

Ralph Nader Radio Hour Ep 339 Transcript

Steve Skrovan: It's the *Ralph Nader Radio Hour*.

*"Stand up, stand up
You've been sitting way too long"*

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

David Feldman: Hello.

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

Ralph Nader: Hi.

Steve Skrovan: Well we're gonna kick off our show by welcoming David Cay Johnston. He is a professor and journalist, a long-time chronicler of Donald Trump's shady escapades. He founded the site DCReport, which describes what the president and Congress do, not just what they say. He's gonna expound upon Donald Trump's ongoing crime spree. It's always fun to have David Cay Johnston on. And that's just the first part of the show. In the second half of the show we're gonna talk about corporate denial. The great muckraking journalist, Upton Sinclair, once said, "It is difficult to get a man to understand something when his salary depends on his not understanding it." This has never been truer when we talk about the oil industry. After decades of apparently not understanding, ExxonMobil has finally acknowledged that there is a climate crisis. Promising news, except ExxonMobil hasn't actually changed anything they're doing. They say they recognize that a warming planet is a tremendous disruption to human life on the planet, but they aren't acting like it. They haven't cut production and they're still funding people and organizations who deny the crisis. Exxon is just one example of corporate denial. But there are also many corporations who have been running ruthless campaigns that undermine science, deny evidence, rationalize their harmful activities in many other areas throughout history. Our first guest Barbara Freese has a long history of taking on corporate denial. As an environmental attorney she cross examined coal industry witnesses who were disputing the science of climate change. Her new book, *Industrial-Strength Denial* explores corporate denial by delving into eight examples. In between we will as always take some time to check in with our corporate crime reporter Russell Mokhiber. But first let's talk about Donald Trump's latest crime spree. David?

David Feldman: David Cay Johnston is a Pulitzer Prize-winning investigative reporter and author of six books including *The Making of Donald Trump*. He has lectured on economics, journalism and tax policy on every continent except Antarctica. Mr. Johnson's reporting persuaded two presidents to change their tax policies and stop tax dodges that Congress valued at more than 250 billion dollars. He is also the founder and editor of DCReport, a non-profit news service that reports what the president and Congress do, not what they say. His latest book is entitled *It's Even Worse than You Think: What the Trump Administration is doing to America*. Welcome back to the *Ralph Nader Radio Hour*, David Cay Johnston.

David Cay Johnston: Well thank you for having me again.

Ralph Nader: Well let's get to the nub of it, David. All his business career and his political career, Donald J. Trump has escaped the reach of the law in a remarkable series of maneuvers and bankruptcies, and protections by the Justice Department, and many other things that have been reported on. House Speaker Nancy Pelosi has said publicly, "Donald Trump is a liar, a thief and a crook. He should be in prison." Those are the exact words. Why is he still at large?

David Cay Johnston: Well, in a perverse way, Ralph, I admire Donald for his ability to do two things. There are three that are important in a perverse way. He has been unbelievably successful in defeating law enforcement his entire life; he's the third-generation head of a four-generation crime family. He has beaten at least four grand juries when he was in his 30's. He's escaped responsibility time after time, sometimes through threats of intimidation, sometimes through telling the government, go ahead come after me and I'll use up all your resources. And because white collar crime laws are incredibly weak in America. If we treated having a corporation, which is overall a very beneficial thing to do to get people to take risks and create wealth and hire people. But if we treated it is as the privilege that it is and were serious about people who abuse that privilege, Donald Trump would have gone to prison before he had any grey hair. The second thing he is masterful at is getting people to believe the utter nonsense that he is a businessman. He is not a businessman. Business people create wealth; they add to assets. Donald Trump is an extractor; he mines things. He gets control of a business and then he sucks it dry, doesn't pay his bills, doesn't pay his workers, vendors, puts small businesses out of business, cheats the government on taxes and fees that he owes, and then walks away with a pile of money. Indeed, that's the point of *The Art of the Deal*, [i.e.,] there's always another sucker, or another government, or a business deal that he can make. The third thing since I mentioned, is Donald is masterful in knowing how the conventions of journalism can be abused to his benefit. Only in the last few months have I started to see my former newspaper, *the New York Times*, instead of pussyfooting around and treating him as say a normal politician, start to write, "as Trump said falsely yesterday"- -things like that; just saying, "this isn't true the things you're saying". What if they had done that when I pleaded with them to do that four years ago?

Ralph Nader: Well what's interesting, and we're talking to David Cay Johnston, [whom] I've called the greatest tax reporter in the country. He won the Pulitzer Prize for it in *the New York Times*. He knows more about Donald J. Trump's business career than anybody, and he has been monitoring his performance in government very, very closely. Let's see if you agree with this: I think if he loses the election, in the interregnum of 77 days, where he'll really go crazy benefiting his family, his cronies and shovelling out all kinds of non-enforcement rules--that if he loses the election, he will resign during the interregnum, have Pence become president [and] pardon him for specific federal crimes. In a pardon, you have to admit to a whole series of federal criminal violations and go down to Mar-a-Lago and then fight the New York district attorney for umpteen number of years. Is that a credible scenario?

