

## RALPH NADER RADIO HOUR EP 287 TRANSCRIPT

**Steve Skrovan:** Welcome to the *Ralph Nader Radio Hour*. My name is Steve Skrovan along with my co-host David Feldman. Happy after Labor Day to you, David.

**David Feldman:** Thank you. It's good to be back.

**Steve Skrovan:** And we have the man of the hour Ralph Nader back in Washington D.C. Hello, Ralph.

**Ralph Nader:** Hello, everybody, what an hour it's going to be.

**Steve Skrovan:** Yes, we have a lot of show today. Of course, regular listeners know that one of Ralph's major themes is the problem with concentrated power, whether we're talking about corporate or government power. The concentrated power of Big Tech has been in our crosshairs for quite some time now. Well today we're going to talk to a man who has been ahead of the curve on all of this. He actually coined the term net neutrality. His name is Tim Wu and he is a Law Professor at Columbia who has written extensively on all issues related to technology and the law. And today we're going to focus our discussion on antitrust and how we need to bring back trust-busting in the spirit of Teddy Roosevelt and Louis Brandeis.

Also, on the show we're going to elaborate on the conversation we had last week with John Nichols who talked to us about media consolidation. We welcome back Mickey Huff, the Director of Project Censored, who has coauthored a new book entitled *United States of Distraction: Media Manipulation in Post-Truth America (And What We Can Do About It)* as we're not just here laying out problems, we're all about telling you what can be done. And in between those two important topics, we will as always check in with our *Corporate Crime Reporter* Russell Mokhiber, but first, let's talk about what we can do about the concentration of power in Big Tech with our first guest. David?

**David Feldman:** Tim Wu is Professor of Law, Science and Technology at Columbia Law School. He teaches antitrust, copyright, the media industries and communications law. Back in 2003, he coined the term net neutrality in his book *Network Neutrality Broadband Discrimination*. Professor Wu has written many books on technology and communication including *The Curse of Bigness: Antitrust in the New Gilded Age*, which warns us about the dangers of excessive corporate and industrial concentration for our economic and political future. Welcome to the *Ralph Nader Radio Hour*, Professor Tim Wu.

**Tim Wu:** Thanks for having me on.

**Ralph Nader:** Welcome indeed, Tim Wu. I mean, you've been one of the leaders of a counter movement against the Chicago School of Economics helped by Milton Friedman's theories, that corporations can concentrate and merge and acquire each other as long as they keep providing consumers with affordable goods at reasonable prices or provide them free like Facebook and Google. And you go back to antitrust history in the early 20th century when the people who were pushing the antitrust laws including the Clayton Antitrust Act, they weren't just interested in consumer wellbeing. They were very worried about the concentration of corporate power with fewer and fewer companies dominating the auto industry, the steel industry in those days, the textile industry, and their influence over government. And so antitrust was not simply for consumer

wellbeing, but designed to deconcentrate corporate power, deconcentrate the corporate state, enhance competition, and protect local businesses. So, you've been working on the Silicon Valley technology companies. But before we get to that, why don't you explain how your approach now is very pertinent to the Boeing controversy where Boeing, in effect, with its 737 MAX 8 and 9 grounded worldwide, is basically saying to the government and the FAA and anybody who wants to listen, "Hey, we're the only game in town here; you don't want to damage the aerospace giant here up against the only other game in town which is Airbus." And I'm seeing that really worked its will here on Congress. Boeing has not yet been demanded to testify before congressional committees even though congressional committees have opened up the investigation on the two devastating crashes in Indonesia and Ethiopia. Am I onto what you're trying to convey to an ever broadening public, Tim?

**Tim Wu:** Yes, I think you are. It's all part of "The Curse of Bigness", that's what Louis Brandeis called it. And the fact is, when you have one company or two companies that dominate the industry, they become so important to governments and they often would, sort of, do favors for government, hey, we'll take care of this, we'll take care of that. But they become in some ways mixed in with the state and almost immune from any real kind of scrutiny. I think it's a major problem and it's a problem that's repeated itself. Boeing is just the latest example. I agree and my whole goal in writing this book, *The Curse of Bigness* and doing the work is [to] warn of the, not just the economic, but the political dangers of over concentration in the corporate sector. I think that, as you said, when the Sherman Act was passed and the Clayton Act, this was late 19th century or early 20th century, progressive era, people were very aware of the problems of concentrated corporate power as a threat to human freedom. And now we say, well, you know if you don't like it, you just shop somewhere else or something like that. But I think the last 40 years suggest that's a pretty weak remedy particularly when you're an employee, particularly when you're talking about environmental degradation. So, my mission here is to reinvigorate the political side of antitrust and bring back the deconcentration agenda that was concerned most of all with power.

**Ralph Nader:** Well what's happened, of course, is both Democratic and Republican parties in the last forty years have abandoned antitrust enforcement, and they haven't upgraded the antitrust laws. And they've done just the reverse where the Agribusiness Accountability Law under Clinton and the Telecommunications Law under Clinton, they encourage more and more mergers, so there are fewer and fewer giant media companies, fewer and fewer giant drug companies, fewer and fewer giant auto companies, fewer and fewer giant banks. And it's very gratifying to see you and a few other law professors beginning to turn that tide. And the worst part of it is that people in this country are beguiled, because they say, "Well, we're not worried about Facebook and Google, look, you know we get it free. We give them our personal information free, and we get the search engines free." What's your take on that?

