

## RALPH NADER RADIO HOUR EP 373 TRANSCRIPT

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

**David Feldman:** Hello, Steve.

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

**Ralph Nader:** Hi.

**Steve Skrovan:** We got a great show today and I want to start it off by kind of setting the predicate, as Ralph is fond of saying. In 1947, the Federal Communications Commission, the FCC, required licensed radio and television broadcasters to present fair and balanced coverage of controversial issues of interest to their communities, including by granting equal airtime to opposing candidates for public office. This policy was known as the fairness doctrine and lasted for 40 years until it was rescinded at the end of the Reagan administration in 1987. This lets the proliferation and domination of the radio waves by right-wing talkers, such as the late Rush Limbaugh. Today social media platforms such as Facebook, Twitter, and YouTube have supercharged a whole new generation of pundits, thought leaders, and frankly conspiracy theorists, in a media landscape that resembles the Wild, Wild West. Broadcast media amplifies the misinformation and disinformation arising from these new media platforms. This is a threat to the civil discourse that is vital to a healthy democracy, but how can you have civil discourse when no one can agree on a basic set of facts. Everyone has their own facts, or as coined by former Trump aide, Kellyanne Conway, alternative facts. We each can live in our own information bubble that confirms our biases and offers no rebuttal or cross examination. How do we get a handle on this? How can we burst the bubbles? Well, our first guest today, Professor Nicholas Ashford, will be joining us to discuss his recent op-ed in *the New York Times*, in which he argues for resurrecting the fairness doctrine to help stem the flow of misinformation over public airwaves on broadcast media. After that, we're going to switch gears a bit and discuss the storied career, former Attorney General Ramsey Clark, who passed away this month. We're going to be joined by two guests who profiled Mr. Clark on the page and on screen. Lonnie T. Brown is the author of the biography *Defending the Public's Enemy* and Joseph C. Stillman directed the documentary *Citizen Clark*. Both of these works examine the iconoclastic attorney's family life, his civil rights activism, his controversial legal clients, and his lifelong dedication to justice. They'll be joining us for the second half of the show today. Then if we have time, Ralph will answer some more of your listener questions. But what we always make time for is our corporate crime reporter, Russell Mohkiber. But first, can the fairness doctrine be resurrected, David?

**David Feldman:** Nicholas Ashford is Director of the Technology & Law Program at MIT [Massachusetts Institute of Technology]. He has published several hundred articles and

numerous books, including *Technology, Globalization, and Sustainable Development: Transforming the Industrial State* Welcome to the *Ralph Nader Radio Hour*, Nicholas Ashford.

**Nicholas Ashford:** Glad to be here.

**Ralph Nader:** Welcome back, Nick. Indeed. Before we get into the points you made in your *New York Times* op-ed on March 29th, how much of all this that you're decrying comes because people are allowed to make false statements and false concepts of who did what and where anonymously?

**Nicholas Ashford:** Well, there are two problems. One is yes those people are making false comments, and secondly, we have lost our capacity to do critical thinking and to separate the wheat from the chaff.

**Ralph Nader:** Well, what if you write a letter to the editor, the letter doesn't get printed, unless your name is attached to it in print newspapers, but online huge amount of lies, misinformation, slanders, verbal abuse comes in anonymously. Do you see any problems with the government basically saying to Facebook and Google and others, you can't transmit anonymous, assertions like that; people got to put their name behind their claim.

**Nicholas Ashford:** I think that would be a better thing, although I'm not sure that divulging your name is not known and would stay in the memory of a listener anyway where people can make up names. I don't think the question is a question of anonymity. I think the question, it's a question of whether the facts are complete and not erroneous. I think that's the problem.

**Ralph Nader:** The point you make in your op-ed is that the broadcast television [and] radio pick up these false statements, conspiracy theories that are false and just replay them. And of course, they did this with Trump every day of the year. And they even replayed a lot of false statements on the COVID-19 pandemic by Trump. And they would be much more rigorous before social media and the internet in doing this sort of thing. I know as consumer groups, if we made a false claim about an unsafe pharmaceutical or whatever, the press would not use it. They would check with the manufacturer and make up their own mind and not use it. And so why are they picking it up? Nobody's forcing NBC, ABC, CBS, and CNN, and others to pick up the false stuff that's on the social media unfiltered.

**Nicholas Ashford:** Well, I don't know how many of those things are unchecked, but certainly fact checking is important. But the fairness doctrine, as originally constructed, is problematic for a very good reason. Just giving unequally meritorious arguments equal space is not really keeping in the spirit of the fairness doctrine. You have to not only present meritorious arguments, but you have to offer criticism, not just simply display opposing views. There's a problem here because if most people get their news from the platform, and then they also hear it repeated on Fox News or on talk radio, they tend to be much more believing of it. So the fact that it occurs a few times, on TV or the broadcast media or radio does a lot of damage and it amplifies the message on the platform companies. That's the problem. That's why we need to not

only reign in the platform companies, but we have to reign in all aspects of the media, so that not only are real meritorious points of view dealt with, but criticism is levied when criticism is due.

