

RALPH NADER RADIO HOUR EP 300 TRANSCRIPT

Steve Skrovan: Welcome to the *Ralph Nader Radio Hour*. My name is Steve Skrovan along with the main of the hour, Ralph Nader. Hello, Ralph.

Ralph Nader: Hello, everybody. Hello, Steve.

Steve Skrovan: David Feldman is actually traveling today so he won't be joining us, but we still have a stellar show. Our guest today is attorney Martin Garbus. Now, Martin Garbus is one of America's legendary trial lawyers. He specializes in First Amendment issues and fighting the arbitrary, wrongful exercise of power, especially by governments. In the past, he's either represented or been associated with historical figures such as Daniel Ellsberg, Cesar Chavez, and Soviet dissident, Andre Sakharov. He's here today to tell us a story of a miscarriage of justice, who for our regular listeners might contain echoes of the story told by Israeli dissident, Miko Peled, who talked to us about the railroading of a group of Arab Americans known as the "Holy Land Five". Well, Mr. Garbus tells the story of another miscarriage of American justice that also involves five victims. These five happen to be from Cuba. The book is entitled *North of Havana: The Untold Story of Dirty Politics, Secret Diplomacy, and the Trial of the Cuban Five*. One reviewer called it "a revealing tale of politicized justice, inhuman prisons and backdoor diplomacy."

And as always, we will find time to squeeze in a corporate crime report from our fearless corporate crime reporter, Russell Mohkiber, and then answer some listener questions. But first, let's hear the untold story of dirty politics and secret diplomacy. Martin Garbus is an attorney who is expert at every level of civil and criminal trial, and litigation. He has appeared before the United States Supreme Court in leading First Amendment cases and is the author of *Tough Talk: How I Fought for Writers, Comics, Bigots, and the American Way* and the book we're going to talk about today, *North of Havana: The Untold Story of Dirty Politics, Secret Diplomacy, and the Trial of the Cuban Five*. Welcome to the *Ralph Nader Radio Hour*, Martin Garbus.

Martin Garbus: Thank you very much.

Ralph Nader: Welcome indeed. You've been through a lot over your many decades as a lawyer for often unpopular causes or powerless causes.

Martin Garbus: Yeah.

Ralph Nader: I saw in your book, this really surprised me. I mean, it's not surprising that you were roughed up in some of the cases where just going to court with crowd's screaming at you. As you said, in the farmlands of Delano, California, while representing Cesar Chavez, the great leader who organized farm workers, you've said you were "beaten, jailed, held, and threatened with contempt." Those are your words. So let's get to the Cuban Five. It's actually not that complicated a struggle and I don't want our listeners think it's too complicated for them to follow, but it was in the context of years in the 1990s and before of efforts by people in this country to overthrow Fidel Castro; to sabotage his regime. And then something happened in 1998. Do you want to start it

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there? Or you can start anywhere you want. Just explain the parties here before we get into the details.

Martin Garbus: Okay. Basically, Castro and Clinton agreed that they should not let the Cuban right-wing create a provocation down in Miami that might lead to people getting hurt, planes or soldiers, et cetera, et cetera. So, through Gabriel Garcia Marquez, Castro and Clinton exchanged words where they indicated they would try and limit the activities of the Cuban right-wing as they used Miami as a base to go to Cuba and kill people, blow up buildings, et cetera, et cetera. The relationship worked for a while. Clinton said that he had the ability to stop the Cuban right-wing from doing it, from taking off planes or going off in boats. As we all know, Miami is a separate city-state and Clinton did not have the control that he thought. So, the anti-Cuban activities with deaths and bombings continued. Ultimately, there was a group called Brothers to the Rescue who flew planes over Cuba. They invaded Cuban airspace and they were not allowed to do that. Clinton tried to stop it. Clinton revoked the licenses of the people who were flying. Nonetheless, they continued to fly. Then what causes this case is three planes flew, Brothers to the Rescue, American right-wing, Cuban right-wingers flew over Cuba. They indicated they would go to go to the Cuban airspace. Both the Cuban and the American government told them not to do that. They did that. Two MIGs shot down American planes. Four people were killed. There's then a murder case. I was involved in that murder case. They alleged that some of the Cubans who were then working with the FBI, to infiltrate the Cuban right-wing, were guilty of the crimes. And that was the trial. Gerardo Hernandez was charged with conspiracy to murder. It's hard to imagine as you tell the story, and I've told the story beyond the books, is the extent of cooperation that there was between the Americans in Miami and the Cubans in an attempt to stop the Cuban right-wing. I think there are, as you look at the case, it kind of moves it three levels. It moves at the level of the case itself. Then it moves at the level of the politics of Florida. Ultimately, an indictment is bought against these guys, my client, in May of 1999. That's the warm-up to Bush against Gore. Then you have the Bush against Gore election. Florida, more or less, gives the election over to Bush. And what the book also talks about is the years since then and the constant attempt by the Republicans to whom Florida is essential if they're going to win a presidential election; to Trump, whom Florida is essential if he's going to win an election. The attempt to cultivate the right-wing Cuban vote.