**Tim Wu:** Well on your first point, I think on the revitalization, I think we're, kind of, at the end of a forty-year experiment with reduced antitrust laws that as you said, let anybody consolidate as they like and that led to an unprecedented level of concentration consolidation in the US economy. You have to go back really to the first Gilded Age to the age of "the trust" to see a period where so many sectors were dominated by one firm or two firms, and I think it's brought our experiment with unenforcement; it's brought many of the dangers that we were worried about in the old days. We talked already about political influence, the fact that Congress will not do so many things that people want. You look at these polls, 70%, 80% of people want strong environmental protections,

some limits on drug pricing. You come across a gamut. It's not even a partisan issue, and they won't do it. And it's a sign of excessive power. The fact that workers/employees haven't gotten any real raises since the 1970s; what bargaining power that people have against a concentrated sector, and even the rise and sort of extreme politics is a lot like the first Gilded Age. People were angry back then. They felt that something had been profoundly disrupted the American economy. They turned to anarchism, communism and the progressive movement and I think in some ways we have many of the same features. We have an angry population that doesn't understand why they're falling through the cracks and what's going on with the economy. They turn in all kinds of directions that, yeah, I don't want to go on and on, but . . .

**Ralph Nader:** But the amazing thing is Washington D.C. has been approving mergers and joint ventures that never would've gotten to first base in the 1940s and 1950s. The GM-Toyota joint venture. What? The two biggest companies have a joint venture in California? The ExxonMobil mergers. What? The number one and number two giant oil companies in the US allowed to merger? The big telecommunication companies, the media companies are now down to five gigantic media companies controlling a huge portion of viewership, listenership, and readers. And now when I was recommending the deregulation of airlines along with others, the two conditions in the testimony I prepared for Congress was that A) there'd be strong antitrust enforcement, B) there'd be strong safety enforcement for the airlines. And then I watched and the Department of Transportation, with the approval of the Justice Department, approves 35 mergers, 35 mergers between airlines. And so, the Kabuki Dance that you see in Washington is that when two giant companies want to merge, the corporate lawyers meet with the Justice Department lawyers and they say, "Well, what kind of subsidiaries can be spun off to make this merger acceptable to you, Justice Department?" So, they spin off something here and they spin off something there, but they get what they want, which is more and more concentration. And you really see it on Capitol Hill because again and again, the subtext on Capitol Hill is you guys stop pushing us around. You got nowhere to go. Don't mess with us. In this country, there's no manufacturer of antibiotics left. There are no antibiotics produced in the United States. They are produced in China and India and imported. That would seem to be a national security issue. It isn't even being discussed. Now what's interesting about this is that if I asked you, what would you break up right now in one industry after another, and then you give me your answer. And then well who would break them up? And then you say, well, it would be the Justice Department. And then I would say, well, the antitrust laws are simply an invitation for decades of litigation or premature surrender settlements by the Justice Department. Why don't we just do it by legislation? Why don't we just take Tim Wu's restructuring, say of one industry after another, so it can reduce the political power, reduce the economic power, engender more innovation and competition, and let's do it by legislation, industry by industry. So, you had spent years in court and you know the courts are now, they are corporatist judges right up to the Supreme Court 5-4. What do you say?

**Tim Wu:** I generally have been in favor of doing it by lawsuit, the old fashioned way, but you have a point. It is true that last breakup was AT&T in 1984, so it's not as if... and everything else has gone the opposite direction as you say. There's been complete lack of oversight or, as you say, a kind of pretend oversight of mergers which really hasn't gotten a thing. The airline industry is completely unforgivable. The last two mergers that brought it from five competitors to three are just extraordinary that anyone thought this could be good for anyone and the results, of course, have been smaller seats, reduced services because when you have three players in a market, they can coordinate and so everybody, the change fees, sort of increase them on schedule, introduce

new class basic economy all on schedule. They just coordinate on everything. So, yeah, I think your proposal has merit, especially you know, for regulated or essential industries, so you're talking telecom or oil and gas. I mean these are industries that are already pretty interwoven with government anyway and often depend heavily, heavily on government subsidies in order to do their business, you know would not exist, let's say telecom, which is a public resource which has been given to the cell phone companies; well they sold to the cell phone companies. There's some merit especially when you have that link. You mentioned tech, in fact, one of the areas where the merger supervision has been very weak, a company like Facebook facing competition in 2010 through 2018, managed major competitors and leave us with kind of a social network monopoly, you know. I mean, everyone feels they got to be on Facebook because what else are they going to do, go to Instagram, which is also Facebook or WhatsApp also Facebook. So, there's been a shocking failure of oversight of mergers. I was in there in the Federal Trade Commission also inside state government. And for some mergers, it really is a hard, big problem. There's a culture assuming the merger will go through, and then as you said, well, what kind of conditions are we going to put on it and the judiciary, as you said, is a big part of the problem.

**Ralph Nader:** And that's it, the Federal Trade Commission's connection with the Facebook case, explain that. I mean, they had a consent decree in 2011, and as you've written, Facebook violated again and again and again and the FTC didn't do anything until recently they cut a deal. You want to elaborate that?