**Ralph Nader:** Well, let's give an example here. If a radio station broadcasting over the public airways, where they have to have certain accountability, which people on social media do not, or a television station is constantly putting forth, supportive assertions about nuclear power. And they keep saying how great it is; it doesn't create pollution; its blah-blah-blah. And they never point out the negatives of nuclear power, or they are broadcasting Verizon's claims about how great 5G is. Verizon has been putting out huge advertisements on how great 5G is, and they don't give the other side. And that's what the fairness doctrine, which was repealed in 1987, as Steve pointed out, was designed to deal with. And we'll get to that in a moment. How would it work, if there was a fairness doctrine, which I want to explore further and why it was repealed, and the role of right-wing talk radio--how would the fairness doctrine operate? Nick, who would trigger it to get the other side of 5G?

**Nicholas Ashford:** Well, I think that we need citizen juries or a commission that regularly oversees what the media do. I mean, when I wrote this, op-ed, it's interesting for *the New York Times*, they didn't let me say anything, which I couldn't confirm and back it up. And if you look at the electronic version, as opposed to the print version, you'll see the bloom type, which takes you to the source of my assertions. Well, that's fact checking, and fact checking ought to be routine for people, when people do not offer a meritorious, a legitimate opposite perspective. I think that we don't want the government to sit as judge and jury, because that has its own limitations, but we can have commentators, or we can have citizen juries comment, check the press. I mean, when Walter Cronkite was alive, he might've been the most trusted person in the media that exists because nobody ever expected him to present one-sided views.

**Ralph Nader:** My recollection is that an ordinary citizen could call up and ask to invoke the fairness doctrine and say, I have an expert at MIT who has another view of the hazards of 5G and it's up to the radio or TV station or the network to be sure, but they would very often respond affirmatively and they'd put on another viewpoint on what the fairness doctrine called controversial issues of importance. What would you say if there was a fairness doctrine and you had called up a Boston television station and said, "you gave a one-sided view [and] I want to invoke the fairness doctrine", assuming it was in place, What would you say about 5G?

**Nicholas Ashford:** Well, I'll tell you that; I'll answer that question. But first of all, I'm calling for an enhanced fairness doctrine, not just of including the one that was done away with. And I think you need an ombudsman [on the] receiving end of the media to take the accusation or the affirmation that important views are being left out, and they ought to have a responsibility to make sure that the right ones get put... Now 5G, which is being promoted, as you say, by many of the internet companies, actually, there's a great deal of evidence that it's dangerous for people to be using phones with 5G, let alone be near radiation-producing radio towers. But 5G seems to be in the air everywhere--in Europe, in China, in the US, and it is a dangerous technology. Furthermore, there are articles which have argued that the broadcast industry actually doesn't need it. It's something which makes things cheaper for them, but that the public itself can't

possibly use all the bandwidth that is being promoted by them. So 5G is an example; so is global climate change, an area where you don't give equal time to equally meritorious ideas. The term equally meritorious is a very important term. It means somebody has to sit in judgment and be accountable for responding one way or the other to the concept of fairness.

**Ralph Nader:** Well, I remember very clearly, Nick--we're talking with Professor Nicholas Ashford at the Massachusetts Institute of Technology—being at the FCC [Federal Communications Commission] the day the FCC announced the revocation of the fairness doctrine. And we didn't really fully realize the damage. It was clearly the get out of self restraint card for all the right-wing media. Rush Limbo loved it. All these other right-wing syndicated radio show hosts just went up the wall with whatever they wanted to say. And there was not only no rebuttal and no alternative views on that station that carried these programs, but there wasn't any countervailing progressive radio talk shows that come close to the extensive syndication of these right-wing radio shows, which basically captured a good deal of the blue-collar workers and turned them into Reagan Democrats, as they were called, because these workers never heard any other view. Day after day after day, they were pounded with this absurd--all government is bad except military empire and corporations are great! So after that, we went up to Congress to establish the fairness doctrine by legislation. And there were great majorities in the House and Senate, and it went over to the Senate and Rush Limbo unleashed his hordes of objectors, gave the switchboard to the members of Congress. And I was there. I mean, the phones lit up in one office after another and scared off the members of Congress. And now you can't even get a discussion about the fairness doctrine. It has been re-posed in the taboo pits of public issues. How would you get this ball rolling?

