direction. And one day you notice that there's a new road under construction on the far side of my station from you and next thing you know you're sitting there on a frontage road and there's not even an off-ramp to your station. It's all being funneled into my station--all the traffic. And so, you do a little research and you find out that guy across the road from me had a big fundraiser for our US Senator and our US Senator mandated that in an appropriations bill. So, you can take that to an attorney general and say look, look what happened here and here's the evidence I've dug up. And if it's convincing, they might try to prosecute somebody. So, my point is right now under that scenario you have no remedy; your US Senator can do that and there's nothing you can do about it.

**Ralph Nader:** Well, our listeners should realize that Ray Metcalfe is focusing on the states. He's focusing on getting these laws passed by popular referendum because it's pretty hard to get the lawmakers to discipline themselves in the way that he is describing. Before we get into the referendum, the paragraph in your release caught my attention and I'm going to quote it: "Banks crash our economy and for a few million campaign dollars Washington bails them out. Need a billion-dollar favor for your drug company, arrange a few fundraisers and your prayers are answered. The majority of those in Congress, your legislature, your assembly and your school board, finance their campaigns by selling favors". So, you're going to work at the state level to pass state laws that affect state lawmakers and local lawmakers--your local city council for example.

**Ray Metcalfe:** Yes, take that one step further. Yes, it affects everybody from school board to your state senators and your governor and on and on--all your state officials. It would probably have to go to the Supreme Court, but I also believe it would be applicable to US Senators, because it's a felony; it's not an ethics bill.

**Ralph Nader:** All right. Well this is important and we're going to tell you how to get a copy of Ray Metcalfe's legislation because he's sending it all over the country to active groups to put on the ballot--places like California, Kansas, Illinois etcetera. But before we get to that Ray there's one other thing that troubles me about this and that is, that if you were given one minute on TV to explain it could you do it? You know it's all about sound bites, it's all about imagery, you can't just talk about legal phrases; it's all about getting people say this could be real you know we can get on the street corner and have a clipboard and get signatures to put it on the ballot in Oregon and Washington State and Montana and so

forth. Can you reduce it to one minute; let's try. In one minute, Ray Metcalfe, what are you trying to do to clean up corruption in America?

**Ray Metcalfe:** I'm trying to make it a crime for elected officials to sell favors to raise money for their next election.

**Ralph Nader:** Okay you did it in five seconds. [Laughter] Now you need of course examples so people will understand that it's going to improve their lives. It's going to affect their health and their safety and health insurance. It's going to fill pot holes and renovate the bridges in their community and on and on. They have to see it in terms of their perceived self-interest don't you think?

**Ray Metcalfe:** Absolutely, you know if this were to become law in half a dozen states, then you would have 12 US Senators who would be in a position where they couldn't continue to play the same game that they've been playing and the same game that everyone else plays. So, if you had 12 US Senators half on one side of the aisle, half of them on the other side of the aisle who had their hands tied couldn't do that anymore; 12 US Senators is enough to shut Washington down until everybody plays by the same rules they play by. So, what we hope to do is raise about a million dollars because we think for a million dollars, we can put this on the ballot in the small- population states. You know costs I've heard numbers; I've heard \$10 million to get something on the ballot in California, but you know, states like Alaska, Montana, Idaho with small populations; you can do this for \$200,000 and less.

**Ralph Nader:** Wyoming, North Dakota, South Dakota.

**Ray Metcalfe:** Yes, and so then you wind up with senators that can't do this anymore because you know there may be some arguments that doesn't apply to your US Senator, but I'll be damned if I'd be first person to try to find out whether it applied to me or not if I were in the US Senate. You know Alaska has one Senator whose family owns hundreds of corporations; they are multi-billionaires. There's not a day goes by that he doesn't vote on something that affects his family. And that's just wrong.