David Cay Johnston: I would disagree with you only a little on the margins, Ralph. I have written that we shouldn't be surprised if on the morning of January 20th, Trump resigns, Mike Pence is sworn in, and Pence grants him a pardon. The reason for that is it's very clear, and I think you'll agree with me - and you're a lawyer. I just teach law - that the Supreme Court will never uphold a self-pardon. You can't miss that in the opening of Chief Justice Roberts' decision this

summer about Trump and the subpoenas from the New York grand jury, not for Trump, but for the accounting firm that he uses. But the water would be real unclear if he were to resign and Pence were to do it. I don't know whether the courts would say that's a sham and reject it. I don't think in the 77 days of transition, that we'll see Trump do as much as you might fear, simply because he's lazy and he is incompetent. I mean if Donald Trump were competent, when he took office, the first thing he would have done is put forth a huge infrastructure bill. The Democrats would have had to go along with it, and it would have created a lot of jobs and improved the physical environment. Three and a half years into it now, we wouldn't notice as many potholes of highways and things like that. He never has done that. It's a mirage that he's a businessman that he knows what he's doing. He has no idea what he's doing! In fact, I predicted in early 2017, in writing, that if a virus were to hopscotch around the planet on jetliners and create a pandemic like the one that killed his grandfather in 1918, Trump would not know what to do. Well that's exactly what we've seen going on. I do think though to some adverse actions, he will certainly, if he loses and he knows that he's gonna have to go one way or another, that he'll pardon Jared Kushner; he'll pardon his daughter; he'll pardon his sons. And people who he thinks are loyal to him, he will pardon them left and right. But how much more damage he'll do in the regulation area--he's a lazy guy--I think he'll do some but not a great deal.

Ralph Nader: Well he is not a very hard worker at his appointed task. That's for sure. But it's easy to stop law enforcement. It's easy to shovel out unexpended monies to businesses - corporate welfare. You know, he's got his henchman in charge. But, I think what the listeners are really looking forward in this interview is Donald Trump, his secret tax returns and what the state attorney general in New York is doing.

David Cay Johnston: Yeah, and I think that's just a function of time, Ralph. The New York State Attorney General [Letitia James] is pursuing what is basically a garden variety tax fraud case against Donald Trump. I was floored when all sorts of news organizations a couple of months ago said, "Oh they've expanded the investigation." The subpoenas have always been for documents dating to 2011. So clearly, they went way beyond the hush money payments to the two women. We know from my work and from *the New York Times*' extraordinary October 2018 project, where Mary Trump we now know gave them all these records, that Donald is a calculated, serious tax thief. In the current case in New York, the criminal case, the grand jury and the prosecutors already know Donald Trump's federal tax information, because New York State trades, as all the states do, information with the IRS. And your New York State tax return, which the grand jury would have, is essentially identical to your federal tax return. What they don't have are the business records and the communication. I'll tell you from past things I've written about what they're gonna find when they finally get the records from the Mazars accounting firm. They apparently already have some records, but they will eventually get more from the Trump organization although Donald routinely destroys records. They're going to show that Donald issued instructions; you know he has been tried twice for income tax fraud, which is a story I'm the only person who has reported it. And I have not been able to get *the New York Times*, *the Washington Post* or anybody else to report on. He had two income tax fraud trials; he lost them both. And in those cases, he made claims that were absolutely absurd. And he had issued orders in another case involving a rent. He owed the City of New York for the Hyatt Hotel, his first big project in Midtown Manhattan, which was in Midtown Manhattan, to pay less and pay less, and not pay what he owed. And they're going to have at the Mazars firm, drafts of tax returns and communications or memos to the file most likely, saying, Mr. Trump says that that's too much money; he won't pay that much in tax.

The accountants who went along with this are at risk of their licenses. So, they're going to absolutely turn state's evidence when push comes to shove, to save their licenses, unless they're already retired and then they can be pressured with the threat of being prosecuted.

Ralph Nader: Well tell us before we conclude what the Manhattan district attorney's case is gonna be, because that's considered a real peril for Donald Trump and his associates.

David Cay Johnston: Yes, absolutely. What Trump is trying to do is delay, delay, delay and run out the clock on some charges. The Manhattan district attorney's case is fundamentally a garden-variety tax fraud case. They are undoubtedly looking at Donald's business records at the Trump organization, his filings with banks, like Deutsche Bank, his filings with the state government not matching up with what's on his tax returns. I've documented in the past Donald doing this repeatedly. He'd be essentially keeping two sets of books. I mean that in the most pejorative sense possible--lying and denying and cheating. Once they got the Mazars USA accounting firm's records and files, which the firm says they'll turn over once there is a final court order, I believe it will just be a matter of time until you see Donald Trump and probably some other people around him and the Trump organization as a corporation, indicted on state tax crimes. You may also see a racketeering case. New York State has a racketeering law that has somewhat higher standards than the federal law; it's a little more difficult to bring. But instead of two criminal acts, you have to show three--little changes like that. And, I will not be the least bit surprised if the grand jury returns a racketeering indictment. The reason that would trouble Trump and his family is if you're convicted of aggravated criminal enterprise, and that's by the way what I believe the Trump organization has always been. It's not a business; it's a criminal enterprise posing as a business. They can see every dollar that came from it. They can go and take away Don Jr.'s house, because all of his money comes from there, or nearly all of it and you can get 15 to 25 years in prison. Donald Trump is gonna scream and yell about being tried in New York. One of the complaints is he'll want to be tried, no doubt, in Albany where you'll recall that's where police officers accused of murdering people through bad tactics and misconduct always try to get tried, in Albany.