**Nicholas Ashford:** Well, first of all, regrettably, I have to say that simply presenting opposite perspectives doesn't necessarily convince people who are already committed to a view. I mean, what neurological science shows us is if you give somebody a balanced report--on the one hand global climate change doesn't exist; on the other hand, it does exist--it turns out that people imprint in their own minds and reinforce their priors. So at a minimum, you have to present opposite perspectives, but you have to do more than that. You have to cross examine people with different perspectives. You have to do more of what CNN does than [what] Fox News does. If you don't put people in a hot seat and make them defend their perspectives, just presenting two sides isn't enough. I'm not convinced that, that will, you know, just resurrecting the fairness doctrine as it existed, is going to be good enough. And by the way, it's interesting that some news outlets talk about fair and thorough reportings, and there's a difference, both within the left leaning and within the right leaning talk radio and television; there's a difference, the extent to which they go to extremes. In [Great] Britain, there's a program called *HARDtalk* where an interrogator takes a person of note and subjects them to an hour of cross examination, does not let them not answer a question, which is what sound bites do. And at the end of the hour, you have a pretty good idea of what the truth is. I mean, they don't let anybody get away with anything from the left or from the right. And that is a better model. If you don't engage people in the viscera of their bodies to engage in an argument, you operate under pretty primitive brain power and you aren't going to persuade anybody. So, the fairness doctrine, by itself as originally constituted, is not nearly enough. You have to have people backtracking.

**Ralph Nader:** Good point. You made comments in your op-ed article on basically two types of media--social media and broadcast media, which includes cable. And I would add telephone carrier media. So no one is saying that AT&T for example, or a telephone company, should police what people say on its telephone lines. Nobody says that.

**Nicholas Ashford:** There's not much exposure there.

**Ralph Nader:** Right, when it comes to social media, you get all kinds of views. Civil libertarians say, don't go after Facebook and let people say whatever they want. On broadcast media, there's the public interest, convenience and necessity standard in the 1934 Communications Act, where they really just can't go whole hog. They shouldn't, that is; I mean, Fox News did go whole hog, and I would alert the FCC to do something about it because it's so horribly one-sided and often very false material that some of these commentators or reporters on Fox News were purveying. And you'd never get an answer from the FCC under Trump. That was a total toady of the media.

**Nicholas Ashford:** Well, it happened before Trump. The FCC is underfunded. They'd much rather, like the Security and Exchange Commission, they'd much rather reach an accommodation in a settlement of the prosecution than prosecute violations. All of the regulatory agencies had fallen under Trump into not prosecuting violations. I mean, getting pennies on the dollar with a settlement is not the same as prosecuting bad behavior. And we have to refund the regulatory agencies that regulate our airways, our chemicals, financial instruments, so that they are really empowered to prosecute violations. There's nothing like a prosecution to change people's minds.

**Ralph Nader:** How about a defamation suit? These two companies that were involved in the elections, technically involved dominion, for example. They have sued Fox News because Fox News commentators pilloried them mercilessly saying they're responsible for stealing the election day after day, night after night. And finally, these two companies [were] fed up and they filed multi-billion dollar defamation lawsuits against Fox News. What do you think of that tool?

**Nicholas Ashford:** Well, I'd like to know what the settlement is going to be. They may never go to court. I mean, that's the problem. You know, when courts see that settlement is offered, even if it's for pennies on the dollar, they don't want to have those lawsuits. So a lawsuit...filing a lawsuit will get people's attention, but executing it to the end, would take somebody who was more interested in prosecuting the violation than the money that they could get from a settlement. And that settlement preoccupation is a major problem with our judicial system.

**Ralph Nader:** Because the real information doesn't get out; you're saying there's not a trial with witnesses and cross examination

**Nicholas Ashford:** Well, sometimes the settlement is even sealed as you know. When you seal the settlement, you don't talk about who got what for what, and, you know, there's a concept in the law called nolo contendere, "I promise not to do it again. I didn't do it, but I promise not to do it again." So, you know, that's no publicity that is worth very much. I think with Fox News, if people are carried through to prosecution of the suits, then perhaps you'll get where, you know, the courts of appeal have cut down the punitive damages they're associated with something. I

mean, you have to prove real damages to get a certain amount of settlement, but then there's punitive damages, whose purpose used to be to deter future action. But the courts of appeal have routinely cut those punitive damages down - I don't need to tell someone better than you who is up on the issue of torts and it has this tort museum in Connecticut - which people ought to go to and see to see how tort has changed over the years.

**Ralph Nader:** Well, in your op-ed, you have a key sentence and I'll quote, "A phrase that's based on a lie and trends on Facebook and Twitter, namely 'Stop the Steal,' for example, becomes fortified and legitimized, when it's picked up by television and radio reporters or commentators, whose words then reappear back on social media, fueling the tornado of misinformation."

