

RALPH NADER RADIO HOUR EP 281 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 today, David?

David Feldman: I direct you to the report, if that answer . . .

Steve Skrovan: That's your answer and you're sticking with it, okay.

David Feldman: Yes, yes.

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

Ralph Nader: Hello. This is a double-header program.

Steve Skrovan: Yeah, it's a great program, jam packed with provocation and information. On the show today, we welcome back one of our favorite guests, John Nichols, National Affairs Correspondent for *The Nation* magazine. And today we're going to talk about the Mueller probe. We're going to analyze it probably in a way that others won't because it seems like the cable news tries to analyze it in terms of horse race and how things affected this other thing rather than the facts of the case, so we look into getting into that. And we'll probably talk about other parts of the political landscape with John. And that's just the first part of the show.

In the second half, we welcome first-time guest, Dr. Alan Diehl. Mr. Diehl is an aviation expert and he actually survived an airline crash himself and that launched him on an airline safety crusade. He's written a couple of books about airline safety one of which was nominated for a Pulitzer Prize entitled *Silent Knights: Blowing the Whistle on Military Accidents and Their Cover-Ups*. We're going to talk to him about that and also his latest, *Air Safety Investigators: Using Science to Save Lives One Crash At a Time*. In that one, he describes how an elite group of dedicated investigators solve some of the most baffling crashes including the one that took the life of JFK Jr. And as we all know, Corporate Crime never sleeps, so we will also check in with our *Corporate Crime Reporter* Russell Mokhiber. But first let's talk some politics with a good friend from Wisconsin. David?

David Feldman: John Nichols is the National Affairs Correspondent for *The Nation* magazine and host of "Next Left", *The Nation's* podcast. He's the author of *Horsemen of the Trumppocalypse: A Field Guide to the Most Dangerous People in America* published by Nation Books. He's also co-author, with Robert W. McChesney, of *People Get Ready: The Fight Against a Jobless Economy and a Citizenless Democracy*. Welcome to the *Ralph Nader Radio Hour*, John Nichols.

John Nichols: It's a pleasure to be with you.

Ralph Nader: Welcome back, John. Just before we get into your reaction to the Mueller report and the Mueller hearings in the House of Representatives, I want to note something you may not be aware of. Former Senator Mike Gravel, who read the Pentagon Papers ["Report of the Office of the Secretary of Defense Vietnam Task Force"] in the celebrated one-person hearing years ago on the Vietnam War, found himself responding to a telephone call from two young kids.

I guess they were 17 and 19, and they had read his work on deliberative democracy on having binding national referendums and his work with legal scholars on this. And they said, "Senator Gravel, why don't you run for president?" He said, "Are you kidding?" You know, he's 88 living in California, but these youngsters insisted and they actually got him to agree. And the story was written up in the *New York Times* magazine a few Sundays ago and they got over 65,000 donors to meet one criteria--to get Senator Gravel on the debates with the other presidential candidates. That's the criteria set by the Democratic National Committee. The other one, he had to be supported by 1% or more in three national polling companies. One of them polled his name and he got over 1%; the other two didn't even list his name, and he didn't get 1% because he wasn't listed on the poll. These are corporate polling companies. And so he's blocked from being on the debate coming up with the presidential candidates in Detroit. Did you know that?

John Nichols: I did know that and I've followed what's been happening with former Senator Gravel. And I'm sorry he won't be in the debate because the fact of the matter is that at this early stage in these very crowded debates, what you need most of all is clarity. What you need is people who will say blunt things that may shake the process, kind of out of its doldrums if you will. And for all the punditocracy about these debates, the fact of the matter is that only in a few moments did the first two get to anything that might be referred to as the substantive policy discussion or deep policy discussion.

Ralph Nader: John, you mentioned that former Senator Gravel could bring more clarity to the Democratic primary debates. And here's an example. He's putting out a statement saying that the contrast in the upcoming election is between Democratic Socialism and Republican Socialism, which is a brilliant pro and con bit of nomenclature because Republican Socialism is Wall Street, corporate welfare, bailouts, handouts, and the corporate state--what conservatives call statism or crony capitalism. And Democratic Socialism is full Medicare for All, a living wage, tuition-free higher education, a reform of the tax laws, and a redirection of public budgets from the military empire boondoggles to rebuilding America, community by community, and its public works. So there, right there, he coined the contrast. It's Democratic Socialism or Republican Socialism. What do you think of that nomenclature?

John Nichols: Well, I think it's absolutely useful. And as long as we're playing with the language a little bit and saying some more things, we could also say investment, right? If we want to talk to the corporate types to help them understand this, because sometimes they seem to have trouble with it; it's where do you invest? The Republicans, and the Trump Administration especially, is very, very interested in investing in tax cuts for the rich, tax cuts and literal giveaways to corporations and regulatory changes that are in themselves another form of giveaway, even investment, because the deregulation makes it much easier for corporations to peddle their stock and to promote themselves--to pump up their so-called value.

Ralph Nader: And endanger the health and safety of the American people; they're deregulating consumer, worker, and environmental protections. That's what Trump is doing.