Ralph Nader: Well you know Trump has defied over 100 congressional subpoenas, which is an impeachable offense if it ever was one. He's gotten away with it because he has William Barr as his special lawyer, AKA the Attorney General of the United States. If he gets a pardon by President Pence sometime in January for his federal crimes, which he has to consent to committing to get the pardon. A lot of people don't know that. You just don't get a blank pardon.

David Cay Johnston: That's right, under a 1925 Supreme Court case called *Burdick*, if you accept the pardon you are admitting you committed felonies against the United States. When he gave one to Joe Arpaio, the horrible sheriff out in Phoenix, Arpaio said, "What are you talking about? I never confessed to anything." You don't have to accept the pardon; *Burdick* wouldn't accept one on principle. If Donald Trump accepts the pardon, he's admitting he's a criminal.

Ralph Nader: He's shameless. He doesn't care as long as he gets a pardon. But the one place he can't escape is New York City and New York State. The attorney general of New York State [Letitia James] and the Manhattan District Attorney [Cyrus Vance, Jr.] is that correct?

David Cay Johnston: Absolutely, he cannot escape that [by] changing his official residence to Florida, where by the way, he agreed in a formal court proceeding that he would never treat Mar-a-Lago as his residence. So, his residency, even there is in question. He cannot escape the New

York prosecutors. And I believe that Trump is liable, if prosecutors want to pursue this, in California, where Xavier Becerra, the Attorney General has talked about going after Trump in Connecticut and in New Jersey, and perhaps other states for acts that he's undertaken. Even in Florida where Trump has engaged in a number of business deals with Russian criminals, where when I and other people have examined those deals, they make no sense as business deals, but they make perfect sense if you think of them as money laundering, or payoffs.

Ralph Nader: Just in conclusion, Trump has bragged about him being worth 10 billion dollars. Somebody said, "Where is it?" He said, "Well, the trade name, the Trump Towers, trade name around the world." You think he's worth well under a billion dollars, don't you?

David Cay Johnston: Right, I do. In fact, when Trump became president and filed his disclosure form, he listed assets that by the most generous interpretation are only 1.4 billion. So about 85% of what he claimed during the campaign somehow vanished in 77 days between the election in 2016 and when he was sworn in in January of 2017. It's all a fraud; it's all smoke and mirrors. Trump is always desperate for cash. He needs cash. You can pose the lifestyle that he has as a billionaire with your 757 jet, which isn't worth much, or if you have 20 million dollars a year cash you could do it just fine; no one could tell you apart from a real billionaire. That's the reality of this. Donald never has had that kind of money. I mean what actual billionaire, multibillionaire is out there, hawking steaks and vodka and brand-name water, and creating a fraudulent university that's really a scam to cheat people? No real billionaire does those things. Among other things you wouldn't want to expose yourself to the litigation. Donald is a criminal; he has always been a criminal. His family came to America as criminals. His grandfather lied to get his citizenship and ran whorehouses in Washington State and the Yukon Territory. God only knows what he was doing when he died in New York City, but he was a very wealthy man whose only obvious business was a little, tiny cigar shop in Manhattan. Give me a break; that's a front for something else. His father was a thief who stole from the taxpayers. President Eisenhower, who had the horrible moral decision to send all those young men to their death at Omaha Beach, put a hundred investigators onto Fred Trump. Donald has, throughout his career, managed to get away by ratting out other people, by lying and denying, by running out the clock. He was well-advised by Roy Cohn, the horrible, monstrous Roy Cohn, on how to defeat law enforcement. This shows us something very important, Ralph; it's way beyond Donald Trump. We don't have adequate laws so that the privilege of using the corporate form is not turned into a vehicle for criminal organizations. I want to have corporations; I want people to be able to limit their liabilities so that they will invest and take risks, and build wealth for everybody. But you shouldn't be able to use that as a tool to run a criminal enterprise. And yet we allow that all over the country as you have been telling us and teaching us since I was a college student, in fact, a high school student. We need to recognize that our white-collar crime laws are tissue paper; they're just absolute tissue paper. We need real laws. And honest business people, I believe, can be brought around to support that if we work at it. But it isn't even being discussed in the mainstream news.

Ralph Nader: Two quick questions: 1) Michal Cohn, his fixer, is out with a book, Skyhorse Publishing on September 8th. Six hundred thousand copies have been printed in anticipation of a tell-all super bestseller. Do you think that's going to inconvenience Donald Trump?

David Cay Johnston: Oh yeah, I think that Michal Cohn is a real threat to Donald Trump. Let's remember, Donald Trump is the unindicted co-conspirator in the crimes for which Michael Cohn was sent to prison. He's a real danger to Donald. And in this book that just came out about