**Nicholas Ashford:** Good quote.

**Ralph Nader:** Why in the world would these networks continue day after day, repeating what Trump and the Trumpsters say about "stop the steal", when they know that it's false information, and they actually have some of their commentators rebutting; they actually rebut on the air. They say, "This is not supportable; this is not factual." But they keep reporting it day after day. If a consumer group did that, they'd be cut off – period - from the media.

**Nicholas Ashford:** Well, I'll answer your question with the question. Who owns the media? Who owns the media? If the private sector participants, who have an interest in this area, own the media, they're going to do the screening they want to screen.

**Ralph Nader:** Well, what about NPR and public broadcast?

**Nicholas Ashford:** Well, NPR is hopelessly dependent on the government for renewing their license. It's not like the BBC, which has a line item and cannot be so easily curtailed. I mean, National Public Radio, which I watch, and on television, which I watch, is much better than most of the broadcast or cable news. But it still is very careful about what it says. I mean, have you heard anything on public radio about 5G? I haven't.

**Ralph Nader:** No, there's nothing. You know, they have their own taboos for sure. But Twitter, Facebook, Google, they have protection by the Congress. It's called Section 230 of the Communications Decency Act [of 1996], which currently exempts these companies from being held responsible for material they publish. I'm quoting from your article. Tell us about section 230 Nick, and what you would do about it.

**Nicholas Ashford:** Well, there's a lot of talk about repealing the immunity, which is given from suits against those carriers, or using antitrust to break up large internet companies. I don't think either one of those things goes anywhere near far enough. It's not the lawsuits that you have to concern yourself with. It's the presence of an independent governmental or non-governmental organization that's gonna call a spade a spade. I mean, you have to have [an] ombudsman-like organization that does look at what these people are doing and measures them - not against liabilities suits - but restrains them from doing it in the first place [and] demands corrections.

**Ralph Nader:** So, you'd just leave 230 on the books?

**Nicholas Ashford:** Look, I think if you eliminate the immunity given to them, it will do some a small amount of changing, but it doesn't go very far against sort of pro forma adherence to the fairness doctrine. I mean, there is a way of presenting the other perspective, which is not powerful, which is not condensing. And aside from that, I've already mentioned the fact that listening to two sides of an argument doesn't necessarily change people's minds. It is a necessary, but not sufficient innovation. You have to subject the purveyor of lies to cross examination and challenge. That is what CNN does. That is what the public television does, but the other channels, right and left don't do enough of it at all. They don't embarrass somebody who has a point of view. You have to go as far as embarrassing somebody who tells exaggerations, omissions of fact, omissions of view. People would be afraid to be on your interview schedule if you really took people to task, but that's what we have to change.

**Ralph Nader:** And you would include advertisements, corporate deceptive advertisements, in that?

**Nicholas Ashford:** Oh my goodness, if you looked at the amount of snake oil that is now promoted by the television and radio news, do you believe you can grow hair if you've lost it? Do you believe you can be socially at ease by taking a pill? I mean the FDA [Food and Drug Administration] and the FTC [Federal Trade Commission] are too busy to prosecute, what is really horrible advertising. I don't think that misleading advertising ought to be allowed.

**Ralph Nader:** By the way, here's a good example that supports your thesis. In the 60's, there was the emergence of the anti-tobacco movement and led by a law professor at George Washington University Law School, John [Francis] Banzhaf [III]. He went after tobacco advertising on TV. And of course the tobacco industry is very powerful and he got the FCC [Federal Communications Commission] to require the television broadcasters to allow anti-tobacco ads. So one ad that I remember, and it was very memorable, showed a dying lung in full color, you know, cancerous, dying lung in full color. And the second view of the ad was that's Marlboro Country. And it was so horrifying to the tobacco companies that they voluntarily dropped all tobacco ads on TV and radio. There's your point. Don't you think?

**Nicholas Ashford:** Well sure, but short of terrifying ads, you know, a lot of public service announcements are shown between two in the morning and four in the morning when nobody's watching. So, what about putting it at prime time during a football game? I mean, you need to have access. You see, there's a battle for your attention going on. There's a battle for people's attention, and the private sector and the owners of the media know how to get people's attention. There's a whole industry dedicated to that. We have to get people's attention to start thinking in the right way. And by the way, the long-term solution is to bolster our education system, which has caused people to graduate without ever being able to distinguish propaganda from news. [The] most important course I ever took was in high school and it was called propaganda. It was how you recognize both governmental and industrial propaganda. And I'll never forget that course because it imprinted in me what to look at and we really need more critical thinking on the part of the listeners; that's an educational initiative. But we also need the people who are

putting forth information, whether in advertisements or quasi news, they need to cross examine and challenge views, which are otherwise sacrosanct.