Ralph Nader: Let's back up. We're talking with Martin Garbus, author of the new book, *North of Havana: The Untold Story of Dirty Politics, Secret Diplomacy, and the Trial of the Cuban Five*. Let's back up in just two ways, Martin. On October 6, 1976 as you relate on page 41 and I'm going to read this. "On October 6th, 1976, a Cuban plane, Cubana Flight 455, took off from Barbados and headed toward Havana carrying 73 people including 24 fencers from the Cuban youth team that had just triumphed in the Central American Championships. Flight 455 blew up midair off the coast of Barbados. Those arrested for the crime told the police it was Bosch and Luis Posada Carilles, an exiled Cuban militant and former CIA operative, who had planned the destruction of the aircraft." Well, was that ever verified? Was there an official report on who sabotaged that plane with the bomb in midair?

Martin Garbus: Yes, I think it's very clear that it was those two people, Bosch and Carilles. And one of the things in the book is, although that was in '76 and the incident I'm talking about in the book is 20 years later, Bosch is still a very, very powerful figure. And Bosch is one of the people who is still operating 20 years later with all the...CIA knew who he was; the CIA worked with

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him. And there was another man named Jorge Mas Canosa who was “the suit”, the money. And I just came back from Miami a little while ago. There's Jorge Mas Canosa Boulevard there. So Canosa, Bosch and Carilles were terrorists. And ultimately, Bosch was never convicted of this crime; nor was Carilles. So that you had the same people functioning there for 20, 30 years and you had the attempt of Clinton working with Castro to try and stop incidents like that October 6, 1976 bombing, which killed 73 people.

Ralph Nader: Well, what happened was Castro, after taking all these incidents--attempts to sabotage his regime, et cetera--he finally created something he called a Wasp network and he sent five spies, Cubans, to Florida to try to infiltrate the anti-Castro movement and report back to Cuban intelligence, whether there was going to be another assault, another bomb, another attack or whatever. And those are your clients. Those five men are your clients.

Martin Garbus: Yes.

Ralph Nader: Now, before you became their lawyer, they were convicted in a Federal District Court and the appeal in the Circuit Court on bank, that is it failed. The three Circuit Court judges wanted to reverse the conviction because they thought it was not a fair trial. And so the government took it up to the full Circuit Court of Appeals who said, yeah, it's okay. And they went to prison and a number of lawyers represented them. And in 2002, was it? You took over as the advocate and so what proceeded from there?

Martin Garbus: Well, ultimately in December of 2014--I'm really going over a lot of years--you have the rapprochement with Raul Castro and Barack Obama. And one of the things that the Cubans insisted on was the release of the jailed men. My clients had had a horrific time in jail, 16 years, a third of it in solitary. You and I both know that the image in solitary as just a room without light is only one-tenth of the story. What they can do to people in solitary can be horrific. And these guys, Cuban alleged killers of American heroes, got the worst of the American prison system. And that is discussed. That's the period from let's say 2002 to 2014. So Cuba had always insisted that these guys were innocent, and they wanted them returned. When I got into the case and it continued, the possibility of them ever being returned was zero. Except what happened was Alan Gross, an American CIA, USAID [United States Agency for International Development] spy was arrested in Nevada and another American spy had been arrested previously. So as the rapprochement talk was going on and the publicity was going on, there were also these negotiations that I was involved in to get my clients released from the American jail to go back to Cuba. And America wanted to get Alan Gross back. On December 2014, when there's the rapprochement you saw Raul was on TV; Barack was on TV. But rather more quietly, my guys got off in Nevada having been released from jail and Alan Gross was returned to Washington. So the book deals with the trial that deals with the legal stuff, and then it deals at the end with Trump's attempts to make sure that the Cuban vote would always be his. At the time of the Bush against Gore election, the right-wing in Miami posted big signs saying we have remembered. And they gave the names of the four people here as well as the young man, Elian Gonzales, which is a related but different story. So it's very clear that it played a very large role in Bush against Gore. The other thing I should say is three prosecutors refused to indict these guys. Ultimately, a Reagan appointee comes in; he indicts these guys in 1999 right before Bush against Gore. And what the book then details

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also is the attempts of Trump over the years--the book ends a period of time ago, but certainly a lot has happened--Trump's attempt to strangle Cuba and the vote-getting that helps him win.