John Nichols: Absolutely, right. So that's the one side. And on the other side is, do you invest in health, transportation, housing, the quality of our communities, the safety of our jobs? The weird part about this discourse, of course, is that we don't get to the heart of the matter. And so frequently we don't get to the heart of the matter because we have words that seem to be owned, if you will,

by one side of the debate or the other, right? And so more often than not, our Republican friends are very determined to scream socialism and they're rarely countered except by Bernie Sanders and a couple of other folks, but they're rarely countered on that. And so, they kind of own that turf, but the Republicans also seem to own or claim the term investment, right? So, what I think you're talking about, where you're going with regard to Gravel here, is this notion of claiming the whole language and using it in a way that starts to make sense for the great mass of people. And usually, not always, but usually, that is done by an outsider--by somebody who isn't, kind of, in the inner circle of our politics. So, it might have been a Eugene Victor Debs or a Norman Thomas or a Ross Perot or even a Ralph Nader--people along the way who have challenged the discourse. And I think it's been throughout our history, outsider candidates challenging candidates, sometimes in primaries, sometimes it's third parties--often move the discourse to a place where we begin to get some understanding. And the final thing I'm saying is this is the way in which we actually start to move. Franklin Roosevelt didn't come up with all the ideas in the New Deal; Eugene Victor Debs, Norman Thomas, many of the socialist and Social Democrats at that time did.

Ralph Nader: For sure.

John Nichols: Similarly, if we look at contemporary debates about legalizing marijuana, ending the drug war, getting rid of mass incarceration, in many cases our libertarian friends were the ones who started to scope some of that out--considered on the fringe, but then ultimately brought into the mainstream.

Ralph Nader: Speaking of changing the discourse politically in Washington, D.C., Bernie Sanders, who I knew before he became mayor of Burlington, Vermont, hasn't returned my calls in 22 years. But last Tuesday, I bumped into him in the Senate. He was having his hair cut.

John Nichols: Well, that's the news on two levels.

Ralph Nader: And I said, "Bernie, welcome. I know you didn't get your hair cut here to hear me lecture you, but let me give you four quick suggestions. One is you got to talk about how the corporations are taking away our freedom of contract--fine print contracts, and they're taking away our freedom to have our day in court and trial by jury. And second, you might want to talk more about corporate welfare right down to all these ballparks and stadiums that are funded by taxpayers for the billionaire sports owners instead of the money going to neighborhood recreational facilities in cities around the country. And the third is you might want to talk about corporate crime on government, rip offs of Medicare over 60 billion [\$] a year. And just corporations in the contract relations with the government are stealing [from] the taxpayers and a lot of conservatives are upset with that." And then I said, "We're coming out with a pamphlet pretty soon, "25 Ways That Quality of Life Is Better In Canada Than In The U.S.", because Canada has full Medicare for All--everybody in, nobody out, free choice of doctor and hospital." And he looked at me and he said, "Well, looks very interesting; call my office." And he proceeded to have a few more locks of his hair cut off by the astonished barber. How about that?

John Nichols: Well it's good you guys were talking. And look, here's the core of this thing. We need to recognize, as you're suggesting with this comparison with Canada, and frankly with a lot of other comparisons that are done with the rest of the world, that the United States is currently

falling further and further behind. And the interesting part about this is, that it isn't just the politics

issue, it's also a media issue. Our media barely covers the rest of the world. And if it does, it's usually as regards, A) a disaster--some crisis or B) something that relates to America, i.e., you know Boris Johnson takes charge of Britain; he's sort of like Trump or something like that. So that's pretty much what passes for international coverage. What we're not getting is media coverage that says, you know, there's people who've solved these problems. The Australians had some mass violence; they had a response to gun violence that was very, very effective. Canada had people that were sick; they got a healthcare plan that's very, very effective. And if I can just focus on one final thing that is just lost in the presidential debate at this point--we're coming into an automation revolution that's going to transform everything about how we work. It has great potential, but it also has great threats. And other countries, like Germany, are three and four stages into addressing this automation revolution, making sure that it works, not merely for their industries, but also for their people. The United States hasn't even begun to talk about it. And so, you were trying to get Bernie Sanders to focus on some things; frankly, I would like to get all of these candidates to focus on the fact that one of the ways you run against Donald Trump is to say Donald Trump isn't making America great again. Donald Trump is literally holding America back from participating in the basic progress of the planet.

Ralph Nader: You know as a nation is, a culture, you're more than a history buff, John Nichols. We have a great deal of difficulty learning from other countries' better practices. For example, Australia has a turnout for federal elections of 96-97 percent. Why? Because they have legislated voting as a public duty. I mean you can write in someone's name, but you've got to exercise your vote. And there are no politicians in Australia spending money and time begging people to go to the polls. Well, you know, why don't we learn from that? Even Barack Obama thought that was an interesting idea.

John Nichols: Well, there's so many examples.

Ralph Nader: Yeah, and you know, remember Michael Moore's documentary where he went to Europe and elsewhere and said, "Hey, look, they're doing things better there than we're doing." That was one of the movies that flopped. People weren't interested in watching.

John Nichols: And one of his other most effective movies, not to be Michael Moore's film club here, but *Bowling for Columbine*, right? [It] really was about gun violence. And the fascinating thing about it was that he showed us a country right across the border that has a lot of guns, but not as much violence.

Ralph Nader: Canada.

John Nichols: Yes, and the lesson there has everything to do with understanding that these issues are intersectional. There's not just one simple answer. And so, countries that have dug into them-- that have tried to address them, that have tried to figure them out--have so much to teach us. And instead of resisting that, we ought to say, "Hey, yeah, we really want America to be the greatest, so we're going to borrow this good idea here, that good idea there, and we're going to put 'em together in this very free country and do it right." Unfortunately, our corporate power doesn't want that.