**Ralph Nader:** Very true, the high schools should have propaganda courses. You can teach a lot about the political economy, elections, the marketplace, just by giving students an opportunity to develop critical tools and differentiating propaganda from facts, or lies from truth. And not that there aren't shades of gray. I mean, we're not talking, listeners about shades of gray here. We're talking about someone who says this election was stolen and that I, Donald Trump won Georgia by hundreds of thousands of votes. I mean, you know, this is--

**Nicholas Ashford:** Or climate change is a hoax; global climate changes is a hoax.

**Ralph Nader:** So, before we let in Steve and David, one last question, what kind of reaction did you get? This is the most valuable media real estate in the United States, the op-ed page of the mighty *New York Times* read by decision makers.

**Nicholas Ashford:** I got overwhelmingly positive responses. I got one poison email that said I should go live in China.

**Ralph Nader:** Did you get anything that extended your concerns that you could say, "Hey, this brings it a step forward"?

**Nicholas Ashford:** I got a lot, which argued that I'd hit a nerve that wasn't hit, by talking about the repeal of Section 230 or using anti-trust. I mean, the Congress is consumed with those two cures for the problem, but they're not going to come anywhere near curing it if we don't resurrect an enhanced fairness requirement on the part of all media.

**Ralph Nader:** Well, I suggest you try to get Senator [Ed] Markey or Senator [Elizabeth] Warren--those are your two senators--to put this article in the *Congressional Record*. That's one way you can test their commitment to the concerns that you're raising and the proposal that you're making.

**Nicholas Ashford:** Well, I hadn't thought about that, but that's good idea.

**Ralph Nader:** Steve, David?

**David Feldman:** Yes, this is really important to me, so thank you for this conversation. I think government has to step in. You know, Derek Chauvin is guilty. And it became a fact when the jury ruled that he was guilty. We trust, despite our lack of faith in government, we trust the government to conduct a trial. The GAO [US Government Accountability Office], the Congressional Budget Office [CBO] and Inspector General [IG], nobody really argues with those findings. It's nonpartisan. Shouldn't the government set up a BBC [British Broadcasting Organization] type news organization or three news organizations like Voice of America, like Al-Jazeera? Because we do trust the government to tell us what the facts are. The inquisitorial style of a Senate or congressional hearing gets both sides of a story. Unfortunately, you can't get the transcripts to a congressional hearing. Nobody knows this. I've tried to get transcripts to



congressional hearings. They're never published. They're never in print. They only have video up...

**Nicholas Ashford:** But you can hear them on C-SPAN [Cable-Satellite Public Affairs Network].

**David Feldman:** But it takes you eight hours to watch it.

**Ralph Nader:** Anyway, go back to your main point that people could trust certain kinds of government agencies. They certainly couldn't trust Bush and Cheney on lying us into the criminal war that blew apart Iraq, but you're talking about inspector generals, the General Accounting Office...

**David Feldman:** CBO, yes.

**Ralph Nader:** ... Groups like that.

**David Feldman:** Yes. I think somebody once said...I think a Republican one said the CBO is the closest thing to God, so they do, they do trust this kind of oversight. And the inquisitorial style of a Senate or congressional hearing allows Americans to really get both sides. They can listen to [Congressman] Jim Jordan and then they hear [Congresswoman] Maxine Waters, and you really do get to decide the argument, but you can't read them. There are no transcripts.

**Nicholas Ashford:** But I think it's too short in time. Giving people five minutes to do the cross examination is not enough. It's not nearly inquisitorial enough. And I tell you, we used to have an office of technology assessment, which was eliminated because Bush didn't like their criticism of "Star Wars" [Strategic Defense Initiative]. I mean, I would worry...I'm not a libertarian, but I would worry about putting all of the control in the government to establish safety. We have the Justice Department now investigating the Minneapolis Police Department to see whether the Chauvin characteristic goes further within the department. I'm not convinced that our Justice Department now, is capable of really doing the job that they should. I think we need expanded congressional oversight. We need interrogation by interviewers of the people who are insisting that black is white. And I think the government has not told us the truth about international affairs since the Korean War.

**David Feldman:** But they have like the Church Committee has. [The Church Committee investigated alleged illegal activities by the FBI]. There are elements...

**Ralph Nader:** Let's give Steve a chance. By the way, CBO stands for Congressional Budget Office. It does have a pretty good reputation for being fair handed. And Nick is right, you know, they never used to restrict members of Congress at congressional committees to five minutes each. You can hardly get into it when a senator is trying to cross examine a corporate executive and only has five minutes. So, Steve, before we close...

**Steve Skrovan:** Yeah. I just wanted to inquire. I think when the fairness doctrine was instituted in the '40s, there were very few broadcast networks or radio stations or a lot fewer of them than

there are now, and won't people argue that "We don't have that kind of scarcity anymore, that there's plenty of TV and radio stations offering all different sorts of point of view, and who's to decide what's meritorious?"