Ralph Nader: Yes, and he did that by restricting Americans from traveling to Cuba, by restricting trade with Cuba that American farmers wanted very strongly to have exporting food products, et cetera. But you said you wrote this book for more than one reason, not only to defend your clients, but you said, I'm going to quote you. "The best reason for telling a story about an event that occurred two decades ago, and was after struggle and hardships successfully resolved, is the important lessons that it offers to us. For one thing, it shows how our government can subvert the press and interfere with our jury system. It chronicles a unprecedented pollution of the American legal system in order to advance a political cause. For another--and this may be the real takeaway for us now--it reminds us that facts matter, and truth matters and that when people believe, that get involved, there are no hopeless causes. In fact, sometimes the innocent guys, after paying an awful price, win." And in the book, you mention that our government actually paid reporters to fabricate op-ed pieces in Florida newspapers. Can you elaborate that?

Martin Garbus: I think that's one of the biggest takeaways in the book. We hear the word fake news. It was fake news long before Donald Trump came around and in this particular case, the federal government--in order to get the jury influence that was going to try the Cuban Five--sent vast, vast sums of money. One of the things you had down there was Radio Marti. That was \$15 million a year. That was under the control of this man, Canosa. There's never been a full accounting about how much of that money was devoted to CBS, NBC and other newscasters. We do know that the Miami Herald, a very fine newspaper, in 2006, long after the trial, long after the conviction, learned that the people who were writing about the case itself received large sums of money from the American government. One journalist in one year received \$280,000. So what you had is extraordinary sums of money being paid to the media so that the jury would be extraordinarily influenced by all of these false stories. There were stories about Castro giving hallucinogenic to people [and] false stories about what some of these defendants said. So the massive amount of money, and it got beyond the Miami Herald. It got to the local news stations. For example, one of the things that the judge tried to do was to make sure the jury would be protected from the community. So what the media did is they would follow the jurors out during the day. They photographed them getting into their cars and had their license plates. So within a very short time, the judge, decent judge; it was her first criminal case. She could in no way cope with either the legal issues or the politics of the case. Within a few days, everybody in the community knew who these jurors were. And the motions for change of venue failed. Although certain judges, as you kind of summarize, felt that the convictions should be reversed because of it. But the massive amount of money used to influence the jury; it is unprecedented in America that that kind of money was used. And we all know that that kind of money is available tomorrow to anybody who wants to use it to also. In a way, this is a precursor; I mean this stuff has happened before, but never on this enormous scale because there was so much at stake.

Ralph Nader: Let's ask a question that our more skeptical listeners might be asking right now. Apart from three federal judges overruled by their colleagues saying that they did not get a fair trial, that the atmosphere for any kind of fair jury trial in South Florida against anybody who was working for the Castro regime was, to put a mildly, prejudicial. Now suppose our listeners are asking you, Martin Garbus, two questions. These Cuban Five we're acknowledged spies. They

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were sent on an espionage mission from Castro's Cuba to infiltrate what they saw as ongoing year after year violent anti-Castro actions using bombs and other weapons. So two questions: one how did they get into this country legally? This is the Cuban Five led by Gerardo Hernandez. And second, why did you think they were innocent? They were on an espionage mission.

Martin Garbus: Well, two things. It's hard to understand—and I've spoken to experts and all that stuff—exactly the whole question of the exchange of information of the FBI and Cuban spys; for a lot of people, it's hard to accept. But the fact is that both Clinton and Castro wanted it to happen. There were meetings where the FBI went to Havana and during the Clinton period where information was exchanged between the Cuban Five, the Cuban intelligence information and the FBI with respect to these Cuban spies. That is very difficult for many people to accept, but it happened. It happened because Castro's Cuba both did not want to see planes blown out of the air, as you said before, and they wanted to tamp down the Cuban militancy. Now, the next question you've asked is you have these Cuban spies; how can you be sure that they were not involved in the shoot down? Or should not have been charged with conspiracy to murder? There are two things. One is a story that I knew when I wrote the book and the other is something, I did not know at all, which I'll now share for the first time. The Cubans spies were low-level people. These guys did not have the authority to authorize MIGs over Havana to shoot down American planes and nor did they know of the right-wing planes that were flying that day. So factually, there was no way that these people were in any way responsible--they were low level troops--to blow three planes out of the air and kill them. MIGs shoot down planes; it's beyond something they could do.

Ralph Nader: People should know that these were not passenger planes like American Airlines. They were Cessna small planes hired by anti-Castro operatives to invade Cuban airspace and try to get the US involved in another imbroglio with Cuba the way President Kennedy got involved, to his later regret, in the Bay of Pigs invasion.