Melania, by the woman who was her designer friend, he is quoted as saying that of the 107 million dollars that was raised for the Trump inaugural, which I wrote about at the time; how could anybody have spent 107 million dollars? Obama didn't even spend the 50 million he raised for a much bigger gala. He is quoted saying they stole 80 million dollars of it, which sounds about right to me, that they could have stolen as much as 80 million dollars. So, the people around Trump, where did this money go? The woman herself, she got 26 million dollars and has been made out to be the horrible person. She says, "Look, 25 million of that, I immediately sent on to these other people as instructed. And a million-dollar fee for being the arranger of an inaugural is not an unreasonable fee." So, Michael Cohn's statements there would be very revealing. And remember that Michael Cohn tape recorded Trump; he tape recorded other people. I'm sure his book will have some serious evidence and that's why the New York prosecutors in the state court and the federal prosecutors who Trump has tried through Bill Barr to shut down, have been talking to him all the way along. By the way another person Trump is gonna want to pardon is Bill Barr, because otherwise I'd say he's highly likely to be the third United States Attorney General to go to prison. There needs to be, when this is over, a thorough reckoning. The Obama administration came in and made a political decision not to pursue all the criminals at the banks. There should have been thousands of bankers and traders, and others who went to prison, just as happened after the Savings and Loan crisis in 1992. But they wouldn't ever talk to the guy who knew how to bring these cases, Bill Black [lawyer and former bank regulator]. So, they could say that it really wasn't illegal what they did; of course, it was illegal. Fraud is always everywhere a crime. It is the tradition in this country that the next administration doesn't go after the previous administration, although Trump did apparently, we now know, try to get Hillary Clinton investigated and the Justice Department wouldn't do it. But even if we don't pursue the Trump people on criminal grounds federally in the new administration, we absolutely need to have a thorough reckoning. Here is what they did; here are the records they destroyed; here are the illegal acts they took; here was Jared Kushner's role in the death of [Jamal] Ahmad Khashoggi, which I think there is really good evidence to think occurred, as well the rounding up of rich Saudis by the de facto dictator there. We need to have a thorough investigation of what went on during this administration, and then we need to look at constitutional remedies and the legal remedies we need because an important line has been crossed. As I wrote in my last book, every president up until Donald Trump, and we've had murderous people like Andrew Jackson in the White House, [but] every one of them did what they thought was good for the country. Donald Trump did what was good for Donald Trump and had no regard for the country except how it benefitted him and helped him maintain power. Now that that ethical line has been obliterated, there are other people out there looking at Donald Trump and saying, "Well, if I can get to the White House, I'm a hard worker; I have a serious philosophy; I know how to manage; I can take over the country and become dictator, because there are all these weaknesses in our system that is built on good faith. I'm sorry we're gonna have to do that, but if we don't do it, somebody else will come along for a ten. You and I may be gone when it happens, that somebody will come along and they will take over this country and destroy our nation.

Ralph Nader: Well they certainly lowered the bar for that kind of ascension, and it will still be called a democracy in form, but look at the enormous unconstitutional power and impeachable offenses that have led him to concentrate power in the White House more than any other previous president. I mean Nixon was impeached, as you know in the Watergate scandal, for one obstruction of justice and one defiance of a subpoena. [Ralph chuckles] Trump has done hundreds of these and gotten away with it.

David Cay Johnston: Well, that's one of the issues here. Look, we've had four cases of in fact Nixon, who wasn't actually impeached, but he would have been. The system we have doesn't work. The system for constraining and removing a president, we've had four runs at it. It doesn't work; we need to change that system. We need to recognize that we need to update our Constitution in a lot of ways, because it's an 18th century idea. It's very dangerous to do that, because if you put the wrong people in office, we could lose a lot of our First Amendment freedoms. We could become a theocracy; we could disincorporate the Fourteenth Amendment. And there are people as you know Ralph, out there, who want to repeal the Fourteenth Amendment, including at least one member of Congress, Rand Paul. So it is a difficult thing to do, but now that we've seen how norms of behavior and the expectation that a president will act in the national interest can be totally perverted, we're going to have to address this, or down the road we will pay a much worse price when a competent crook--Donald Trump is an incompetent crook, except for beating law enforcement--gets into office.

Ralph Nader: Well let's see if Congress, that is controlled by a solid Democratic majority in January, will do its part. There have been some historic congressional investigations over the past two centuries. Congress is in complicity here in a passive way and it has the powerful impeachment power. It has not been willing to use it except for the Ukraine matter, even in the House of Representatives controlled by Democrats.

David Cay Johnston: One of the things we're seeing by the way is we're seeing that the Democrats has sold their souls to corporate America who became Republican-lite, like the beer, l-i-t-e, that they're pretty much on the run. There is a big change taking place in this country. The further down the age tree you go, the more people have said, hey, we've been through 40 years of Reaganism and supply-side economics, and tax favors for the rich. The only people benefiting are a tiny segment of the population at the top. That's not sustainable; it's gonna change. It won't happen just in one election. But I think we're on the way to a different America, one that goes back to be more like we were under the New Deal that Northern Europe is like, where Northern European is like where, you know, where you don't see homeless people in collapsing buildings and roads that are falling apart, and education systems that don't work. I hope we're moving in that direction of fulfilling the idea that our Constitution is to ignoble the human spirit to see what human beings can achieve, and ending this domination of our culture by soulless corporations run by people whose incentives and legal belief, wrongly, that their only duty is to make money. Hopefully that will change. Hopefully we will see this as a turning point. If not, boy the future for this country, the future for human freedom is really, really bleak.

Ralph Nader: All right, on that note, thank you very much. We've been talking to David Cay Johnston, who among his other books, has written a biography of Donald J. Trump and continues to monitor the lawlessness of the Trump regime. Thank you very much.

David Cay Johnston: Thank you Ralph, Steve, take care.

Steve Skrovan: We have been speaking with journalist David Cay Johnston. We will link to his work at RalphNaderRadioHour.com. Let's take a short break. When we return, we're gonna talk about all the various forms of corporate denial from the slave trade to climate denial. But first let's check in with our corporate crime reporter Russell Mokhiber.