Ralph Nader: Does *The Nation* magazine do enough of this? You're a legendary correspondent for *The Nation* magazine.

John Nichols: Well, I don't know if I'm legendary, but no, I think we could do more. And in fact, we talk about it; I was talking about just the other day about this with Katrina Vanden Huevel, our long-time editor, now editorial director. And this is a great passion of hers -- looking at the rest of the world and drawing in ideas. And it's interesting that you bring it up. We were just talking about an amazing speech given by the Prime Minister of New Zealand, Jacinda Ardern, in Australia just last week in which she really, at a core level, outlined this democracy deficit that so many countries suffer from, and the necessity of good governance at going to this very deep level. And I invite people to, rather me describe it, just Google it online or check it out. What you'll be blown away by is that a leader of a country would go this deep and talk in such fundamental ways.

Ralph Nader: That suggests that *The Nation* should have an entire issue devoted to the best ideas that have improved life in other countries that could be adopted here within the standards of our own Constitution and national aspirations. And, you know . . .

John Nichols: I think I'm going to steal your idea, brother.

Ralph Nader: That's good. Now let's get to the Mueller hearings in the House of Representatives. As we talk, you have heard or seen the first installment of the Mueller hearings before the House Judiciary Committee chaired by Congressman Nadler from New York. Let me just ask--you could talk all night on this--but we don't have all night--what questions do you think the Democrats should have asked?

John Nichols: That they didn't ask?

Ralph Nader: That's right.

John Nichols: Okay. At the core would've been actually a structural conversation, I would've loved them to have, where you simply said, Mr. Mueller, I know you're here testifying about this report. I know you're testifying about all this other stuff that only takes you up to 30,000 feet. You trained as a lawyer; you swore an oath to the Constitution of the United States. A) Help us to understand, let's explain for a few minutes here, the distinction between the legal authority to hold someone to account as described by our laws and statutes, and the constitutional authority given to the House and ultimately the Senate by the Constitution. And are these different? Now the answer is of course they are different. And, not getting into his own report, but B) can there be wrongdoing by a president that is not indictable or that will not be indicted at least in this circumstance, that is not prosecutable in this circumstance, that could still legitimately meet the standard for impeachment? I would love to have had that precise discussion and led by probably [Congressman] Jamie Raskin or a member who is a constitutional scholar and there are great constitutional scholars on the committee. Because I don't think most Americans and, frankly. I don't think most pundits understand the deep distinction between legal accountability and constitutional accountability. They are very different things.

Ralph Nader: Most likely he would have said that isn't within my purview, but that doesn't keep a member from making a very important point before an audience of millions of

Americans. Let me ask you some rapid questions here. Donald Trump has bragged about his memory, he's bragged about being "a stable genius," his words. Why didn't anybody go through the interrogatories that were sent to Donald Trump to answer in written form—we'll get to his lack of being questioned directly—why didn't they read his responses, which were again and again, "I have no recollection of that; I have no knowledge of that". Why wasn't that asked, John Nichols?

John Nichols: Well exactly and I'll tell you exactly where and how it should . . . I don't know why. I mean I can't read people's minds. I think they had a very choreographed democratic questioning that by and large was very effective. It did raise a lot of key points and it clearly got to the obstruction issues, which I think is where the Judiciary Committee wants to go. But there would have been an ideal way to deal with that, and that is that when they are . . . and at some point, they could have said, do you think the president is a competent man, right? And it might well be that Mueller would say, "I can't talk to that or I'm not an expert on that," but if he gave an honest answer, I think he would probably say yeah, we know or something, whatever he says. And then to say, well then, were you concerned, were you troubled by the fact that so many of the answers in his written replies were so devoid of memory, so devoid of awareness; is that common when you deal with someone you think of as a competent person, right?

Ralph Nader: Okay, let's get to the next question. It was asked, I think early in the hearing, about Mueller trying to interview the president directly. And he said, "correct". And I think there was a question such as "And what did the president say?" And he said, "no". But they didn't then say why didn't you subpoena the president? The entire subject of your investigation, \$27 million worth--dozens and dozens of colleagues, former prosecutors, brilliant lawyers--and the President of the United States didn't have to answer questions directly under oath--what is known as a deposition? Why didn't they ask the question? "Why didn't you subpoena him?"

John Nichols: And then to go to this deeper question, is that, in your view, related to the OLC. This is the Office of Legal Counsel, from the Justice Department, which basically says you can't indict a sitting president. And if Mueller were to say no, it's not related to that, well then why, you know, wasn't there a subpoena? If Mueller were to say yes, it is related to that, I think because you can't indict, you can't also do these other things. That would've been very revealing as regards the constraints on this investigation. Because one of the things that came out from the questioning today, and I think the Democrats did a very good job of bringing this out, was the extent to which the Mueller inquiry was constrained by this Justice Department memo, by the lack of cooperation by the president, and brought out in one late line of questioning, which was especially important, by outright lies, all sorts of people who lied to this investigation. And then also by, again brought out, I think it was Jamie Raskin and some others who focused on this, witness tampering. This question of the President of the United States clearly trying to get people not to cooperate. I would love to have seen more of that brought out.