Martin Garbus: Exactly. And what they would do when the planes were there, the Cessnas--you know, two people in a plane, three Cessnas--they would radio down to Cuba, look, we can pierce Castro's air defenses; you can arrive and you can overthrow the government. If we can do this, you can do that. They dropped leaflets all over the place. They tried to drop bombs; the bombs never got beyond the water. And in fact, one of the times one of the planes ran out of gas. They landed in Havana. Castro gave them gas and they came back. So that's what they were doing. And these were people who, as you say, not American Airlines. No, they were right-wing Cubans who were trying to cause a provocation. Now there were three planes, Basulto [José] is the leader of the operation. He takes the three planes over Cuba. He sees the MIGs coming. He turns around. He leaves the other two guys there. They're far deeper into Cuba. The other two guys get the other two planes where four people get shot down and get killed. Basulto, and you can hear it on the radio, is delirious in a way with happiness. He has done it. He has caused the provocation. And the other story I wanted to tell you, which was told to me by Rose Styron and it's a very moving story.

Ralph Nader: The novelist William Styron.

Martin Garbus: Yes, the wife of the novelist. That they had been invited to Cuba after the Bush against Gore election and Castro—and in the room was Arthur Schlesinger, Arthur Miller and other people. It was a literary event in Havana and it would seem that the event was set up so that

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Castro could then meet with these people and stories about that that easily are quite wonderful. But one of the things that Castro said, is he says Herodotus, the great Greek historian said that every great leader makes one foolish mistake and Castro said, I made a mistake. He said, I made a mistake in ordering the shoot down. And that's because he had Clinton there. And there was a possibility that under Clinton that things would have got remarkably different with Castro and that event as a result of the shoot down, A) that possibility was lost forever. And secondly, whether you say the shoot down or other events, irrevocably drove Florida into the Republican line for presidential elections. And they're still trying to dig out from it. But every election, the killing of those men comes up and it's an extraordinary rallying cry to the Cuban right-wing. So it's something that we live with even today. You mentioned some of the things that Trump has done. I met about 10 days ago with the representatives of the Cuban government, high levels without giving names, of the Cuban government. And what they were saying was the extent to which Trump, throughout the world and his party, has affected the Cubans' ability to do business with anybody anywhere--that their ability to go through banks has been limited. So it's not just, you know, the flights aren't there or you know, they also created a series of lawsuits now whereby under American law allegedly, if your property was taken away in '59 by Castro, you can now file a lawsuit in Miami and you can try and get back the assets that you lost in '59. This is an attempt in a way to get the younger Cubans--who are not as militant against Castro, in fact, are more conciliatory with Castro--to have a vested interest in winning these lawsuits so they get some money for it. It's a brilliant thing on behalf of Trump to try to erode the younger Cuban support to Castro.

Ralph Nader: When I had a long interview with Fidel Castro in Cuba in 2002, it was just a few weeks after John Bolton in the state department, without the authorization of Secretary of State, Colin Powell, who despises Bolton, emitted a bald lie. He said Castro's regime was developing biological and chemical warfare. Well, you know, that like totally freaked out Castro because he saw it coming. Oh, here we go again; a pretext for an attack on Cuba. So he was not paranoid at all about decade after decade, the US government directly and indirectly, trying to overthrow him. But on the back of your book, there's a statement by long-time Harvard law professor, Charles Nesson, talking about your book and he says, "This haunting story of Cuba-US relationships takes us into the deepest parts of today's American security system and exposes our pseudo-legal judicial process. Today, more than ever, every American must hear what Martin Garbus says." Well, this is not an outlier case. All over the United States there is lawlessness among runaway prosecutors. There is lawlessness among giant corporations engaging in a corporate crime, fraud and abuse. And as I noted in an essay for Lapham's Quarterly, lawlessness has become the norm by the rich and powerful and the politically entrenched. What's your view, broader view on this, Martin? So people don't think this is an exceptional situation.

Martin Garbus: At the end of my book, I say, talking about this case, that this is part of my life—I hate to quote myself, "working in the lawless dark world of the law." I think that what you were aware of at the very beginning of your career, which we are all now much more aware of, is the lawlessness of the legal system. One of the things that I fought for a great deal and lost; I tried in the 80s and 90s, to get, let's say the left involved in the fight over judgeships. And by and large, that was a total failure. Federalists won. The conservatives won. Liberals still held onto the view of the legal system as one that administers a great deal of justice. The right wing was far, far smarter, and they spent a good deal of time and money in making sure of the people who would

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ultimately be sitting in judgments on these cases. The judge who ultimately was the definitive judge in this case was a man named Pryor. And before he was appointed to the Circuit, he said “the worst abomination in the history of constitutional law was Roe against Wade. I will never forget January 22nd, 1973, the day seven members of our highest court ripped the constitution and ripped the life out of millions of unborn children.” Second worst decision he said was Miranda. This was the judge, ultimately appointed by Bush, who was the definitive judge in this particular case. I mean, I think you and I would both agree that one of the great problems in the future is the extent to which the federal judiciary today and tomorrow will be wholly owned by the Republican Party.