**Tim Wu:** Yeah, the FTC, if you want to talk about Facebook and some of the problems associated with having essentially one social network company in the country, if not the world, but especially at least the country, and their massive privacy violations and some of the problems they've had with security and elections and foreign propaganda, a lot of this lies at the door of the Federal Trade Commission. The Federal Trade Commission, at least to its initial credit, caught Facebook in the act of massive privacy violations in the 2011, 2012. They did what they thought was a tough consent decree, but it really wasn't. The people there, David Vladeck was one of the guys, good guy, but they didn't really comprehend what they were dealing with. The FTC is used to dealing with like late night TV guy promise you to cure baldness and whatever cancer or diseases you have, but they were dealing with a much larger actor here. And so even though it was reported in the media, they were very slow to even enforce the consent decree. And finally, this year, this spring, they asked them for \$5 billion, which Facebook handed over without any problems as if it was pocket change, but they didn't do what they should have done, which was bring demands for injunctive change, that is you got to change how you do your business. You have a recidivist in the criminal law, someone who breaks the law over and over again and put them under new conditions. In fact, what they're doing right now is consolidating the data and all the personal information of everyone together who's on Instagram, Facebook and WhatsApp, promising to keep it separate, so, I don't know. This summer I've been pitching an antitrust case designed to split up Facebook into three companies. We got to start somewhere on these things and we got to, I think, reinvigorate the enforcement tradition.

**Ralph Nader:** Well, there was a time when the Republican Party was more fervent on antitrust than the Democratic Party. Eisenhower's antitrust chiefs, for example, but now the Republicans have just bought into presiding over the massive concentration in one industry after another. And so, I don't see anything in the coming generation, given the young right-wing judges that are on

the Supreme Court and the Circuit Court of Appeals, ever dealing with the important restructuring of these industries, so we're up to 535 members of Congress. If someone like Bernie Sanders and Elizabeth Warren become president and there's a majority in Congress, don't you think the law professors of the land, people like you, can establish restructuring legislation for industry after industry? I don't see any other way really of getting it done. These corporate lawyers know how to game the system like nobody can believe. They specialize in procrastination. They specialize in fuzzing. They specialize in secret negotiation with government-enforcement lawyers who are looking to leave government and join these big corporate law firms. Don't you think in the future, Tim . . . we're talking with Professor of Law, Tim Wu, expert in antitrust at the Columbia University Law School... don't you think that professors like you should vector in the future on congressional legislation?

**Tim Wu:** Well they specialize in all the things you talked about, but they also specialize in blocking congressional legislation. [laughter] You know, it's not as if you wave your magic wand and everybody just like, "Oh, yes, the Congress!" I mean when's the last time Congress changed the antitrust laws in a way that . . . if you're talking about the problem of the corporate influence, I don't know if turning to Congress is my number one remedy. I just don't think it's either or.

**Ralph Nader:** Yeah, that would be, the predicate would be there'd be a national movement because people would understand how everything in their lives is affected, not just the price of drugs, everything in their lives that approach lives of freedom, of justice, of opportunity, are being narrowed and blocked. And so, I always say 535 men and women who put their shoes on every day like you and I and who want our votes more than they want corporate money for their campaigns, that's the only window I see coming along especially if we have a progressive wave in 2020.

**Tim Wu:** Well I'm not only focused on the federal government; I'm also focused on the states. I mean these are all about moving glaciers, slow moving glaciers, and I am interested in changing the glacier, for example, inside the Democratic Party, which is willing to appoint judges who've never seen a merger they didn't like, have no real culture of caring about economic issues, maybe they care a little bit about civil rights matters, but on economic justice, is not a priority at all, no real test on that. But I also think there's some hope in the states. I think both in terms of antitrust enforcement and passing legislation. You know, the states are a lot closer to people under a lot more influence, sometimes there's the referendum. There's going to be a California initiative [to] change California antitrust law and make it tougher. Now they always have less resources, but you get a bunch of these big states together, and they do want people - and I mean this is not like unpopular stuff. Nobody is saying, "Oh, it's so great, there's only three airlines." Nobody is like, "Oh, I love my cable provider." They know there's a problem of completely uncontested, private-monopoly power here. So, I think there's a lot of hope in the states, but basically, I think we've got to fight all fronts at once. That's why I'm a little resistant in saying Congress can fix everything, because I've been working in a lot of areas where we're supposedly waiting for Congress to fix everything. And I've been waiting a long time.

**Ralph Nader:** You're not the only one [chuckles]. Let me open up a new front, which you may have not paid much attention to. I have this phrase underneath almost all the abuses of corporate power that we read about is the fine-print contract, what lawyers call contracts of adhesion, the standard form contract that we all have to sign on the dotted line or click on. And it's quite unique that there is no competition over these contracts. They have the same stranglehold of the consumer,

the same diminution of access to the courts through compulsory arbitration. They don't compete so the Visa, the MasterCard, the Discover credit card--the same kind of contract. GM, Ford, Chrysler, VW, Toyota--same kind of contract. And it's not like you can go across the street to a competitor and get a different contractual deal. And furthermore, they enforce this by threatening credit ratings if you complain or your credit score goes down, so it's what I call contract servitude or contract peonage. Now is that a potential antitrust issue?

**Tim Wu:** You know, I think it should be. It's a form of agreement essentially to treat a customer bad, which is really not conceptually different than an agreement to raise a price. I want to say actually it's worse than you say. For Facebook, you know I'm a tech guy, Facebook says that you agree to changes in the contract by continuing to use the product. You haven't even clicked on it. If you log in, [laughter] you've agreed to the new contract!

**Ralph Nader:** That's called "unilateral modification," which they say you have agreed with the airlines . . . it's not just Facebook; it's a lot of companies now, Tim, where you agree in advance on some paragraph in tiny print on page thirty that if the vendor selling you things - as long as you stay with the vendor - can change the terms of the contract, can double the frequent-flyer miles that you have to build up, for example. How would the antitrust specialist go at that? There's a corporate lawyer in Philadelphia, who goes all over the country advancing more and more one-sided contracts. And he brags about it. And there just seems to be no counterattack on antitrust grounds.