Ralph Nader: I think, John, that the obstruction of justice, which is real, absorbed the energy of the Democrats excessively. Because the main issue of this Mueller investigation is that Donald Trump said, "I will not be questioned under oath." And Mueller let him get away with it. And let me put it this way, why didn't the Democrats challenge this so-called memo in the Office of Legal

Counsel [in the U.S.] Justice Department that a sitting president could be not indicted for a crime? What's the constitutional basis for that? There's no Supreme Court case on that. And the

Democrats, over month after month, have accepted that as if it was legal gospel. There's nothing in the Constitution, in the impeachment authority, or any other place in the Constitution that says that Congress is thwarted in its impeachable authority because of this legal counsel under both parties in the Justice Department apparently, saying that you can't indict a sitting president. What

if Trump committed a homicide? Nobody would argue in legal circles that he could not be criminally indicted for that. Why don't the Democrats get down to the basic issues, which is 1) he did not use subpoena power to directly question Trump under oath and everybody who knows Trump knows he would have perjured himself and got himself into real trouble. And 2) why didn't they challenge his Office of Legal Counsel barrier?

John Nichols: Well, I mean this gets to something you and I have been talking about for, you know, since I've known you, and that's a very long time and that is the imperial presidency. And the problem with the imperial presidency is not the president. The problem with the imperial presidency is the Congress. The Congress of the United States too frequently allows presidents to define the extent of their power. And that is a surrender of constitutional responsibility. Now we have seen minimal, very, very minimal efforts by the House to claw back a little bit of power on things like declaration of war, and Barbara Lee, and Rho Khanna, and some other members that have been great on this issue. But by and large, our Congress allows the president of the United States to operate as an imperial being who really does realize what Trump claims. Trump runs around saying that the second section of the Constitution allows him to do whatever he wants, right? Now that's completely false. It's always been false. And yet, why does he think that? With all due respect, I think that he reaches that conclusion, because for so many decades, so many decades, the Congress has allowed presidents to do pretty much what they want.

Ralph Nader: Well you know, I've said that President Trump is the most impeachable president in American history, hands down.

John Nichols: Oh, yeah.

Ralph Nader: He has defiantly and openly refused to faithfully execute the laws of the land, the health and safety laws that save lives and prevent disease in this country, for example. He has enriched himself and his family violating the [foreign] emoluments clause to the Constitution. He has brought disrepute and disgrace with his wild tweets, and bigotry, and misogyny, and obscenities to the White House, which the Founding Fathers thought would be an impeachable offense. He has obstructed justice, and most recently, this alone would be an impeachable offense; he's obstructed the House of Representatives from exercising its constitutional duties to investigate the executive branch. And yet, Nancy Pelosi, the speaker, apparently has silently amended the Constitution to say that they would not pursue an impeachment inquiry unless it reflects majority public opinion. Somehow I don't see those last few words in our Constitution.

John Nichols: Well, and of course it's also ahistoric; it is anti-historical. The fact of the matter is, that an impeachment inquiry is never usually demanded by everybody, right?

Ralph Nader: Yea.

John Nichols: You get there at the point where people know enough to say, "hold it; something bad here has occurred". Imagine, imagine if in 1973, folks had said, "You know, look, we just

can't look into what Richard Nixon has done as regards to Watergate and all these other things, because he just got reelected by an overwhelming majority. That was the standard, right? And then believe me, I think today you might hear that. But if that was the standard, Nixon would have been protected simply by the fact that he won an election. The American promise . . . the American Constitution promises that we have elections, but once you are elected, you don't become a king for four years. You can be held to account during those four years. This is well established in the Constitutional Convention of 1787 and the debates about it.

Ralph Nader: Also, I may, John, that the televised hearings about the impeachable offenses of Donald J. Trump by the House of Representatives, would change public opinion quite dramatically. He's had a soliloquy with the American people. He's painted himself as the greatest thing ever, the most successful presidency with no real equal mass media rebuttal and that includes his tweets. And after a while you can understand why only about 42% now of the American people would like to see an impeachment inquiry get underway. But it would, I think very significantly, expand if the House of Representatives did his job. And just in the last few minutes, let's talk about Iran. We have John Bolton, the National Security Adviser to Trump, and Mike Pompeo, the Secretary of State, two complete outlaws--government outlaws. They've never invoked the rule of law; they don't respect the international law, federal statutes, Geneva Conventions or the Constitution. They want war with Iran and they have said it again and again in terms of their threats. And Trump understands that if he gets into an Iran quagmire, which will make the Iraq quagmire look minor by comparison--notwithstanding the horrific casualty toll there--that he will lose control of his daily reality show and the headlines would focus on the war. So tell us about your articles which say no war without a congressional declaration.