Russell Mokhiber: From the National Press Building in Washington, D.C., this is your Corporate

Crime Reporter Morning Minute for Friday, September 4, 2020. I'm Russell Mokhiber. Herbalife Nutrition will pay more than 122 million dollars to resolve the government's investigation into violations of the Foreign Corrupt Practices Act. The resolution arises out of Herbalife's scheme to falsify books and records, and provide corrupt payments and benefits to Chinese government officials for the purposes of obtaining, retaining, and increasing Herbalife's business in China. Herbalife entered into deferred prosecution agreement in connection with a criminal information filed in New York City. "Herbalife approved the extensive and systemic corrupt payments to Chinese government officials over a ten-year period to promote and expand Herbalife's business in China", said U.S. Attorney Audrey Strauss. For the Corporate Crime Reporter, I'm Russell Mokhiber.

Steve Skrovan: Thank you Russell. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan along with David Feldman and Ralph. Now let's talk about corporate denial through the ages, David?

David Feldman: Barbara Freese is an environmental attorney and the former Minnesota Assistant Attorney General. Her interest in corporate denial was sparked by cross-examining coal industry witnesses, disputing the science of climate change. Ms. Freese is the author of *Coal: A Human History*, [that] was a *New York Times* Notable Book. Her most recent book is *Industrial-Strength Denial: Eight Stories of Corporations Defending the Indefensible, from the Slave Trade to Climate Change*. Welcome to the *Ralph Nader Radio Hour* Barbara Freese.

Barbara Freese: Thank you David.

Ralph Nader: Thank you very much Barbara. Welcome. As you described your book in your introduction you say this book, I'm quoting you, "This book tell the stories of eight major campaigns of corporate denial, a term I use to broadly include the lies, delusions, and rationalizations that emerge when people working in competitive profit-driven group enterprises are faced with powerful evidence that they are causing harm." Causing harm is an understatement. The case studies you have, have destroyed the lives of tens of millions people [and] increased injuries and illnesses by a much greater magnitude. Let's start with the slave trade.

Barbara Freese: Right. I focused on the British slave trade and the denials from the slave industry there because it struck me as this really appalling early and pretty pure example of industrial denial, because the British public did not know much about slavery. They basically only knew what the industry told them. But the British did dominate the slave trade in the late 1700s and they ended up facing an abolition movement that was trying to make it clear to the British public just how incredibly brutal this trade was. That prompted the industry to put together a very well organized, orchestrated campaign of denial. They did most of their denial in writing so you can see what they've written. If you dig through the literature, which is not for the weak of heart or weak of stomach, but I did it. And what you find is that they came back and basically created a complete counter narrative, a counter reality if you will, describing how conditions were so terrible in Africa, and the Africans were eager to be purchased. They tried to sometimes market themselves to the slave traders to convince them that they should be purchased. They crossed the Atlantic on these comfortable, even festive slave ships. They ended up, the industry claimed, in these very comfortable plantations where all their needs were taken care of. It was kind of cradle to grave the welfare state. That was sort of their first response, the industry's first response, that they were not really enslaving these people so much as rescuing them from a fate in Africa that would have

included being put to death as prisoners of war, or eaten by cannibals or some such thing. So that was their first and I suppose most appalling approach. What happened then was, because they characterized themselves as rescuing the Africans, they could characterize the abolitionists as shutting the gates of mercy on the Africans and actually characterize the abolition of the slave trade as violent and unfair to the Africans. It became just this crazy kind of bizarre world that they were trying to create.

Ralph Nader: This might want to inform our readers, the biggest people in the trade of slaves from Africa were the sugar plantations in the Caribbean, which had a lot of influence in England. What was amazing is this abolition movement starting in England, within 20 years the slave trade out of Liverpool in that triangle was banned, right? I mean what was it, 1780 something to 1807, just 20 years?

Barbara Freese: Yeah, in retrospect it is just astonishing how quickly that actually worked for them, and how well that worked. Yet of course that still gave them plenty of time to deny things, and to sustain their industry and to deliver, I think it was something like another quarter million Africans into slavery, which was as you say mostly in the sugar plantations of the Caribbean. And of course, the British people really liked sugar. One of the tactics that the abolitionists used was to put in place a sugar boycott. But because sugar was very popular, it certainly gave everybody in Britain, including the very many shareholders, a strong incentive to disbelieve that this industry was so brutal. Fortunately, when confronted with enough evidence, the social opinion changed enough, and parliament did eventually, well, as you say, before too long, banned the trade. Slavery itself would continue even in those islands until I think it was the 30's, 1830's but at least they were not bringing new African slaves over to the plantations.

Ralph Nader: You note in your book that the brutality was such that one third of the African slaves in the Caribbean, sugar plantations perished within three years--one third!

Barbara Freese: Yeah. It was just appalling and apparently that was a very calculated economic decision. You could either feed them better and work them less hard and have them live longer, or you could work them very, very hard and buy new slaves and they decided that the latter approach was more economic.

Ralph Nader: Let's go to the second case study, which is radium risk and responsibility. This is pretty ghastly.