**Nicholas Ashford:** Well, I think you need a citizen commission or, or citizen juries to decide - to weigh in; you need ombudspople in the agencies and in the media who are accountable, who are accountable, who make the argument. And are you on factual basis whether somebody is telling a bold-faced lie. Or else...I mean, you remember the way that Zuckerberg was questioned by Congress? He kept on saying, "I don't think I can answer that question. I don't think I could answer that question." Well, you know, the retort should be, "You've got to answer that question. You're in front of the public. You have a lot of power. I insist that you answer the question." How many times did Zuckerberg say, "I can't answer that question," or, "I'll check it out and get back to you later?"

**Ralph Nader:** By the way, Nick, the networks have solved the problem that you've talked about with radio and TV when it comes to progressive groups challenging corporate power; they put out one deceptive statement or one false statement about a consumer product or a deceptive marketing practice, and they'll never get on again [chuckle]. They know how to censor progressive groups, but they let the right wing, and they let people like Trump on again and again and again.

**Nicholas Ashford:** Well again, I would ask, who owns the media? Who owns the media?

**Ralph Nader:** Corporations.

**Nicholas Ashford:** The answer...

**Ralph Nader:** Yeah. I mean, the public areas are owned by the public, as we've said, many times on this program, but they're controlled by corporations called radio and TV, broadcast cable companies. And the advertisements are largely corporate, so you've got a corporate-dominated media.

**David Feldman:** Which is why we need a government...we need government radio and government newspapers to counter—

**Ralph Nader:** Like the CBC [Canadian Broadcasting Corporation] in Canada, or the BBC [British Broadcasting Corporation] in Great Britain [that are publicly funded]

**Nicholas Ashford:** Public radio is not a good model.

**David Feldman:** No, because it's not funded by the government when you think about it; it's not a government radio.

**Nicholas Ashford:** No, it is licensed by the government.

**David Feldman:** Right, but it's not...

**Nicholas Ashford:** And that's an enormous power. I still say to you, if you haven't had a chance, go to the UK's program called *Hardtalk*. And if you can show the Congress people what real ~~ly~~ interrogation looks like, I think you will make your point.

**Ralph Nader:** Well, we're out of time, unfortunately. And we've been talking with Professor Nicholas Ashford, who has worked for many years on the relationship between technology and the law. I think Nick, we've had far more technology than law in recent decades. But I hope that your two senators will carry your concerns into the U.S. Senate, Senator Marky and Senator Warren, and put this article in the *Congressional Record*. Thank you, Nick.

**Nicholas Ashford:** Well, thank you very much for the opportunity. I enjoyed it.

**Steve Skrovan:** We have been speaking with Professor Nicholas Ashford. We will link to his work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). Let's take a short break. When we return, we're going to celebrate the life of the late Ramsey Clark, but first let's check in with our corporate crime reporter Russell Mokhiber.

**David Feldman:** From the National Press Building in Washington, D.C., this is your *Corporate Crime Reporter*, "Morning Minute" for Friday, April 30, 2021. I'm Russell Mokhiber. Securities and Exchange Commission Chairman Gary Gensler has chosen corporate criminal defense attorney Alex Oh to head the SEC's enforcement division. Oh represented big banks in litigation surrounding their role in the 2008 financial crisis. She represented Fannie Mae after they were caught deceiving investors in giving their own executives inflated bonuses. In 2006, Oh testified in front of the House Financial Services Committee during the investigation in defending Mae's fraudulent accounting practices. Oh defended ExxonMobil against a lawsuit from Indonesian villagers who claimed that Exxon hired military security for their natural gas facilities who inflicted human rights abuses on the town. She has also defended big pharma companies in multiple lawsuits. 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. The name Ramsey Clark may not be familiar to most people today, but in the words of our next guest "Name virtually any controversial historical episode between 1961 and 2017, and the odds are that Ramsey Clark had some connection to it." So, let's hear the story of Ramsey Clark. David?

**David Feldman:** Lonnie T. Brown Jr., is Chair of Legal Ethics and Professionalism at the University of Georgia, School of Law. He teaches courses in civil procedure, the law and ethics of lawyering, ethics and litigation, and he's the author of *Defending the Public's Enemy: The Life and Legacy of Ramsey Clark*. Welcome to the *Ralph Nader Radio Hour*, Lonnie T. Brown.