John Nichols: That goes to the heart of what we're just talking about, doesn't it? Because we have no assurances that our Congress will stand up and do what it's supposed to do. But we do have signals that at least some members of Congress want to. And one of the most important things that happened, again if we had a media that actually covered everything that mattered, everybody would know about this. But, of course, we got a media that tends to cover gossip more often. But if we had a media that covers everything that matters, people would know that about a week ago, the House of Representatives in deliberations as regards to the monstrously large defense budget, included a number of resolutions and components that reassert congressional authority. And one of those was a very well-drawn bipartisan statement that says that the president cannot declare war with Iran or cannot attack Iran without consulting Congress. And then it specifically says that the previous authorizations for the use of military force for 2001 and 2002, cannot be used as excuses by this president to go to war with Iran. So it's very specific, very useful statement, and it is being policed, if you will, by Congressman Ro Khanna from California, by Congresswoman Barbara Lee [from CA], by Congressman Mark Pocan [WI] and a handful of others who really are pressing the point and this is vital because I fear that because of both political and media malfeasance, a tremendous number of Americans may not be aware that we're not supposed to go to war without congressional approval. And this tremendous number of Americans who frankly don't want a war with Iran or some sort of fight, some sort of military quagmire with Iran, they have a power to assert their concerns. And that power is with their members of the House and Senate and they ought to go first to their Republican representatives. Because the interesting thing is, while, the Democrats have been imperfect on this, and so the Republicans, especially people like Mitch McConnell, there are a number of Republicans who have sided with Ro Khanna, and Barbara Lee, and folks like that, to

just say no, we've got to reassert the Constitution. So this is a real opportunity for a bipartisan demand for checks and balances on the president. We ought to be ramping it up because the fact of the matter is, almost every day, even though it's not covered as well as it should be, we hear another indication that we might stumble into a war with Iran, which is the last thing any of us should want to him.

Ralph Nader: John Nichols, inform our listeners, this resolution you're talking about basically warning the Trump Administration not to go to war against Iran without congressional approval, does it also say if he does that, it's an impeachable offense?

John Nichols: I wish he did. Although no, Ralph, we don't have Henry B. Gonzalez in Congress anymore. I wish we did. You remember Henry B. Gonzalez?

Ralph Nader: Of course.

John Nichols: The Congressman from Texas. And the thing I loved about Henry B. was that, you know, he was just a lawyer from down there in San Antonio, but he did know his Constitution. And every time a president went to war without consulting Congress, he would come to the floor of the House--not every time, but often I would say--he would move an impeachment resolution. He did it repeatedly and he always said, as a rather powerful member of Congress, we need to understand this is the ultimate impeachable offense! We had a revolution against the British king they kept leading us into wars that we didn't need to and didn't want to fight, and so finally we decided we want to be an independent country. Now, we have presidents who lead us into wars that we don't need to and don't want to fight. And yet, we're not holding those presidents to account.

Ralph Nader: In the last couple minutes, Steve, David, any questions or comments for John Nichols?

Steve Skrovan: I've got a question on a different subject, John, and this has to do with the Representative Ilhan Omar in a podcast you did with her recently and there was a little dust-up about that because Donald Trump had tweeted a claim saying "Omar was looking down with contempt on hard-working Americans." Did she say that? Did she imply that? What . . . just very quickly tell us the story about that.

John Nichols: Yeah, it's a great story because you know, we're not always in the midst of how President Trump comes up with his lies. But in this case, we could confirm it. I did do a great podcast, and it's not because of me, it's because of the quality of some of the things that she had to say, with Ilhan Omar, in May, and it was about, not just all the issues of the moment, but really about how, as one of the first two Muslim women in Congress, she tries to communicate with people about issues of concern to refugees and of immigrants. And she said there's a tremendous amount of confusion out there and that Republican politicians, or maybe even some Democrats, play on that confusion in order to achieve political ends. And she was complaining about that, and she said there's a lot of ignorance out there and these politicians really try to game it. And that's what she said. Trump translated that into a suggestion that she had said, working class people are all these ignorant people--that she had attacked working class people. It was the opposite. She was attacking politicians who manipulate the great mass of Americans no matter what their class in order to achieve political ends by dividing us and particularly by causing us to look askance at refugees, immigrants, Muslims, Arabs, and others. And so, she was really going

into this very deep, thoughtful commentary. And the interesting thing was, she spoke again and again about how she tries to reach out--to Republicans, to conservatives, to people who may not agree with her or may not know much about her--in order to share information. And so, what Trump did . . . I mean, look, we can criticize Donald Trump a lot of times in a lot of ways, but what he did there was particularly egregious because he went, not just in a way beyond and around what she had actually said, but he really went against the very spirit of what she was saying in order to demonize a member of Congress who's actually trying to talk to the great mass of Americans.

Ralph Nader: Yeah, more than demonize, he's a chronic liar and that alone is an impeachable offense. He's lied every day he's been in office. They've already totaled up over 10,000 lies. He lies about what he says in the past. He lies about what he's done. He lies about the natural world and climate disruption. He lies about foreign countries. He lies about labor situations. He lies about what's going on at the border and who's causing it. He is a pathological liar, which is I think what Bernie Sanders called him once. And that ought to be part of an impeachment inquiry. I mean imagine United States of America being given a daily diet of non-reality, of fantasy, of chronic massaging of the president by the president, and the way he mischaracterizes the performance of the government to an absurd degree--Orwellian degree. Anyway, I think we're out of time. What's your next book, John Nichols?

John Nichols: My next book is a look at the history of the Democratic Party and an argument that back in the 1940s at the end of World War II, the Democratic Party had a choice to make--whether it would continue with the visionary and activist agenda of Franklin Roosevelt and the notion of an economic bill of rights and four freedoms, and really have a clear vision going forward. Or whether it would go back to being a party of compromise, not just compromise as regards foreign affairs, but also compromise domestically on issues like segregation. And my argument is that they made the wrong choices and locked in patterns of compromise that exist to this day. It's called *The Lost Soul of the Democratic Party*. It'll come out early next year.