**Tim Wu:** Well maybe he should be reminded that it's a criminal statute and that price-fixing is a felony. I mean it's a form of price-fixing. If competitors get together effectively through the office of one Philadelphia lawyer and decide that all of them are going to have an arbitration clause, and you don't have any choice, it's no different than them getting together in a room and agreeing that they're going to raise the price by \$100 tomorrow, or whatever have you. I think this is an area of drastic underenforcement. There's a lot of them in antitrust. Companies regularly, regularly conspire not to raise wages. They make it clear that janitors are not going to get more than \$40,000 in this industry or whatever it is, or nurses when there's only one or two hospitals in town. They just keep the prices the same. There are these dramatic areas of antitrust underenforcement. And one of the problems is the federal agencies, they spend their time, first of all, on these mergers where they don't do anything. And then they also just have these, kind of, cases that, like everything that has to be about price-fixing. So, there's like two barbershops in Oregon who cut a deal and then they go prosecute those guys. And they actually like to prosecute little guys because the big guys put up a lot more of a fight. What we need...I hear you on legislation, but I think we need a complete retuning of the priorities of the antitrust agencies by any administration that...

**Ralph Nader:** Let's talk about two other fronts here. One is the Commons, junk TV. The point you make is when you have concentrated corporate power in a particular industry, you have a lousy degree of stagnation, no innovation, closed door. And in no area is this truer than just look at your TV guide and see how sports, low-grade entertainment, and endless advertising dominate hundreds of cable in over-the-air outlets. There are over 600 cable channels and not one is devoted to workers or consumers or students, what's going on in campus, or taxpayers, or any of the thousand nonprofit social justice organizations fighting for a better country. And if you look at Saturday afternoon network TV, you can hardly avoid throwing up, if you come at it, by saying look how our Commons is being misused--our property. We own the public airways. It's being misused. We're the landlords; the radio and TV stations are the tenants. The Federal

Communications Commission doesn't charge any rent for the use of our property. How about going into the Commons area, which is not just in the public airways, but in the public lands and public intellectual property that you teach and so forth, what about that approach to break up concentrated power?

**Tim Wu:** So, the vast wasteland is what you're concerned with. It has some problems, I think the United States, in so many areas, has had this idea that we'll have a public resource, but we'll have a private trustee take care of it. And they'll promise to be good and no sooner than they get there then they sort of assume it's theirs and then they accept the idea that their duty is to maximize profit and that's the end of it. I mean the networks, broadcasters, the cable companies are all supposed to be public servants of some kind, but they don't . . . even the phone companies, it seems hard to believe, but the phone companies who sell us cell phone service for the services, they're supposed to be serving the public interest. And their idea of what that means is indistinguishable from maximizing profit. They don't think about it all. Maybe they'll have a couple of lawyers say something about it, but to their shareholders, they say we have one goal, which is maximizing your wealth and that's it. And then everyone claps them on the back and makes their stocks higher, so we've completely lost the distinction between public trust companies and regular private businesses selling ball bearings and it's one of the major problems in the US economy because these aren't businesses that you can do without. I mean maybe you don't have to watch this TV show, but you can't really live without internet . . . I mean you can, but you're a hermit; you need broadband. Some of the areas, people need some kind of entertainment and these are not run at all in the public interest and it's a major problem.

**Ralph Nader:** Just for your information and information of our listeners, the person who knows most about all these Commons is David Bollier.org, B-O-L-L-I-E-R in Amherst, Massachusetts. And he is a part of a worldwide movement to resurrect the Commons and its dynamism and begin putting the people back in control of what they already own as a Commons, what you called the public trusteeship. And the other one on the fine-print contracts, which is the contract servitude, the website is faircontracts.org, which is a project that we started years ago. How about the third approach, we're talking with Professor Tim Wu, prolific writer, op-ed writer in the *New York Times* and professor of law at Columbia University Law School. How about the private antitrust bar? I mean they should smell money here. There are monopolies and price-fixing everywhere, not just among big companies but among local professions, real estate agents, you name it. What do you see there in terms of a vast expansion of private antitrust actions?

**Tim Wu:** Yeah, that's another part of the law that has been completely dismantled over the last 40 years or so. There's been a tremendous effort to make it almost impossible to prevail in a private suit. This area is devastated by 40 years of neglect, ideological scorn; both Democratic and Republican judges who ought to think the antitrust law is a 19th century anachronism, and private bar is a great example. There are still lawyers who are working away. Of course, the private antitrust bar with treble damages was that the government can only do so much and so you need the private actors to find the cases the government misses.

**Ralph Nader:** And you're talking about the disabling of consumer class actions, like in the antitrust fields, make more and more difficult to bring these class actions against price-fixers or other monopolistic behavior. What about the law schools, now you know in the civil rights movement, the law schools played a significant role--the students, the professor. Are the law schools coming alive on the antitrust issue at all?