**Lonnie T. Brown:** Thank you. It's good to be here.

**Ralph Nader:** Well, Lonnie, I never thought your biography of Ramsey Clark was given due respect and coverage, and I hope that more people will read it following the loss of this great public citizen. My interaction with Ramsey makes me think that after he was forced to make some compromises as attorney general under Lyndon Johnson, and he had to deal with people

like J. Edgar Hoover of the FBI, that when he left government service, he told himself he was never again not going to take his conscience to his work. He will never again self-censor himself or say what he doesn't believe in. And so whether it's civil rights, whether it's the U.S. empire abroad, the invasion of Iraq, civil liberties transgressions, defending the displaced and the deprived, don't you think he was true to his word?

**Lonnie T. Brown:** I do. And I would say that he took that approach within the administration as well, but he met with some resistance and was not able to accomplish everything that certainly that not everything that he wanted, but he accomplished a lot of things. And in contrast to, I would say, our most recent attorney general, he was incredibly independent and took stands against Lyndon Johnson that Lyndon Johnson was not happy about. When he got on the outside, he was freer to do the things that he wanted to do. And I agree with you that in dealing with people like J. Edgar Hoover, in particular, he became very skeptical of the way the government handled things. And he saw that things that were being portrayed to the public weren't necessarily true. And I think that informed a lot of his representations, you know, a lot of his humanitarian efforts, his visits to Vietnam, and to other countries that were viewed as, as enemies of the United States. But he was true to his word, I think while he was in the administration, and he became even more true to that once he exited the Department of Justice.

**Ralph Nader:** He had a tough role because on the one hand he had Lyndon Johnson on his back, very opposed to Ramsey Clark's opposition to the Vietnam War, used to make fun of Ramsey. And then he had J. Edgar Hoover trying to get dirt on Ramsey to control him as he controlled so many politicians, he had these dossiers, and he couldn't find anything on clean Ramsey Clark. So he couldn't control him. But I think Ramsey was really upset when he had to play this role of prosecuting some anti-Vietnam War protestors. I think that really disturbed him greatly and he resolved never to do this again. But I like in your book in the chapter that says, "I am a man" that you mentioned, "All the more galling to Hoover though, was the fact that he had no dirt on Clark, with some record of marital infidelity as he had on Dr. King or other influential leaders, Hoover could exert negotiating leverage to get what he wanted. However, with regard to Clark, there was no file of indiscretions." And that's the great thing about Ramsey. He was incorruptible, a great figure in American history. But the more he lent his celebrity status to groups that were fighting war, groups that were fighting for domestic justice, but couldn't get any press, the more he got less press. He was not afraid to use his capital, but his capital started being diminished because he was representing all these groups who just happened to be right again and again on their facts and their principles. What do you think that [is] the principal lesson, which I think all law schools and undergraduate political science schools should teach about Ramsey Clark? He should not be forgotten to history.

**Lonnie T. Brown:** No, I really think he's one of the most misunderstood and overlooked figures in contemporary American history. And as was alluded to in the intro, he has almost literally touched every major event throughout our history. And largely, you know, not only from a political science standpoint and just as a, as a leader, but, but as a lawyer and I think law students can take a great lesson from him in terms of how he conducted himself in what he did [and] his passion. He taught a course at Howard University Law School for a number of years called "Law

as an Instrument of Social Change” and he believed that that was true--that that was the greatest tool for attempting to affect social change in America and abroad. And he used that throughout his life. I mean, that was his commitment, both in terms of his time at the Department of Justice, and definitely when he exited the department. And his representations were, many of them were controversial, and in the book, I kind of go into the fact that some were really inexplicable. But I think at his core, he believed the law had to have integrity. And I didn't agree with all of his representations, but from getting to know him very well, I believe that that he believed in what he did, and he would not have taken on a cause unless he believed in that cause for some reason.

**Ralph Nader:** And he was very effective as assistant attorney general and attorney general and getting the major historic civil rights laws through Congress. So he wasn't just a protestor or a dissenter. And then when he got out, he picked up on something very few people have the guts to do. He was saying no matter how brutal the dictators are, when they are brought to the dock of justice and they are being prosecuted, they must be embraced by the rule of law and have competent counsel. And he did that in Yugoslavia. He did that in Iraq. And he got a lot of brickbats, but it's hard to argue with this point that when you get the worst people as defendants of a criminal prosecution, the only way you really uphold respect for the rule of law is if you apply the civil procedures and allow the defendant to have competent counsel.

**Lonnie T. Brown:** Yeah, he definitely agreed with that. And in a lot of the international matters in which he became involved as such as representing Saddam Hussein, he believed that victor's justice was at work. And he never liked it when he thought it was victor's justice, and that those who had achieved victory were putting the tools in place for adjudicating the guilt of individuals. And so he thought it was important for him to inject himself to ensure that there was fairness in the process, both in perception, and maybe in fact, to the extent that he could do his job.