Barbara Freese: Yeah, this one was in many respects the most surprising to me because I didn't know very much about the radium industry. Radium had been discovered pretty well; it was discovered by the Curies in 1898 and there was a lot attention. It was understood to be incredibly powerful, incredibly radioactive, and it was very mysterious, and it was understood to burn human flesh. So, the first use of it was to try to actually destroy cancer tumors, which made sense. But then this industry just sort of sprung up in the United States that was going to try to take advantage of all the mystique around radium, and try to use it, not just to destroy tumors, which you could do by positioning a little tiny bit of radium next to a tumor, and eventually it would shrink. But to try to get people to consume radium, to actually inject it into their veins and get them to drink it, because then of course you increase demand for radium enough to support the costs of refining it. So, by I think it was 1913, we saw in Pittsburgh the first big radium company, which was called Standard Chemical, opening what it called the first free radium clinic where thousands of patients

went in, often for fairly minor complaints, and they would be injected with radium or they would be given radium to drink, or they would breathe radon gas. They were told that this would solve all kinds of medical problems, and that lasted for years. At one point they were called before Congress and a doctor for that company admitted that yes, he was treating cancer patients, and yes, they did tend to die a whole lot sooner because of his radium treatments than they otherwise would have. But he admitted that in his mind he was just shoving them over a little more quickly than they would have otherwise died.

Ralph Nader: What years did this span before we get to the factory where young women workers were told to lick the brush and what happened to them? What years before this nightmare was ended?

Barbara Freese: Well the industry, as sort of a consumer fad, where people were meant to and encouraged to consume it began in the 19 teens, went through the 20's and really started to fizzle in the 30's. The paint also began in the teens, the painting. They had a radioactive paint, glow-in-the-dark paint they would put on watch dials, and that created this enormous worker hazard, primarily for young women who were hired to apply the paint. That started around World War I, so again in the teens. Their death started become apparent in the 20's. But that industry continued into the 30's as well, and it wasn't until closer I think to World War II that they stopped sticking the paintbrushes in their mouths around the 30's. Then later on they were able to use other types of products to make that paint. So that industry kind of fizzled, not because there was necessarily a law passed against it, which makes it different than almost all these other industries where the harm was addressed legally, but because the dangers became more apparent. The newspapers were covering it and eventually other approaches were found for the paint.

Ralph Nader: There were some tort lawsuits, too.

Barbara Freese: There were some tort lawsuits. They tended not to deliver very much for the victims, but they did bring a lot of attention to the problem.

Ralph Nader: Just to be clear, the instruction to put the brush in their mouths as they painted the glowing numbers on the watches or the clocks, that was part of their instruction. They didn't just do that on their own, right?

Barbara Freese: Right, sure. That was how they were instructed. One of the cases, I've got a quote in the book where one of the trainers took a little tiny bit of this paint on a spatula and licked it and said, "This stuff is totally harmless." The workers were told that radium was good for you, that if anything it would put a glow in your cheeks, which is sort of ironic given in fact [that] it caused the jaws to decay. Basically, the fact that there was this sort of quack medical fad around radium helped make possible for these women to believe that radium was in fact healthy for you. So, licking those brushes didn't seem like such a problem.

Ralph Nader: Not good. Let's move on to the third one, which I had a role in, called the nut behind the wheel, carmakers avoiding blame for highway deaths. I think our listeners are quite familiar with this, but you have a quote by a GM auto safety engineer, the chief one in 1954. His name was Howard Gandelot. Just to show you how primitive the denial was, this is the chief safety engineer fighting seatbelt standards. He says, "Until we have substantially more information, I find it difficult to believe that the seatbelt can afford the driver any greater amount of protection, over and above that which is available to him, if he has his hands on the wheel and grips the rim

sufficiently tight; and also takes advantage of the shock-absorbing action, which can be achieved by correct positioning of the feet and legs.”[Ralph chuckles] I mean, does he have any idea of the split-second nature? Someone once pointed out you can have the strongest wrestler in the world and the wrestler couldn’t brace himself in a 15 mile an hour collision, to not go into the windshield.

Barbara Freese: Yeah, that was one of the more jaw-dropping quotes. I think it’s important for your listeners to understand just how powerful GM was at the time, how many resources it had. They had the biggest RND [research and development] budget I think, outside the military anywhere. For the chief safety engineer, somebody who should know something about safety engineering, to basically have no faith in safety engineering, was astonishing. The same engineer also said that when it comes to small children, of course they want to stand on the seat and look out the window as soon as they can, because that’s a lot more fun than how he had trained his little kids, the command of hands. He would say hands and they would put their hands on the dashboard when he had to break so that they wouldn’t hurt themselves. That was how he handled this question of crash safety that it was basically about self-help and bracing yourself even if you’re a little kid.

Ralph Nader: For years they would always blame the driver for everything and not the design of the motor vehicle to be crash worthy, or better highways to reduce injuries when crashes occurred. And, it was just on and on into the 1940’s, 1950’s until the congressional hearings in the mid-to-late 1960’s. That’s when some brave engineer stepped forward, some doctors stepped forward and studies from Cornell Medical School, Harvard School of Public Health began to have their impact. I think most people don’t know Barbara that the Pentagon is the one that funded four or five million dollars’ worth of research to Harvard School of Public Health and Cornell Medical School because they found out that in the [US] Airforce the airmen were losing more lives on the highways getting back and forth from their bases, than they were losing in the Korean War and they wanted to find out why.