Ralph Nader: In that note, just a contemporary issue here, Bruce Fein and I just sent a letter to the American Bar Association. And we said, “where are you on the most impeachable president in American history, Donald Trump?” In 2005, 2006, the American Bar Association, with a half a million lawyers being members, was run by a corporate lawyer, Michael Greco. And look at the courageous thing he did. He assembled three task forces to study three impeachable offenses by George W. Bush. And he sent the reports to Bush and Cheney in the White House. Now we have an even more impeachable president, except nothing can compare with the criminal war of aggression against Iraq and Libya under both George W. Bush and Barack Obama. You know, undeclared wars, unappropriated, unauthorized funding for the Libyan overthrow and an undeclared war that has killed over a million Iraqis, millions of refugees, and thousands of American soldiers by Bush and Cheney starting in March 2003. But apart from that, the ABA has been silent. The lawyers of America, with few exceptions, have been silent on contempt of Congress by Trump--sexual predator Trump, serial fabricator and liar--about matters of state and matters of grave importance by Trump. Appropriating funds without congressional authority by Trump; illegal warring overseas by Trump. And taking from Alexander Hamilton's explanation of high crimes and misdemeanors, being abuse to the public trust--huge abuse of the public trust.

Martin Garbus: Ralph, you failed to mention Mr. Barr.

Ralph Nader: And the same thing with his attorney general, who instead of being an attorney general of the United States, he behaves like the lawless lawyer for Donald J. Trump. So I have never seen a crisis of lawlessness so deep and so pervasive, from the corporate to the prosecutorial criminal injustice system in our jails, prisons to the raw, consistent, institutionalized violation by a runaway president under both parties; not to mention the abdication of constitutional duty by the US Congress, who has in effect, made this American-style monarchical office in the White House possible. Can we get your views on that?

Martin Garbus: Yeah. You said it far more eloquently than I could. I think that there may come a time when America may get disabused of the idea that the legal system can protect against any of these things. I think that horrendous activities, you know, and you and I both don't know yet, the full extent of Trump's foreign policy and exactly what it's going to lead to in the various places in the world. I mean, we got a little sense that we already knew at this latest meeting in London when we hear all the remarks that he makes about this totally transactional president. I mean, I agree totally with what you said, and I could not say it any better than you said it.

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Ralph Nader: And I just realize I left out self-enrichment--violation of the Emoluments Clause. No other president has done such egregious violations in so many of these areas. I mean, most presidents put their assets in a blind trust and never talk about it and don't even know what's going on. He owns these hotels. He has refused to sever his relationship of ownership even to give ownership to his family because he's so greedy. And he promotes his properties in Florida to foreign leaders for meetings and his golf course in Scotland and his Trump Hotel on Pennsylvania Avenue here. So we have a problem with the impeachment proceedings in Congress not going forward with a full, strong hand, if the Democrats just keep it to the Ukraine issue and a general obstruction of justice. They have told the American people they're interested in impeachment, not in removal in the Senate, because those two are not gonna move the Republicans in the Senate.

Martin Garbus: I totally agree with you. It seems to me that the cases that are now pending, both in the Circuit Courts and on their way to the Supreme Court, which deal was money, money, money. Whether it be Deutsche Bank or his accountants, it seems to me that that certainly should be pursued. Because I think you and I both—well, certainly I see, that the impeachment proceeding today as it's going ahead, is a loser in the Senate. And I think you and I both are--as incomprehensible as Trump is--it's easy to see him as an aberration. But then you look at the rest of the Republican Party--Senators [John Neeley] Kennedy in Louisiana, Lindsay Graham [of South Carolina], [Kentucky Senator Mitch] McConnell. It's not just Trump as we both understand. It's the entire corruption of the American political system!

Ralph Nader: And the press is playing along and they're getting ratings because of Trump's out rages and he knows it. He taunts them. He says you can't not cover me day after day because I'm good for your business. The book is *North of Havana* by Martin Garbus who has represented so many clients so courageously, testing the rule of law, testing due process of law in the United States. And this book is [subtitled] *The Untold Story of Dirty Politics, Secret Diplomacy, and the Trial of the Cuban Five*. The Cuban Five are now back in Cuba, living normal lives as the result of an arrangement between Barack Obama and the Castro regime in 2014. Has Hollywood shown any interest in this case of great intrigue?

Martin Garbus: There's a film called *The Wasp Network*, which was made by Oliver Assayas, and I find it to be a wonderful film that opened in Cannes, and as a matter of fact, this coming weekend, December 14, is the fifth anniversary of the Cuban Five being released. And this film is being shown in Havana this Saturday night. It's a wonderful, wonderful movie. I think it's going on Netflix. It doesn't have an American distributor. It's a very sympathetic portrayal. What it does is shows the Cuban side landing here, doing what they're doing and then being arrested. It doesn't deal with the trial. It deals with what these men sacrificed. It's got Penelope Cruz, other people in it. It's a wonderful movie, I think. And I guess it will be shown in the United States next year.

Ralph Nader: Well. Steve, do you have any questions as we close?