**Ralph Nader:** And by the way, you're not the only one who wants to revive and expand the referendum system or the initiative system in the 25 states, mostly west of the Mississippi, that have them. A lot of towns in New England have local referendums of course and town meetings and all that historic tradition. But what's interesting is you all should get together Ray. We interviewed someone from Houston who is leading a nationwide effort to utilize more frequently local and state referendum laws that are grossly underutilized and a lot of people don't know they even exist. These are referendum laws, listeners, if you don't know, where you become the legislature. You enact the laws or you can revoke the laws. It's called Initiative Referendum Recall. Initiative--you enact the laws. Referendum--you revoke the laws. Recall--you recall your sitting lawmaker. That's the definition of Initiative Referendum and Recall under California law that has been in effect for a century now. Now we know that corporations often use referendums against the people themselves. They have some fancy sounding title like the tobacco industry you know we'll have some fancy title to cover that they're trying to get a special tax repealed or avoid regulation, but I'm glad you're doing this, but I hope you can get in touch with some of these real advocates all over the country and accelerate what you're trying to do. Now I have one question, I haven't yet figured out in all you're saying. Let's say Boeing gives campaign contributions to sixty percent of the state legislators in Washington state. Let's say you get a referendum passed. Now you said that they would have to recuse themselves or stop taking money. You

mean you give them a free pass on 25 years of taking money from Boeing as long as they stop taking money and then they don't have to recuse themselves from a conflict of interest?

**Ray Metcalfe:** Well you know you can't make it retroactive; what you can do is say from this day forward Boeing if you give money to Joe blow, Joe blow can't vote on your bills.

**Ralph Nader:** Okay. Now we're going to your statute; it's simple, it's clear. The proposed bill that you want the American people in state after state to vote on in a referendum. You have a one to five year prison term; that's called a Class C felony and it is very clear. How do people get copies?

**Ray Metcalfe:** You can go to B. R. I. B. E. S. T. O. P. dot U. S. bribestop.us. You'll find it there; you can also Google the term The Bribery Stops here; you'll probably pop-up the same thing.

**Ralph Nader:** And there can download the statute?

**Ray Metcalfe:** They can get a copy, they can print it out, they can download it, they can contribute to the effort at that site.

**Ralph Nader:** And you have a lay person's explanation of it and the proposed press release-- things like that?

**Ray Metcalfe:** You know it's fairly simple. It's only basically about three pages in twelve point. So, you know of all the other proposals that I've seen, people that are promoting ethics issues, there is a big difference between what I'm proposing and what the other folks that you're talking about are proposing. They're proposing resolutions and they're proposing ethics issues and in my two years working with the feds I learned that ethics statues aren't going to change much; you need a criminal statute.

**Ralph Nader:** Yeah, I think you're absolutely right on that. The history shows that deploying the ethical tool is very namby-pamby and doesn't really affect the desolate scene of commercially inspired corruption of our public servants. David and Steve, do you have any comments or questions of Ray Metcalfe?

**Steve Skrovan:** Yeah, I have a question, Ray. I'm on the board of Public Citizen, which is the group that Ralph started many years ago and we don't take any corporate contributions as a public interest group, because something may come before us that would create a conflict of interest. So, we don't take any corporate contributions. So, what I understand is you're saying we need to hold our legislators to that same standard or they can take the contributions but then they would have to recuse themselves if something affecting that company came before them. Is that correct?

**Ray Metcalfe:** It says right in the statute. The way to absolve yourself of liability is to stand up and say I can't vote on this I have a conflict; explain the conflict and then you refuse to vote on the subject and that's how you stay out of trouble.

**Steve Skrovan:** Well what about the argument where they say, well listen I'm a big company in this district. I create jobs. This politician who I gave money to is representing all of those interests; what's wrong with that?

**Ray Metcalfe:** Well here's what's wrong with it: now if you're promoting legislation that affects the broad spectrum of population, that is exempt. Bottom line is the legislation that you're proposing, if it's

good legislation, it doesn't need contributions to get passed. Legislators are going to have to get their bills approved based on their merit. What a thought! If you're going to get it passed it has to be meritorious.

**Steve Skrovan:** But how would this have applied to, say to the Amazon deal in New York?

**Ray Metcalfe:** The Amazon deal--if Amazon gave you money you wouldn't have been able to vote on that issue.

**Ralph Nader:** By the way, in Ray Metcalfe's bill he has a provision for Class A felony--five to twenty years in prison if the courts find that a public official has done more egregious quid pro quo with a contributor that has a special interest; I just want to point that out.