Barbara Freese: I think that’s a good point and then they funded this tiny, little bit of crash-testing research where they would strap, either strap in animals or strap in volunteers and sort of crash into a wall and tried to get some lessons there. The idea that the auto industry itself wasn’t doing this kind of research, or at least if it was, it wasn’t revealing its results, was certainly something I wanted to stress, because there’s the denial of would seatbelts work, that kind of basic question of fact. But then there’s this kind of moral denial, the moral denial of having any responsibility for making sure that the people using your products don’t die, when some of them inevitably crash. Of course, Ralph you’re not mentioning your own major role in this drama, and I was happy to feature it. I was interested when I went back and read the congressional testimony that you just very directly said, hey, it’s primitive to say that we should just let the drivers hurt themselves. If they, even the worst driver, shouldn’t necessarily pay the ultimate price for a moment of carelessness. I was just happy to see that so directly confronted, because that had been the approach, the philosophy the industry had taken and gotten away with for so long. It’s as if, they felt like well, look, if the wheels don’t come off and the brakes don’t fail, we haven’t caused the accident. And, if we haven’t caused the accident, we have zero responsibility for limiting the damage. That was their attitude as tens and tens of thousands of people were dying on the highways.

Ralph Nader: Well it was just at the time selling style on horsepower with lurid ads saying if you get behind this car, you’ll have your own nuclear deterrent--just crazed inciting of especially young drivers to be aggressive. I remember as a law student in the mid-50’s, I came across this Cornell

Medical School research, went down to the Harvard School of Public Health and interviewed some of the scientists and human factors specialist. And I was just so excited [that] I wrote my third-year paper at Harvard Law School on it and turned it into a book. All the times I talk to law students, I say, try to turn your third-year paper into some social justice cause; you might find that it will have a lot of impact after you graduate. It was a good example, I think, of going out of the strict curriculum of the law school, and infusing some empirical reality in the way Tort Law was taught, which was for decades, just driver to driver combat who was negligent. They ignored the role of the highway and the motor vehicle. We're gonna get some of your final conclusions on all these studies just after you very briefly deal with climate crisis denial. I think our listeners are pretty familiar with it, but give a glimpse of how many years they blocked any attention to it and got away with it. Definitely years of delay.

Barbara Freese: Absolutely. Well they, you know, this problem has been emerging for so long. Scientists knew it was coming back. We've known for centuries that these gases trap heat. We've known since the 50's that emissions were building up in the atmosphere. We've known since the late 70's that scientists have been really focusing on this. The oil industry knew, certainly by the late 70's and early 80's that this was going to be a huge issue, and that basically we were gonna have to stop burning fossil fuels. Instead of taking the last 40 years and transforming themselves into something other than fossil fuel industries, they basically created as much friction as possible. The denial campaigns began mainly in the late 80's when the governments of the world started to get serious about this, and they have continued. We're at a point now where some fossil fuel companies actually no longer deny the fundamental scientific issue. I mean ExxonMobil will say yeah, our product is causing global warming and we even support doing something about it. We even support the Paris Agreement and what not, and their own projections on which they base their investments show oil sales continuing at very high level, even though what we know from the IPCC is that we need to be slashing our emissions roughly by half in the next ten years. In that sense I think that the oil companies are kind of like the tobacco companies. They have now got to the point, where after decades of denial, they don't have to deny the fundamental science anymore. Because they have created so many obstacles to regulation that they continue to benefit from the denials of the past while perhaps not being quite as exposed to liability as if they continued to pretend that global warming wasn't real.

Ralph Nader: Not to mention the denier-in-chief, Trump in the White House and his Republican Party, which are still denying it [and] scoffing at it as massive hurricanes, floods, droughts, fires, [and] tornados course through the land, and sea levels are rising. The interesting point here, and this comes to your conclusion Barbara, is there are some pretty sizeable companies that are dramatically cutting use of fossil fuels and going to renewable energy and conservation pre-cycling, recycling. Companies like Patagonia in California, Interface Corporation in Georgia. One would think that their example, and they're making good money. So, they've met the bottom-line challenge and they are reducing toward carbon neutrality, if not not having actually achieved it in the case of Interface Corporation, which manufactures tiles and is one of the world's biggest manufacturer of these kinds of tiles. Why isn't that spreading? I mean they're making profit; they're looking real good for the planet. They're attracting very good people who want to work in socially responsible enterprises. Why doesn't this spread faster to the big guys?

Barbara Freese: Yeah, because it does spread, but it doesn't spread nearly fast enough. I'm not really sure why that is, but obviously part of it is that for most of the country, we still have not

price on carbon. Once that happens, well, a lot of other things have to happen as well. But I do think that things are gonna be changing very quickly if we get Trump out of the White House and if Democrats take the Senate. Then I think we're gonna find things changing very quickly, not mainly because of just an economic incentive, but because the policies will change, and a very strong signal will be sent, that we need to be decarbonizing as quickly as possible.

Ralph Nader: After this enormous research, we're talking with Barbara Freese, the author of the new book, *Industrial-Strength Denial: Eight Stories of Corporations Defending the Indefensible, from the Slave Trade to Climate Change*. What do you want to leave our listeners with in terms of looking forward, restructuring the global corporate entity, regulations, competition?

Barbara Freese: Well, to the extent that we have seen pushback on corporate denial in the past, it has been through social activism leading to legal changes. Right now, at least when it comes to climate change, we have the social activism, we have some legal changes at the state level. Obviously, we need a whole lot more, including at the federal level, which means that we have to vote, vote, vote. I hope in the years to come as we are struggling with trying to push back on corporate harm, we can come up with a way to reform corporations. I'm not sure if we can do that, but more immediately we need to strengthen the other segments of our society that can push back against corporate denial and against corporate harm. That means social activism; it means government regulation; it means an independent media. I'd say support all those segments of our society.