**Tim Wu:** Now law schools have long been dominated in this area by the law and economics movement. And even the people who oddly liberal or progressive, tend to start with Robert Bork, even though they don't always admit it. I mean they're still accepting this consumer-welfare model, but I think something is happening. I think change is coming. I was at a Chicago school conference at the University of Chicago filled with younger professors, private bar members. I mean, one thing about it is it's undeniably an American tradition with a long history. It's undeniably something that the people want and the abuses are not hard to find. So, there's a lot of excitement and movement in the academy, in the bar, in people who are associated with this, even in some parts of government. And these are icebergs or glaciers that turn slowly, but when they turn, they start moving fast. So, I have some confidence and I'm frankly excited about the antitrust movement in our times, which I couldn't have said that for a very long time. It's actually on the march. And I will add, it's not just Democrats, some Republicans, especially in the state level, like the AG of Nebraska is a good example. He just thinks that there's too much corporate power and it's too tough on people and the voters agree with him. So, I think the potential is here for a broad-based movement that I think is really starting to get going and take us back to some of the better traditions of this country.

**Ralph Nader:** Well, we're about out of time. We've been talking to Professor Tim Wu, a law professor at Columbia University Law School. Tim, can you tell our listeners how they can access some of your more popular articles like in *Wired* magazine, interview. I thought the interview was really brilliant in how you rebutted the argument that China has Ali Baba and they have big monopolies and we have to have monopolies to compete with China. You just destroyed that argument in terms of the comparative innovation and initiatives that were forthcoming from our country. So how would they access your *New York Times* op-ed and do you have them all on your website at all?

**Tim Wu:** On Twitter, my handle is @superwuster, super spelled normally, wuster, W-U-S-T-E-R. I don't actually collect my op-eds and articles, I probably should. I usually write in *New York Times* or *Wired* magazine; find my stuff there. And yeah, I think those are the two best ways. That particular *Wired* thing you mentioned, if you just type Tim Wu and *Wired*, you'll find it.

**Ralph Nader:** Yeah, and the title of the interview is "Tim Wu Explains Why He Thinks Facebook Should Be Broken Up". It's the best thing I've ever read on that, so get connected, listeners. This is not some abstract theory of law anti-monopoly law, which is called antitrust law, affects everything that you do every day in the marketplace, facing your computer, looking at your iPhone, talking to your friends. If you get engaged here, my preference is a huge grassroots effort roaring back into 2020 elections on the US Congress and the presidency and a once-in-a-century deconstructing and deconcentrating these giant corporations and the corporate state they built. And we didn't even begin to talk about the military industrial complex and the huge concentration of military contracts in a very tiny number of giant firms like Lockheed-Martin and Raytheon and Boeing. Thank you very, very much, Professor Tim Wu.

**Tim Wu:** Thanks. It's been a pleasure.

**Steve Skrovan:** We have been speaking with Professor Tim Wu. We will link to his work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). We're going to take a short break, but when we come back, we're going to welcome back Mickey Huff, Director of Project Censored and the co-author of a new book on

the state of the media called *United States of Distraction*. But first, let's head over to the National Press Building in Washington DC and check in with our *Corporate Crime Reporter* Russell Mokhiber.

**Russell Mokhiber:** From the National Press Building in Washington DC, this is your *Corporate Crime Reporter* "Morning Minute" for Friday, September 6, 2019. I'm Russell Mokhiber.

American Beef Packers is recalling 12 tons of raw beef products that have been deemed "unfit for human consumption." that's according to the Department of Agriculture's Food Safety and Inspection Service. FSIS inspection personnel retained the carcasses and collected a sample for further analysis. Prior to test results being received, the carcass was erroneously released and further processed into raw intact and non-intact beef products, which were distributed in commerce. The raw beef items were produced and packaged on August 21, 2019. The firm notified FSIS on August 30 that a carcass that was pending lab results had been erroneously released and further processed into raw intact and non-intact beef products. There had been no confirmed reports of adverse reactions due to consumption of these products. For the *Corporate Crime Reporter*, I'm Russell Mokhiber.

**Steve Skrovan:** Thank you, Russell. What can we do today to restore the power of facts, truth, and fair inclusive journalism? Our next guest has some answers. David?

**David Feldman:** Mickey Huff is currently professor of social science and history at Diablo Valley College in the San Francisco Bay Area where he's co-chair of the history department. He's also the current director of Project Censored founded in 1976 and President of the nonprofit Media Freedom Foundation. His latest book, co-authored with Nolan Higdon, is *United States of Distraction: Media Manipulation in Post-Truth America (And What We Can Do About It)*. Welcome back to the *Ralph Nader Radio Hour*, Mickey Huff.

**Mickey Huff:** It's an honor to be back on with you all. I appreciate the opportunity.

**Ralph Nader:** Welcome, Mickey. Let's get right down to what people want ways to fight back here. And the question they say it's such a blizzard of disinformation, phony alleged facts, lies, distortions, propaganda, propaganda. How do we separate the wheat from the chaff in this book, *United States of Distraction*? When you hold this book in your hand, you're going to want to read it and you're going to want to have a book club gathering on it as well. You know 90% or more of the book clubs in America, the little neighborhood book clubs, prohibit nonfiction books. All they do is fiction. What are they afraid of--having a good healthy discussion? So what if the people disagree. They disagree within families. So, in your book, Mickey, you say the following: "Long before Trump's candidacy, ratings drove programming and news. In the process, celebrity, entertainment, scandal, crime disaster and spectacle, clearly dominated over the substantive reporting and public interest advocacy capable of questioning and countering abuses of corporate power and government authority." Trump, they know, came right out of the omnipresent "corporate commercialism." And just this Sunday on *Meet the Press*, we had a perfect example of what you're talking about. Chuck Todd, who is smart and knows better, started out as a citizen organizer in Florida. And his NBC masters in New York tell him what to do. They said you got to have a segment on the hurricane. You got to have a segment on the shootout in Texas. Like the rest of the media is not covering it--saturation coverage. And you see, that's what the degradation goes. *Meet the Press* in the old days, they really dealt with serious subjects; they put on people who proposed new directions for the country, they wrote books; that was back in the Lawrence

Spivak days in the '60s and '70s, the founder of *Meet the Press*. Now they're basically ditto-heading breaking news. And the other third segment on *Meet the Press*, which will amuse you, Mickey, was "Is Joe Biden too old to be president?" and of course they trumpeted some of Trump's gaffs as well when he counseled the bereaved and said "the people of Toledo" instead of Dayton. So, enlighten our audience with the following. Tell them about the Fairness Doctrine and the Right of Reply and what happened to them.