Ralph Nader: Well, we'll see whether you persuade enough people, and these are my words not yours, that the Democratic Party has been increasingly unable to defend our country in everything that's going on from the worst Republican Party in history, the cruelest, most ignorant, most Wall- Street indentured, most war-mongering, most corporate-enabling party. It would upset Senator Robert Taft, Mr. Republican in the Senate in the 1950s. It would upset Dwight Eisenhower in the 1950s. And it would certainly have somersaulted Teddy Roosevelt, another Republican President. Anyway, thank you very much. Keep up the good work, John Nichols.

John Nichols: It's a great pleasure to be with you, Ralph and to all of you. Thanks so much for having me on.

Ralph Nader: You're welcome.

Steve Skrovan: We have been speaking with John Nichols, National Affairs Correspondent for *The Nation* magazine. We will link to his work at ralphnaderradiohour.com. You know what time it is now? It's time to take a short break and see what's going on in the dark recesses of the corporate board rooms with our *Corporate Crime Reporter* Russell Mokhiber. When we come

back, we're going to talk to a man who investigates all the mysterious ways airplanes can crash. You are listening to *Ralph Nader Radio Hour*, back after this.

Russell Mokhiber: From the National Press Building in Washington, D.C., this is your *Corporate Crime Reporter* "Morning Minute" for Friday, July 26, 2019, I'm Russell Mokhiber. Eleven brands of 74 various types of hummus have been recalled because of concerns about Listeria. All of the hummus was produced by Pita Pal Foods and shipped to stores nationwide. The Food and Drug Administration found listeria in the manufacturing plant during an inspection, not in the hummus itself. No illnesses have been reported. The brands include Harris Teeter, Lantana, and Pita Pal. Most of the products recalled have "best by" dates between July 21 and Aug. 30, 2019. If you purchased a product involved in the recall, don't eat it. Instead, return it to the store for a refund. Listeria causes about 1600 cases of listeriosis every year, and about 260 deaths. For the *Corporate Crime Reporter*, I'm Russell Mokhiber.

Steve Skrovan: Thank you, Russell. Our next guest narrowly survived a plane crash and launched a lifelong crusade to improve aviation safety.

David Feldman: Dr. Alan Diehl has held important positions with aircraft manufacturers and the National Transportation Safety Board, the FAA, and the US Air Force. Dr. Diehl was also celebrated for exposing mistakes by government officials that led to deadly accidents. He holds degrees in psychology, management, and engineering as well as an airline transport pilot license. His first book, *Silent Knights: Blowing the Whistle on Military Accidents and Their Cover-Ups*, was widely acclaimed and nominated for a Pulitzer Prize. His latest is *Air Safety Investigators: Using Science to Save Lives One Crash At a Time*. Welcome to the *Ralph Nader Radio Hour*, Dr. Alan Diehl.

Dr. Alan Diehl: Thanks so much for having me.

Ralph Nader: Welcome indeed, Dr. Diehl. We go back a long way actually. The first study by the Nader Raiders from our center was on general aviation aircraft like Cessna. And people might be astonished to know that when that study came out, seatbelts weren't required in light planes like the Cessna planes. And at that time, you were pushing for shoulder-type restraints in these planes and you used that report, which was conducted by two aeronautical engineering students at Princeton, which was our first report, over 50 years ago. And I mention that because it's really gratifying; that report had quite an impact because of the publicity it received on work by people like you who were pushing for higher safety standards for general aviation aircraft, which of course, in their total, transport hundreds of millions of people a year. Dr. Diehl is the author of *Silent Knights: Blowing the Whistle on Military Accidents and Their Cover-Ups* as well as a more recent book called *Air Safety Investigators: Using Science to Save Lives One Crash At a Time*. And I'm sure our listeners are saying I wonder what Dr. Diehl's take is on the current status of the FAA, the Boeing 737 MAX, and the general future for the safety of civil aviation. Take it from there.

Dr. Alan Diehl: Well, Ralph, in I think both of my books, I used the expression "It's The System, Stupid", apologies to the 1992 Clinton campaign, "It's the economy, stupid." It's the system that exists between the FAA and industry. And frankly, in 1978 when Congress deregulated the U.S. Airlines that became the template for the world. The world looked to American procedures and policies to affect their airlines and their manufacturers. So when we

deregulated the airlines in this country, the rest of the world eventually followed suit, but it affected more than just the airlines. Everything became a bottom-line enterprise, and the aircraft design also went that route, and so it was much easier to modify existing aircraft like the 737 than it was to develop new ones. Everything was being driven to reduce costs. And one of the things was they were going to replace the flight engineer and go to automated two-pilot cockpits. And after working for the NTSB [National Transportation Safety Board] for a few years, the FAA [Federal Aviation Administration] hired me as their senior human-performance expert. And the FAA administrator called me and said, "What about this automation, Al?" It's 1980; his name was Langhorne Bond and he's calling me, a GS-14 [14th paygrade scale], I guess, at the time, to ask me, you know, "You're my senior expert on human performance--is it going to be safe?" And I said, "Mr. Administrator, automation can improve safety, but it's a two-edged sword. It needs to be very carefully evaluated from both a systems safety and an ergonomic standpoint". And he said, "Okay, fine. Thank you, I'll take that under advisement." And I kind of interrupted him and said, "You need more than my advice on this. You need to form an international commission to look at all the issues with automated cockpits". He didn't take that piece of advice. He basically told me he was going to certify the first of . . . actually it was a semi-automated cockpit that was called the DC-9-80. And McDonnell-Douglas, who manufactured the DC-9, had assured the FAA that this stretched aircraft with bigger engines could be flown safely because they were adding extra safety devices. And little did I know that one of those devices would kill, when it failed, over 300 people. Boy does this sound a lot like the MAX. Now that was the -80 or the MD-9-80 if you prefer. But basically, they had a piece of automation that failed that's called a take-off warning system. If they try to take off and if the flaps are not properly set, the plane won't fly. It crashed in Detroit in 1987 and again in Madrid Spain in 2008 killing over 300 people. Single point failure, that's exactly what Boeing did. Of course, Boeing bought out McDonnell-Douglas in 1997. In full disclosure, I'm part of the lawsuit still going on over the Madrid crash, so I need to say that so your listeners know that I'm part of that lawsuit.