Steve Skrovan: No, actually. My question that I was ready to ask was about where they are now, and you've just answered that, so

Martin Garbus: Cuban Five is all in Havana. Gerardo is the vice-rector of the school that he went to school at. They all are significant. If you look in the book or elsewhere, to go to prison and not get infractions is impossible. You can go to prison for 10 minutes and if you look the wrong way,

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these guys, all of them, were imprisoned and never got an infraction. In other words, they were so self-controlled, so disciplined that that story itself is a remarkable story of what these guys went through in prison and how they kept their lives together.

Ralph Nader: One backup, I have to clarify. Didn't Alan Gross deny that he was a CIA operative in Cuba?

Martin Garbus: Well, two things. First of all, he denied it. And then he tried to, through various groups, put pressure on the American government to get him out. The American government failed to do it. He then sued the American government and he claimed in that lawsuit that he had been USAID, CIA; you left me here; you didn't tell me about all the dangers. You didn't tell me. So he had a lawsuit against the United States government, which he got a substantial settlement for. So yes, he had the original denial. He then said, "I was that person; you sent me down here and you didn't protect me." Something like that has never happened before.

Ralph Nader: You're saying in his legal complaint against the US government, he admitted [that] he not only worked for USAID [US Agency for International Development], but he had worked for the CIA?

Martin Garbus: Yes.

Ralph Nader: All right. Well, thank you very much, Martin. This is very good.

Martin Garbus: Thank you, Ralph.

Ralph Nader: When the book came out, did you get an interview on NPR or PBS or any media?

Martin Garbus: No.

Ralph Nader: I always ask that question of our authors, so our listeners realize that they're not getting the full story even on public broadcast media.

Martin Garbus: No, I think the interest in Cuba has been close to zero the last four months. It doesn't exist.

Ralph Nader: Yeah. Well, there's another question of the international law violation of sanctions whose brunt comes in on innocent civilians in the targeted country.

Martin Garbus: You know, Cuba, after Russia pulled out, was in desperate economic situation. Right now, what America is doing is effectively strangling the Cuban people. They don't have fuel for the winter coming up. They have cut off any banking resources. Other countries and corporations, for example, something like Marriott, if they would continue to do the hotel business there, they will face action by the United States. So the United States has created this extraordinary web aimed at strangling the people of Cuba. It's a terrible story.

Ralph Nader: It's also a violation of international law.

Martin Garbus: Absolutely.

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Ralph Nader: International law says you can apply sanctions, say to a military dictatorship. And if it affects the civilians, it's got to do so with minimal effect as a side effect. But this is huge effect on civilians in Cuba

Martin Garbus: Yes. This is going at individual people who do business with Cuba, making it impossible, because the American government will impose penalties on the Marriotts or anybody else who tries to keep Cuba alive. There has rarely been a strangulation like this, certainly never by America. It wasn't like this, even under Kennedy, et cetera, et cetera.

Ralph Nader: Including export of food, medicine, medical equipment, and other necessities of life.

Martin Garbus: Yes.

Ralph Nader: Well, thank you very much, Martin.

Martin Garbus: Thank you, Ralph.

Steve Skrovan: We've been speaking with Martin Garbus. We will link to his work at ralphnaderradiohour.com. When we come back, Ralph is going to answer some listener questions. But first, let's find out what's going on in the shadowy world of corporate criminality with our corporate crime reporter, Russell Mohkiber.

Russell Mohkiber: From the National Press Building in Washington, D.C., this is your Corporate Crime Reporter Morning Minute for Friday, December 6, 2019. I'm Russell Mohkiber. New Jersey has demanded that Uber pay \$649 million for years of unpaid employment taxes for its drivers, arguing that the ride-hailing company has misclassified the workers as independent contractors and not as employees. The state's Department of Labor and Workforce Development issued the request this week to Uber and a subsidiary, Raiser, after an audit uncovered \$530 million in back taxes that had not been paid for unemployment and disability insurance from 2014 to 2018. Because of the nonpayment, the state is seeking another \$110 million in interest. That's according to a report in the *New York Times*. The case represents the first time that a local government has sought back taxes from Uber, which has hundreds of thousands of drivers in the United States. For the Corporate Crime Reporter, I'm Russell Mohkiber.

Steve Skrovan: Thank you, Russell. Let's do some listener questions. This first one comes from Larry Kenemore, and he says he's referring to our show about the drinking water with Seth Siegel. He says, "Great program you had on drinking water. However, you only touched on the problem. We have researched drinking water for the last 10 years and tested drinking water ourselves in numerous municipalities. There are more problems with pharmaceuticals, which are not regulated at all," he says, "in the drinking water than the subject you talked about. You are drinking a cocktail pharmaceuticals with every glass of drinking water." And there's some reference here to Stat-Medicament Disposal Corporation. So what do you say to that?