**Mickey Huff:** Well, Ralph, thanks so much for setting that up. And your commentary about Chuck Todd is really spot-on and it's a perfect example of what's wrong with our corporate-dominated media systems. Chuck Todd also is the same guy that publicly admitted in an interview that he cannot ask his guests tough questions or else they won't come back on his program for fear that they'll then get scooped by other sycophantic establishment networks, so he basically admitted that the propaganda model is real, alive and well - the Herman and Chomsky propaganda model. And that he is dictated to from the top and by market forces that determine what is legitimate political information for We the People. Todd has a long history of other serious problems that I won't go into right now. But I want to go back to somebody who was on CBS 45 years ago and that will be Walter Cronkite, who incidentally, was a fan of Project Censored back when Carl Jensen started it in 1976. But Cronkite was decrying sort of a sound-bite-news coverage even then. And this was before the 280 characters of Twitter where the president sort of rules by decree via Twitter on social media platforms. And the corporate media basically follow around his tweets by the nose, report on the tweets, mull over whether or not he'll respond, whether or not he or his staff does, and then they'll spend countless minutes of air time, actually hours of it, trying to figure out what it means while he meanwhile shifts gears, shifts the baseline, moves the topic. Now look, this didn't just happen overnight, which is why historically, Nolan Higdon and I go back and we look at this. And Ralph, you wrote a really contextual foreword for this publication by City Lights [Books]. And again, it was really important to us that you set this up because you have not only lived through this, watching this slow motion, half-century train wreck, you have decried it from the beginning. And Nolan and I really thought it was important to go back and walk people through the steps. This book is written for the exact thing you just mentioned, Ralph, for the book clubs. This is written for neighborhoods, it's written for families, it's written for undergraduates, it's written for students, it's written for the general public because it is "we" in the general public that need to understand this history. Now you mentioned the Fairness Doctrine and the Right of Reply. That actually happened in 1987 where we, well basically, that paves the way for the entirely skewed right-wing media landscape on AM radio to be followed by Bill Clinton's 1996 telecom bill [Telecommunications Act of 1996] that further paved the way for deregulation and further concentration and media monopoly as Ben Bagdikian called it.

He was the Canary in a coal mine in the early '80s saying that democracy was in deep danger in terms of a declining free press because we only had 50 corporations controlling the media. We're now down to about five or six controlling 90% here.

**Ralph Nader:** Mickey, why don't you name the five giant media companies?

**Mickey Huff:** Off the top of my head, Ralph, I'm pretty sure it's Disney, Viacom, Fox/Comcast; there've been mergers just in the past year. So, we list them in the book, but interestingly, even at Project Censored, we've listed them. And every couple of years, we've got to update the list because there's further consolidation and further conglomeration. And it's not just happening inside of a

nation state, it's happening globally. These are global efforts to control these media outlets. And of course, there's also been the influence of Big Tech companies that are basically kind of taking over through social media, through internet algorithms, which include Google, Amazon, Facebook and Twitter in particular. So, in addition to the legacy media and the corporate ownership of legacy media or traditional media, we now have to deal with the extraordinarily pernicious and almost invisible effects of Big Tech algorithms, bot, and AI.

**Ralph Nader:** Well, let me interrupt you here. Mickey, let me interrupt you here that as you listen to this, listeners, note that this book is full of resources for readers to encourage civic engagement and to fight back on this and to develop a democratic media and to hold the media barons more accountable. And they give the names of groups that are trying to do this besides Project Censored. They also have topics on critical thinking and they have, like, 50 pages of references which are fun to read in their own right. Just to let you know that you're not alone here. There are people trying to move this situation. But I remember that what made Rush Limbaugh possible was the repeal of the Fairness Doctrine and the Right of Reply in the '90s under Reagan. Why don't you explain that?

**Mickey Huff:** Well, yeah, that meant that people, you would have the opportunity to hear from various sides of a particular view, particularly when it came to office holders or public offices. And again, there were historic problems with the idea of hearing from "both sides". That's part of the false dilemma and part of the false equivalency game of corporate media because there are often far more than just two sides. But quite frankly, one pines for the day in corporate media-saturated society now, when we would actually hear two very different views on particular issues. Now we basically hear two views from the same corporate coin, right? We're deciding like, in foreign policy, will we invade Iran or will we wait and do it later? Will we put sanctions on Venezuela or will we try to install a different government there? I mean again, it's very myopic, winnowed, narrowed. And this is the big problem with perception management is that when it happens that way under the guise of legitimacy through the traditional institutions, the public does not necessarily engage in critical media literacy skillsets required to ask the right questions and deconstruct this propaganda. Things like the Fairness Doctrine used to actually support the notion of disagreements, of dialogue. And what we can see by looking, not just in social media but corporate-media landscape today, we basically see carnival barkers in circus-style chaos where charlatans masquerade as experts on various topics and then they quickly cut to commercial.