Ralph Nader: There's an argument to be made that the giant corporation having no loyalty to any country other than to exploit them and to export jobs, that the giant corporation, with this enormous influence now over government's ability to move the tax savings, and escape fair share of taxes, as they put it, launching technologies without any real safety risk analysis other than touting their benefits, sometimes dubiously like bio tech, nano tech and artificial intelligence; and its pell-mell production of weapons of mass destruction for dictatorial regimes, and regimes that purport to be democratic that can blow up the world; not foreseeing and foreshadowing the kinds of perils, bacterial and viral that we now see, that the structure, the hierarchical, autocratic structure--suppressing freedom of speech and dissent, punishing whistleblowers, buying and selling governments blocking the courts, that in their totality Barbara, the structure of the multinational corporations' ability to exert greater and greater damage, achieves on the side of proportions, it should be considered an antiquated, obsolete and ferociously irresponsible system of organizing capital, labor, science and technology. You refer in your book on page 58 that the noted cynic, Ambrose Bierce, in the early 20th century, defined the corporation as, "an ingenious device for obtaining individual profit without individual responsibility." You're considering more fundamental replacement, displacement with other kinds of economic institutions at the retail level? It could be cooperatives for example. Are you starting to broach that area of research?

Barbara Freese: I haven't done much research on that. I do suggest in the book that one of the things that we might be seeing is other institutions takeover more of the processes we use to meet our human needs. So certainly, non-profits and things like coops are something that could take over a much bigger role. Obviously, governments can take over a bigger role or at least more aggressively regulate the corporations. I do still wonder how we can reform corporations themselves to minimize corporate denial. I think that there hasn't been nearly enough really creative discussion about that. I think it would be very nice if someday in the future we can look back it as a time when we realized just how potentially dangerous corporations could be, and figure

out how to change them so that they didn't have quite so many inherent factors promoting denial of responsibility, and denial of reality. I think that might take another book.

Ralph Nader: Well for our listeners if you're ever in a contentious exchange with free-market fundamentalists, which I'm sure many of you have been, this is really your handbook. I mean this level of saying no, no, no, no and being completely wrong about it, but buying your way through decade after decade of human and property destruction by saying no, no, no, the way the corporations have. Obviously, they said no to women's suffrage, because women were pushing for end to child labor and dungeon factories. They said no to the abolition of slavery as is pointed out in Barbara's book. They said no to the progressive populous movement that gave workers and farmers some power over railroads, factories, mines. They said no to Medicare and to Social Security. It's remarkable [that] the institution that says no, no to almost all the major justice progress in our country, continues to persist and continues to be called prestigious, and continues to be accorded this kind of reputational status. That is more troubling and a form of impunity that I think scholars have to pay a lot of attention to.

Barbara Freese: Yeah, I agree with that. And I think it is evidence of corporate power that we're not even thinking about the corporations as a human construct, as a social, legal construct that we are capable of changing.

Ralph Nader: Well on that note, we've been talking with Barbara Freese the author of the new book, *Industrial-Strength Denial*, such an important book that of course it wasn't reviewed by *the New York Times Book Review*. But that doesn't keep you from ordering it and having book club discussions in your neighborhood and giving it to your local libraries, whose budgets are strapped. And they'd be very pleased to make that part of their active collections. Thank you very much Barbara.

Barbara Freese: Thanks to you so much Ralph. I really appreciate it.

Steve Skrovan: We've been speaking with environmental lawyer and author of *Industrial-Strength Denial*, Barbara Freese. We will link to her book at RalphNaderRadioHour.com. I want to thank our guests again, David Cay Johnston and Barbara Freese. For those of you listening on the radio, that's our show. For you podcast listeners, stay tuned for some bonus material we call "The Wrap up". A transcript to this show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

David Feldman: Subscribe to us on our *Ralph Nader Radio Hour* YouTube Channel and for Ralph's weekly column, it's free, go to Nader.org. For more from Russell Mokhiber go to CorporateCrimeReporter.com.

Steve Skrovan: You can also get Ralph's latest books including *How the Rats Re-Formed the Congress*, if you go to RalphNaderRadioHour.com. The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky.

David Feldman: Our theme music, "Stand Up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon. Our intern is Michaela Squier. Join us next week on the *Ralph Nader Radio Hour* when we welcome Adolph Reed, Professor of Political Science at the University of Pennsylvania who is going to talk to us about the cancel culture. Thank you, Ralph.

Ralph Nader: Thank you everybody and help get this program, if you like it so much, on other radio stations in your community.

*“Do you understand
We got to stand up
You’ve been sitting way too long
Stand up
You know what’s right and you know what’s wrong
Rise up
Now like the system pulled you down
Stand up, stand up
You’ve been sitting way too long
Stand up
You should
Stand up
Step up
I think you should step up
Rise up
Rise up and take all the power
Stand up, stand up
You’ve been sitting way too long
Stand up
Stand up
Step up
Step up
You ought to step up
Rise up
Rise up, I know you want to rise up
Stand up
Stand up
You’ve been sitting way to long
Stand up”*

[0:58:00]

[Audio Ends]