Ralph Nader: Well, it's probably one of the private testing companies that people can go to supply them with local drinking water. Well, that's a nightmare scenario. Hospitals are trying to do something about a problem that they have been ignoring for years; it's flushing medicines down

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the toilet or down the sink. And of course, a lot of people get rid of their pills that they're not using and other medications down the sink. And if it goes into a river or a lake, that is the source of drinking water for a municipality, the municipalities technology, by and large, is geared to dealing with bacteria and dealing with heavy metals like cadmium, arsenic, and lead. And not really able to deal with medication residues. So this is a problem that a lot of drinking water safety administrators don't like to talk about just because it's so scary and so alarming. And it's something we have to face up to. Now I think the questioner overgeneralized. Obviously, if you have drinking water from deep wells, you're not likely to get pharmaceutical residue in these water systems, but it is a really serious problem.

Steve Skrovan: Yeah, I have a bottle of blood pressure pills; I think Valsartan ones or Losartan ones, which were taken off the market for being tainted and it's still sitting in my medicine cabinet because I don't know where to take it and I don't want to just throw it in the garbage or flush it down. What would you advise people who have pills themselves that are no longer useful or they're no longer using? How did they get rid of those?

Ralph Nader: Well, there are municipalities who have periodic collections. Like on Saturday, you can bring your medicines to X location and presumably, they know how to dispose of these medicines in a safe manner. I don't have a website to give people, but I'm sure you can google the right words and find out whether they have such a disposal program periodically for people to take their haul of unused medicines to.

Steve Skrovan: Well, very good. Thank you for that, Larry. Our next question comes from Neil Harris and the subject is progressives appearing on right-wing media. It says, "Dear Mr. Nader, I would like to hear your thoughts on progressives and leftists appearing on right-wing media. Do you think leftists lend legitimacy to the right by appearing on these shows, especially shows like Tucker Carlson, which go beyond normal conservatism and into white nationalism? Carlson uses very dangerous rhetoric against immigrants and the homeless." For example, he says, "Glenn Greenwald, Tulsi Gabbard, Michael Tracy, and others appear on Carlson's show fairly frequently. Carlson does actually let his guest speak without interruption for the most part." And he'd also like to know your thoughts on progressives having articles posted on sites like Unz Review, which carries literal neo-Nazis. "What are the ethics and morals of this?" he asks. He says, "I know this is pretty complicated for a brief answer on your show, but I've always looked to Mr. Nader for moral clarity." And he's also, I'll just add this, he says, "Lastly, I'd just like to thank Mr. Nader for his long-inspiring career of activism. I picked up his book, *Crashing the Party* after the 2000 election and it really changed the way I looked at the world!"

Ralph Nader: Well, first of all, Neil, I believe that the answer to bad speech is more free speech. So I'm not a person who advocates censorship under the First Amendment. Second, I always like to go on right-wing shows because I want to persuade some right-wing viewers or listeners of proper policies. So obviously, if a leftist goes on Tucker Carlson's show and doesn't know how to argue very strongly on the person's behalf, that just strengthens Tucker Carlson's viewpoint. But if you feel that you could make a strong argument for your case, why not go on all these shows? It throws the host on the defensive if you have any kind of authenticity and conviction in what you're saying, and that's a good thing. So I never say to myself, I'm not going to go on this show or that show, with one exception. I will not go on shows where people overtalk, cut you off after 10

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seconds and do not allow you to have your say, whether they're liberal shows or they're right-wing shows.

Steve Skrovan: Who in the past has fit that category for you, Ralph

Ralph Nader: The overtalk?

Steve Skrovan: Yeah.

Ralph Nader: Well, it happens sometimes when you go on, for example, Neil Cavuto's show on Fox cable. It's such a short show. To begin with, they tell you, you got four minutes on the show, the whole show, the whole segment. And he cuts in because it's not a 30-minute or 20-minute program. I give them some leeway there and I often say, "Neil, let me finish, will you? I'm the person being interviewed, not you."

Steve Skrovan: Right. All right. Well, very good. Thank you for that. Our next question comes from Tim Wolff. It says, "Dear, Mr. Nader, the main thing that triggered the Trump impeachment is that he delayed aide to Ukraine until they provided negative feedback on Biden and his son. Is that really more impeachable than Bush and Cheney war crimes or the impeachable offenses of Obama, assassination of American citizens, drone strikes, invasion of Libya, et cetera. Or is it just that Trump is indirectly attacking American citizens? Well, Bush and Obama were directly killing non-American citizens. There is no reason why our American political preferences should be more sacred than the lives of innocent civilians outside of our political sphere."

Ralph Nader: You make a good point. I mean, the most impeachable offense is a criminal war of aggression. Bush, Cheney: exhibit one. However, remember, Obama unleashed all kinds of violence, nothing like Bush and Cheney--the drones here and there, killing civilians. And Trump is doing the same thing. So what Trump is doing in terms of illegal, unconstitutional warfare, day after day in 10 countries--Somalia and Syria and Afghanistan and Yemen and so forth--are in my judgment, more impeachable offenses and what he did on the Ukraine situation.