**Ralph Nader:** Give an example of how the Fairness Doctrine could work. Let's say NBC is owned by General Electric, which is deep in the nuclear power industry, and they have features on NBC News that's favorable to nuclear power. In the days when the Fairness Doctrine operated, what would happen before they repealed the Fairness Doctrine?

**Mickey Huff:** You have to hear from more than just bought or captured regulators. You'd have to hear more from people on cross-boards of directorates at GE and NBC. You'd actually hear from consumer advocates. You'd hear from scientists that weren't totally bought by the industry. You would hear different views on the problems of nuclear power particularly, and you're speaking about an era of the '80s and '90s on the heels of the disaster in Three Mile Island in Pennsylvania and also on the heels of Chernobyl in 1986. And by the way, the corporate press is still spinning wildly that nukes are the option; they're going to be better than renewables. New era of nuclear weapons testing is underway. I mean, we haven't really learned from the corporate media about the problems of these things, but if you go beneath the surface and behind the headlines and look

at the alternative independent press, what you discover is a whole raft of information and ideas, and vivid debate about the things happening around us that could be at the public fingertip. That's the one strange benefit. It's the blessing and curse of living in a digital-era, an information age so to speak. But we have to have an educated public, the degree to which they know where to go and find that kind of information and what questions to ask. So, we're not interested in telling people what to think, Ralph. We're interested in this book in reminding people that they have agency, they can think critically and that's why we devoted the entire last chapter called "Make America Think Again" that talks about the significance of critical media literacy, political and civic literacy, empathy, the art of argument and persuasion versus propaganda and fake news.

**Ralph Nader:** We're talking with Mickey Huff, the co-author of the new book *United States of Distraction* published by City Lights Publisher in San Francisco, famous publishing house started by a famous poet Lawrence Ferlinghetti, who's now almost 100 years old by the way and still going . . .

**Mickey Huff:** Actually, just turned 100 in March.

**Ralph Nader:** Still going strong. And the subtitle is *Media Manipulation in Post-Truth America*. I'll bet you, some of our listeners are now saying, Mickey, what about the Federal Communications Commission? What are its responsibilities under the 1934 Communications Act and how is it fulfilling it?

**Mickey Huff:** Well, ever since the '96 Act, that's kind of been more of a joke. And look, long gone are the days of stalwarts like Nick Johnson at the FCC who's still with us and wrote a foreword for Project Censored several years ago. One of his great works was *Your Second Priority* where he reminded people of the significance of a free press and the regulatory powers of the FCC to generate not only factual information but encourage transparency and encourage people to really look at the broad scope of the ideas that we face as a society and use our democratic institutions accordingly to attenuate that. We're now way past that. And of course, this is an era of corporate regulatory capture that we've not really seen in our country. It's sort of the flip face, an inverted totalitarian society, as Sheldon Wolin would call it, with corporatist control from the top through the veil of government.

**Ralph Nader:** What would the Federal Communications Commission do under existing law if it had five good commissioners like Nick Johnson? What would it be doing today, Mickey Huff?

**Mickey Huff:** It would definitely be putting a stop to the chicanery that goes on on cable news that's basically a fact-less shouting match. It would actually then instill and regulate the degree to which people would have to be fact checking; the public would be given sources. Civic literacy would be part of news broadcasts to teach people on a regular basis--a reminder of how you get involved in your community. I mean, again, we've been helicoptered out of our own communities. One of the most dangerous parts I think that people don't notice so much like the boiling frog syndrome is with the collapse of journalism and the collapse of the so-called fourth estate or the crumbling fourth estate, people don't realize that local journalism has been allowed to rot on the vine, be bought up, and shut down. Places like Youngstown, Ohio that had been devastated from the Rust Belt on from the '70s, just lost their major newspaper, *The Vindicator*, this past month. There's no newspaper there and now the Lordstown plant just closed after multiple presidents lied through their teeth about it. What an FCC could do is make sure that people in those regions have

access to news so that they have, not only a healthy news ecosystem, but they also have the ability to reach out and make changes in their community on the local grassroots level. And that's one of the things we advocate for in the last chapter of our book, "Make America Think Again"-- in that chapter by saying we need to return not only to critical media literacy and civic literacy, we need to return to people getting involved in their own communities from the school board and the city council on up. Not watching from the TV . . . from the presidency on down. And so . . .

**Ralph Nader:** Mickey, what's stopping them? I mean, let's stop making excuses for people. Local weekly newspapers can be started with just a small percent of civically engaged people. They can go online with the weekly paper. They can print it. They can get local advertising because there's no outlet really for local advertising in national or state media. It's too expensive to begin with. Are you making excuses for people when you say they've got to do this; they've got to do that? Well why don't they? They don't like lies any more than you do.

**Mickey Huff:** No, actually they don't. And there are many efforts afoot by major organizations, believe it or not--the American Journalism Project, Pro Publica, [and] News Literacy Project that are actually trying to reinvigorate local journalism and give the people what they want. People like Bob McChesney, Victor Packard whom you know, they've been advocating for this for a long time and for a strong, vibrant, publicly funded media system that operates outside the effects and influence of the corporate state and that's been a major problem. Also, a major problem that I think we can overcome is building on what you said, people understand that they are not being given the full story. People understand that their communities are possibly less vibrant than they would or could be or once were. But kick starting it, again, this is kind of the death of a thousand cuts in a lot of ways. And when we speak to people around the country, what we often hear in exasperation or frustration where things have gone so far that people don't know exactly which straw to grasp and what they need to do to get started. What we argue in this book is the way you start with your own mind, in your own family, in your own communities, and you model civic discourse and critical thought and you share sources, resources and ideas with people so that they can realize that you can have government that does function in the interest of the people. But in order to do that, you've got to go back and deconstruct the half-century plan hatched from people like James Buchanan, from Louis Powell, from Milton Friedman, from Grover Norquist. You know these aren't household names like Richard Nixon or Ronald Reagan, but these are the architects of the deconstruction of the democratic state. And people can understand this, but they also have to have an opportunity to see how it happened in order to reverse it and make things . . . well, "Make America Think Again".