Ralph Nader: We're talking with Dr. Alan Diehl, author of two books *Blowing the Whistle on Military Accidents and Their Cover-Ups* and *Air Safety Investigators: Using Science to Save Lives One Crash At a Time*. The big questions now in Washington about the Boeing 737 MAX, the FAA, the National Transportation Safety Board, and congressional committees are grappling with-- media's right on top of it trying to do a good job in this case, are 1) should the Boeing 737 MAX 8 be subjected to a full certification because it is a new plane in the judgment of a lot of people and 2) if this plane is ever ungrounded and flown, should it be preceded by simulator training on behalf of all the pilots? Two big questions, what's your answer?

Dr. Alan Diehl: Well I think the certification needs to be very carefully re-reviewed. Now one of the things I didn't say, Ralph, earlier is when the Congress deregulated the airlines in 1978, they really didn't give the FAA the resources to look at this new industry that has cropped up, both the operational industry, the airline, and the manufacturer. So, that's a fundamental problem that Congress needs to address. I know you said publicly that the plane needs to be scrapped. I hate to disagree with Ralph Nader, one of my legendary heroes. As a matter of fact, things that you did literally saved my parents' lives—high-back car seats, but that's another story. Ralph, I think the aircraft could be made safe if it's carefully recertified. And one of the features that I don't see anybody proposing, is they need what are called aural alerts on the so-called maneuvering characteristic augmentation system [MCAS]. As you know, it's the system that shoves the nose

down and right now the investigations are still underway, but it appears in both those accidents--in Ethiopia and Indonesia--were caused by the MCAS as they call that system; the pilots don't have time to troubleshoot. When that thing kicks on, you could have aural alert. We've all seen the movies where when they get too close to the ground, it says "whoop, whoop, pull up." Pilots don't have time to make decisions in that situation. They need a system that says angle of attack fails, and angle of attack indicators drive the MCAS, the system that pushes the nose down. So the pilots need a warning that things are not right immediately. And then if . . . once the MCAS system kicks in, they need another alert that says "MCAS active." If they had that, neither of those other accidents would've occurred, I'm convinced. So, I think this aircraft is salvageable. As you know, they've sold about \$400 billion worth of these aircraft. They've got, what, 800 of them currently manufactured. I don't think they'll scrap it, quite honestly, is the reality of the politics of this.

Ralph Nader: Yeah. Well, they don't have to scrap it. They can recall it and deal with the engine problem, which changes, as you know, the center of gravity of the old fuselage that the larger engines were attached to, and they'll find a way to make use of it. They don't just have to turn it into scrap metal. But you know the MCAS software, which overpowered artificial intelligence, overpowering the human intelligence of the pilots in the Indonesian-Ethiopian crash, would never be necessary in the 737-800 NG. It's only necessary because of the instability and the prone-to-stall problem of the 737 MAX. And so, Captain Sullenberger testified before the House a few weeks ago that the pilot who landed the plane in the Hudson River saved lives in this passenger plane when the birds were ingested in the engines as he was taking off. He said there should be simulator training for the pilots. Where do you come down on that?

John Nichols: Well, like Ralph Nader, I have a great deal of respect for Captain Sullenberger, the "Miracle on the Hudson" pilot, but I'm not sure that you need simulator training. There's basically a couple of problems with this MCAS. Boeing claims, and the FAA is looking into this, that they're making all these software fixes, so they're not going to have . . . it's not going to be driven by a single-angle-of-attack indicator anymore. It's going to be both angle of attack. It can only push the nose down once. In those two accidents that occurred, in Indonesia and Ethiopia, that it kept shoving the nose down but you can't allow the aircraft to accelerate. If that happens, you do not have the authority to manually trim. . . . there's two-trim wheels in that aircraft, but once the aircraft gets going fast, those wheels are not strong enough or no pilot is strong enough to force the nose back up. So, I think Boeing's fixes will do a lot to help. I know certainly Captain Sullenberger is well-respected. They also discovered that the simulators don't replicate this increased force on the trim wheels, which needs to be fixed. So I don't know that I would . . . absolutely, there's just not as many simulators out there right now for the MAX. They're coming off the production line, but it might be years before they could get enough simulators out there. And I think the reality is even though the Canadians have talked about mandating it, that may happen, but I don't think it will. However, I think with this additional aural warning system, it'll allow the pilots to respond quicker, but it certainly should solve the problem. Remember, the 737 has had 80 crashes. It's been around since 1967. These tragic crashes, you know this year and last year, of the brand new MAXs, are unusual. But we've seen this problem. And, Ralph, I have to say I'm not a . . . you know I'm a critic of Boeing when I have to be and when I should be, I think, but we've seen this throughout aviation history and it's called fly-fix-fly. They fly the aircraft, discover a problem, fix it, then get it back in the air. As a matter of fact, it goes back to the Wright Brothers; the first aviation fatality ironically was caused when Orville Wright was