**Ray Metcalfe:** What that does is that meets the Supreme Court--you know the Supreme Court--there was a governor back east/down south that got his conviction reversed because he had received favors from somebody and he had done them favors but he had never signed a bill or a contract; he had never done something constructive that actually affected the person. He'd given him interactions, but didn't sign bill for him, didn't sign a contract for him. So, in the absence of that the US Supreme Court said there's no quid pro quo. So, a quid pro quo is decided whether there was or was not by a jury when they look at the evidence. So, this leaves it up to the jury to decide if there was a quid pro quo and if there wasn't a quid pro quo there's still a conflict, which is a lesser felony under the proposal, but it's still something that nobody's going to want to get tangled up with.

**Ralph Nader:** Well, Ray Metcalfe, I suggest you take a trip to Silicon Valley and billionaire's row to see if you can find an enlightened billionaire to put a few percentages of his or her wealth in changing America and cleaning up politics. What state do you expect to go to the polls on this first?

**Ray Metcalfe:** I think more than likely if I actually am able to raise substantial amount of money, the first target would be Alaska, but right on your web page there's a picture of a melting glacier; you know the environmentalists are fighting their issues but how do you outspend, out maneuver Exxon when they can spend a hundred times more money than you have. So, this is the answer to that. It levels the playing field. You know if you think of it from a union perspective, if the unions have to stop donating and the corporations have to stop donating, the corporations are donating a hundred times more than the unions, who wins? You know, unions have armies; corporations generally don't. So, the little guy wins here. If this becomes law in very many states, it will change the face of politics in America!

**Ralph Nader:** Give your website once more before we conclude Ray Metcalfe from Alaska.

**Ray Metcalfe:** It is bribes plural B. R. I. B. E. S. T. O. P. dot U. S. bribestop.us

**Ralph Nader:** bribestop.us

**Ray Metcalfe:** Yes bribestop.us or Google "The Bribery Stops Here".

**Ralph Nader:** Take it away listener activists. This is for real. Thank you very much Ray Metcalfe.

**Ray Metcalfe:** Thank you, Ralph Nader.

**Steve Skrovan:** We've been speaking with Ray Metcalfe, founder of The Bribery Stops Here. We will link to that at [ralphnaderradiohour.com](http://ralphnaderradiohour.com) and I also want to thank our first guest again Marilee Shapiro Asher. Hey we have a little time to do one listener question; David why don't you do the honors.

**David Feldman:** This comes from Elizabeth Axtell. She says Ralph in addition to ending the use of fossil fuels and going to solar and wind and becoming more energy efficient, don't we need to reduce our rate of consumption? The United States has a very high rate of consumption compared to other much poorer countries. This is not talked about much.

**Ralph Nader:** Well Elizabeth it actually there's an overlap between reducing our rate of consumption and becoming more energy efficient. And you're right, people do talk about renewable energy--solar, wind, geothermal. There isn't enough talk about cutting the waste of energy and we have huge waste of energy. It's often been said we waste eighty percent of our electricity that we generate starting at the electric generating plant itself. So, we need to talk about the fastest way to cut down on global warming gases is not to burn them and that means not just efficiency at the source in terms of producing oil and refining oil and gas and coal, but also in everything we use--motor vehicles, refrigeration, lighting, engines, transportation of various kinds. We have huge opportunities. We've made great progress, but we can make fabulously greater progress in the coming years. It's the fastest, safest, quickest way to reduce global warming gases and the horror of climate disruption.

**David Feldman:** Thank you for that question Elizabeth. For those you listening on the radio that's our show. For you podcast listener stay tuned for some bonus material we call the Wrap Up. A transcript of the show will appear on the Ralph Nader Radio Hour website soon after the episode is posted.

**Steve Skrovan:** The producers of the Ralph Nader Radio Hour are Jimmy Lee Wirt and Matthew Marran; our Executive Producer is Alan Minsky.

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

**Steve Skrovan:** Join us next week on the Ralph Nader Radio Hour when we welcome back the tireless activist from upstate New York, Walter Hang. Thank you, Ralph.

**Ralph Nader:** Thank you everybody and the Rat book [How the Rats Re-Formed the Congress] is now available in a lot of bookstores--independent and chain bookstores around the country. People are ordering it five-at-a-time; it's a great starter laughing yourselves seriously enough to organize Congress Watchdog Groups in every congressional district. As you've heard me say again and again, it's the Congress, people!