**Ralph Nader:** How about Steve and David, did you stop here to ask some questions or make commentary?

**David Feldman:** Yeah. I just read that they're going to spend about \$10 billion in 2020 on political advertising. How much does that compromise journalism when you're getting money from the Republican Party or the Democratic Party on your TV news show?

**Mickey Huff:** It's the essence of compromise. It's actually so in your face that I think that that's partially what people have a hard time believing is that it's so obvious that this is happening before their eyes. Meanwhile, over at *The Washington Post*, the *New York Times*, *CNN*, the so called liberal wing of the corporate press, they're crowing about Russiagate and Bob Mueller all day long. If it weren't for Russiagate, Rachel Maddow wouldn't even have a program. But the weird thing

about our hyperpartisan culture as a result of this dysfunctional media system and education system that's been privatized and been winnowed down and purposely starved of resources--the purposeful dumbing-down to Trump celebrated upon election is like we won with the uneducated or the undereducated people, right? So, when we look and see this kind of money being thrown in the situation, the idea that Russia could possibly tip the election with 40,000 here or 80,000 ads or people clicking on this, is the biggest distraction going these days. Matt Taibbi actually called Russiagate this generation WMDs. And again, this isn't about Russia not trying to influence the election. It's about that there's no metric that proves that what they did made any difference versus the several billion dollars of recovered that was afforded to none other than Donald Trump. And in fact, as you know, the former CEO of CBS, Les Moonves, said this in 2016 in the summer prior to the election. Moonves said, "Sorry, it's a terrible thing to say, but bring it on, Donald, keep going. It may not be good for America, but it's damn good for CBS. I have never seen anything like this and this is going to be a very good year for us." That's a small US, not a big US capital as in We the People us. It's good for CBS and their shareholders. It's good for all their other corporate media purported fake competitors, and they're driving it down into the gutter while their profits soar and people starve for accurate information. That's why we say turn off the corporate press, turn on your brain, and tune in to independent alternative journalistic outlets that do exist. They are findable. You can search them online. We have listed them at [projectcensored.org](http://projectcensored.org) and our other organizations, and we list many of them in the book, *United States of Distraction*. You just mentioned one of the biggest challenges that we're going to be facing in the 2020 presidential election and that is the censorship of non-corporate backed clients, non-corporate backed candidates. And we ...

**Ralph Nader:** And I might add, the coverup of vote manipulation in vote theft especially by the Republican Party, so I mean in Ohio and Florida and elsewhere, they've perfected it. And the companies that sell the software for the voting machines control the software's proprietary information. And in 2004, one of the big guys who owns it was a big Bush, George W. Bush supporter and went to work on diminishing John Kerry's vote superiority in Ohio over George W. Bush. Listen, Mickey, we're out of time. We've been talking with Mickey Huff, co-author with Nolan Higdon of the *United States of Distraction*, a brand new book. I was privileged to write the foreword and set the framework. And it's published by City Lights. Ask your library to get it. It's a very, very compressed book. It doesn't take long to read outside of the references in the index. It's less than 200 pages and oh, does it ever empower you listeners. *United States of Distraction*, get ready for 2020. If we're distracted again, woe, America. Thank you very much, Mickey Huff.

**Mickey Huff:** Thanks so much, Ralph Nader. Your support means a lot and special thanks to Greg Ruggiero and City Lights Publishers. We're very grateful.

**Ralph Nader:** Indeed.

**Steve Skrovan:** We have been speaking with Mickey Huff, author of the *United States of Distraction*. We will link to that at [Ralphnaderradiohour.com](http://Ralphnaderradiohour.com). I want to thank our guests again, Tim Wu and Mickey Huff. 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". We're going to talk a little bit more with both of our guests. Ralph is going to answer your listener questions. A transcript of the show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

**David Feldman:** Subscribe to us on our *Ralph Nader Radio Hour* YouTube channel, and for Ralph's weekly column, it's free, go to [nader.org](http://nader.org). For more from Russell Mokhiber, go to [corporatecrimereporter.com](http://corporatecrimereporter.com).

**Steve Skrovan:** And Ralph has got two new books out, the fable, *How the Rats Re-Formed the Congress*. To acquire a copy of that, go to [ratsreformedcongress.org](http://ratsreformedcongress.org) and *To the Ramparts: How Bush and Obama Paved the Way for the Trump Presidency, and Why It Isn't Too Late to Reverse Course*. We will link to that also.

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

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

**David Feldman:** Join us next week on the *Ralph Nader Radio Hour* when we welcome Mike German, author of *Disrupt, Discredit, and Divide: How the New FBI Damages Democracy*.

**Steve Skrovan:** Thank you, Ralph.

**Ralph Nader:** Thank you everybody. On October 5th, this is the First National Tort Law Education Day at the Tort Museum. Go to [tortmuseum.org](http://tortmuseum.org) for greater details. You'll never forget that day.

[Music]