Steve Skrovan: And you believe, as we've talked about before--and we did a whole special impeachment podcast on this, that the listeners should take a look at--that all of these impeachable offenses should be brought forward, but the conventional wisdom is saying that you've got to keep it simple for people. And it looks like there may be no more than three at most articles of impeachment--all dealing with the Ukraine situation--the bribery, the obstruction, and possibly contempt of Congress. But isn't there some efficacy to that argument that you want to keep it simple?

Ralph Nader: No, it's not a matter of simple or complex. It's a matter of unconstitutional behavior and the duty of the House and Senate to abide by the Constitution in its impeachment provisions. The most important thing is when you go after a president, you don't just go after impeaching him and allow him to be acquitted and not removed in the Senate. If you're going to impeach him, you should also declare that you want him removed and if you want him removed, you have to go with the fullest, strongest hand of impeachable offenses. For people to find out what I mean by that, go to nader.org; you will see 12 impeachable counts under one article of impeachment laid out, plus a letter with Bruce Fein that I sent explaining it to House Speaker, Nancy Pelosi.

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Steve Skrovan: All right, very good. Our next question comes from Karen Riley. She wants to talk about the Boeing 787 discussion we had with whistleblower, John Barnett. She says, “Dear Ralph, I listened in horror to your conversation with John Barnett. What a courageous guy, and then this morning I saw the headline about the Philippine Air Boeing 777 in LA that had fire coming out of its engine.” So, she wanted to reach out in the event you hadn't heard about it. Not sure if it's related to what John was talking about, but she's gravely concerned and she's flown so much in her life, especially overseas. She no longer thinks she's willing to fly and she wants to thank you for your podcast and all that you do.

Ralph Nader: Well, thank you very much, Karen Riley. John Barnett is now a private citizen. He's back in Louisiana. He's looking for a job. He's having a hard time because he was a courageous whistleblower at the Boeing 777 plant in North Charleston, South Carolina, where after 30 some years of much-heralded quality control work for Boeing, he saw things that endangered passengers--things left in parts of the plane that might come back to produce an accident. So the case that you pointed out has not been investigated to completion. I'm sure it will be. But that's the kind of possibility that John Barnett pointed out could happen with the sloppy procedures and situations at the Boeing plant in South Carolina.

Steve Skrovan: Yeah. And he said there's usually an 8 to 10-year window until something actually flares up and causes a disaster and we're very close to that window; that was the scary part of that. This next question, a comment, comes from Majid Safaie about Facebook. It says, “Dear Mr. Nader, I listen to your radio program every Sunday, which is informative.” And he talks about the one he listened to where we were discussing Facebook and whether there is a competition for it. And he says, “the answer is yes” and he wants you to check out faciet.com, which is designed to compete with Facebook, and he said it was recently launched and he needs to spread the word around to get more members. He says, “the big difference with Facebook is that faciet.com protects members’ privacy and will not share their private information with anyone without first obtaining written consent of the member. So he's pitching this as an alternative to Facebook.

Ralph Nader: Well, I'm not qualified to comment on that. As our listeners know, I still use an Underwood typewriter. I'm not online. But the intent behind what you're trying to do I think is widely supported by people who think Facebook has gotten too much power and it's basically a defacto monopoly and is telling people you have to take what we give you, because you got nowhere to go. Well, it turns out that Wikipedia co-founder, Jimmy Wales has launched a rival to Facebook and Twitter that he hopes will combat clickbait and misleading headlines. “WT: Social” his new social networking site, allows users to share links to articles and discuss them in a Facebook-style newsfeed. Topics range from politics and technology to heavy metal and beekeeping. This company's completely separate from Wikipedia. So that's a partial attempt by Mr. Wales to provide some competition to Facebook. Eventually, the US government is going to have to face up to Facebook's monopoly, its effect on elections, its so-called contoured newsfeed and its invasion of privacy right down to 10-year olds anywhere in the world. So thanks for opening it up, Majid.

Steve Skrovan: Thank you for your questions. Keep them coming on the *Ralph Nader Radio Hour* website. I want to thank our guest, again, Martin Garbus. A transcript of the show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted. Subscribe to us on our *Ralph*

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Nader Radio Hour YouTube Channel. And for Ralph's weekly column, it's free, go to nader.org. For more from Russell Mohkiber, go to corporatecrimereporter.com 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 ratsreformcongress.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. The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky. Our theme music, "Stand Up, Rise Up", was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon. So join us next week on the *Ralph Nader Radio Hour* when we speak with Mark Green. Thank you, Ralph.

Ralph Nader: Thank you everybody and stay active. 2020 is a big year in American history.
[Music]

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