flying a guy by the name of Tom Selfridge at Fort Myers right there where you're at in Washington, D.C., and they couldn't quite get the performance out of that Wright flyer in that eight and a half foot diameter propellers. They retrofitted bigger propellers, 9-foot diameter and the propellers snagged a guide wire and caused the airplane to crash killing the first person, Lieutenant Tom Selfridge, but they fixed it months later and got the performance out of the aircraft and of course it went on to be a fairly successful aircraft in 1918, 1919. What I'm saying is, we've seen this over and over again.

Ralph Nader: What the difference is, that this is one of the harbingers of the future where we're relying on software to fix hardware. And instead of fixing the hardware--you remember those crashes in Colorado and Pittsburgh with the 737 in the 1990s--they were flying that plane year after year and nothing happened, then two crashes. Almost 200 people were killed, and they found it was a rudder problem.

Dr. Alan Diehl: Absolutely.

Ralph Nader: And Boeing fixed the rudder problem. They didn't fix it with software; they fixed the hardware. So now we're in unstable territory here where we're relying on software to reduce the risk of prone-to-stall by the hardware coming from larger engines over an old fuselage. And as you know, Boeing cannot afford another crash without seriously affecting its leadership in aerospace with the Japanese, Chinese, and Brazilians coming forward with new competition.

Dr. Alan Diehl: Absolutely. They've got to get it right and whether or not it's going to require a structural change, I know what you're talking about. A lot of people pointed out if Boeing had done this right, they would have put a longer landing gear on the aircraft. They did raise the nose gear slightly; they had to, to get the clearance on the engines, but if they had left the engines at a lower level like on the NG and the earlier 737s and just simply put a new landing gear, a longer landing gear, they could've probably accomplished that. But Ralph, I think that would take years to get that aircraft recertified, and we'll wait and see. I do think there may be some interesting data and information and maybe even criminal charges coming out of these various investigations that are ongoing, but the issue of literally redesigning and relocating those engines is going to be a difficult one. We've seen aircraft that are very dependent on automation. Now it's a military F-16, for example, is a fly-by-wire, that's been around for decades. And that plane can't fly without the computer as you well know. They better be awfully careful, Boeing and the FAA, that whatever modifications, even if it takes several more months than they'd like, which is to have it back in the air by the fourth quarter of this year, but I'm saying, no, maybe you better look more carefully at better software. I'm not sure this will prevail. In our ideal world, we'd say, okay, relocate the engines, put in a longer landing gear; you probably would have to change the wing and so on, and that would take years. And I think in reality it's not likely to happen.

Ralph Nader: But look at the risks to Boeing, if they have one or two more crashes due to their ignoring traditional aerodynamic stability principles; if they have one or two crashes, it will seriously question Boeing's leadership in the aerospace industry in the world. And they should listen and read about what happened in Britain. In the 1950s, Alan, Britain was a leading aerospace industry and they produced the Comet jet, which crashed several times. And that ended the British aerospace industry's leadership in the world. And it's easy to say, it's either

Boeing or Airbus, so they all have heavy orders in their overtime and Boeing is not going to go away. But we now have three major competitors on the way for narrow-body passenger aircraft--Japan, China and Brazil. And so just in Boeing's own interest, they better be very, very careful of going into terra-incognito, which is trying to fix an unstable hardware problem by a software fix, glitch, stitch, whatever, that cannot anticipate all the various configurations that can confront pilots. And I agree, having software that only pushes the nose down once or twice is better than the software that the Indonesian pilots didn't even know was on their plane that pushed the plane down over 21 times before it went into the Java Sea. But still, there's this risk that I've just pointed out. Well, thank you very much, Dr. Alan Diehl. You've given us a very useful sum-up of the situation. The Boeing

marketeers overruled the Boeing engineers. That's a great summary of what happened. Thank you very much, Dr. Alan Diehl, author of *Silent Knights: Blowing the Whistle on Military Accidents and Their Cover-Ups* and the more recent, *Air Safety Investigators: Using Science to Save Lives One Crash At a Time*. Thank you for coming on the program.

Dr. Alan Diehl: Thank you so much for having me, Ralph. It's very gratifying to be on a show with you. You're certainly one of my role models. And anything I did was influenced by what you did many years ago. Thank you, sir.

Ralph Nader: That's why we do the work. Thank you, Alan.

Steve Skrovan: We've been speaking with airline-safety expert, Dr. Alan Diehl. We will link to his work at ralphnaderradiohour.com. I want to thank our guests again, John Nichols and Dr. Alan Diehl. For those of you listening on the radio, that's our show. For you podcast listeners, stay tuned for some bonus material we call the Wrap Up. A transcript to this show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

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

Ralph Nader: Thank you, David, Steve, Jimmy. And if you like this program, listeners, go to your radio station or urge other radio stations to pick it up. The more people who listen, the more people who are going to get engaged for a better country and world.