**Ralph Nader:** Well, thank you for coming on the program. We've been talking with Professor Lonnie Brown Jr., who teaches at the University of Georgia, School of Law, and is the author of a rather recent book, 2018, *Defending the Public's Enemy: The Life and Legacy of Ramsey Clark*. And I urge people to read this book, but even more systemically, this book should be part of the curriculum in courses on political science and law, not to mention civil rights and civil liberties seminars all over our country. Thank you very much, Lonnie.

**Lonnie T. Brown:** Thank you so much.

**Steve Skrovan:** We've been speaking with Lonnie T. Brown. We will link to his book, *Defending the Public's Enemy* at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). And to continue the story of Ramsey Clark, this time in documentary film form, we turn to our next guest, David?

**David Feldman:** Joseph C. Stillman is an Emmy winning, Academy Award nominated filmmaker and the director of the documentary *Citizen Clark: A Life of Principle*. Welcome to the *Ralph Nader Radio Hour*, Joseph C. Stillman.

**Joseph C. Stillman:** Thank you. I'm happy to be here.

**Ralph Nader:** Yeah. Welcome, Joe. When this came out, you had an event in Washington. I was privileged to be a part of it. Just before you finished this documentary, *Citizen Clark*. And it was a project that was long in formation, and it covered Ramsey Clark's life, as you say, "to bring to light the story, one of the world's most dedicated individuals to the causes of peace, justice and human rights." And in the documentary, it appeared that Ramsey was a very modest person, a very unassuming person. And how did you get around that? How did you show people what a huge impact he had on the civil rights legislation in the 1960s and how he's been the standard for standing up against injustice, abuse, criminal wars, and other travesties?

**Joseph C. Stillman:** Well, as you know, Ramsey led a very complicated but simple life. And I think if there's a word to describe him, he was a fearless individual who did not care what people said [and] was compelled to tell the truth at any cost. And certainly put himself in numerous situations that were dangerous to his life in order to bring those facts forward and to tell those truths. My relationship with Ramsey really went back some 12 or actually 16 years ago when I was doing a film about a returning Iraq veteran, and Ramsey was in the film. And we had a screening in upstate New York. And after the screening, someone in the audience said to Ramsey what his thoughts were about the possibility of a nuclear war in this country. And he gave this incredible explanation of how such a horrific event like that would play out. And then that person in the audience said, "It sounds to me like you're not too optimistic about the future of the United States," to which he replied, "quite the contrary, I'm an optimist, and without optimism, there is no hope, but I'm not just concerned about the future of the United States. That would be immaterial because it's the future of mankind that we're talking about if such an event like that were to happen." And I'm sitting there just awestruck with the complexity of Ramsay's thought process, because he looked at every incident that our government was involved with and others from a world perspective. He was a humanist. I finally was able to, after a lot of prodding, I said, "Ramsey, how do you consider yourself?" And finally, you know, he didn't...he just said, "Well, I don't think in those terms," but he eventually he said, "I guess you could say that I'm a humanist." And I think that that was probably the best description that I've ever heard of who he was as an individual and how his life was lived?

**Ralph Nader:** Well, you're right there, because when we had Ramsey on our program almost three years or so ago, I tried to get him to talk about himself. And he said, "Well, I just, I'm just not very introspective." Yeah. He didn't want to talk about himself. [chuckle] He wanted his actions and his words to define him. And indeed in this documentary, you have done that. If people want to look at this documentary or use it as an educational tool in college courses, high school courses, tell them how they could access it.

**Joseph C. Stillman:** Sure. Well, they just need to go to the website, <https://alifeofprinciple.com/> and all the information is there. You know, they can order DVDs; they can find places to stream it; they can call us or contact us. You know, we've shown it at universities and The New School did a wonderful presentation for Ramsay's 90<sup>th</sup> birthday in the city, three years ago. So, it's...all the information is there, but the film actually covers a 90-year time period from 1927 up until the shootings in Parkland, Florida. And there's about 35 different segments within the film, but it pretty much sums up Ramsey's life from that perspective.

**Ralph Nader:** Yes, indeed. It's a gripping documentary and it's almost like a revelation of the best of American history and the civil rights movement. And he was part of the civil liberties movement, part of the peace movement. It's not just the Quakers or the Unitarians who would love to see this documentary. We've been talking with Joseph C. Stillman who is an Emmy-winning filmmaker, who has traveled the globe making substantive films and documentaries for 46 years. And his documentary on Ramsey Clark, former attorney general and public citizen extraordinaire is called *Citizen Clark*, a documentary on the life of the Former U.S. Attorney General and Human Rights Activist, Ramsey Clark. Thank you very much, Joe.

**Joseph C. Stillman:** Thank you, Ralph.

**Steve Skrovan:** We've been speaking with Joseph C. Stillman. We will link to his film, *Citizen Clark, A Life of Principle*, The Ramsey Clark Story at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). All right, let's do some listener questions, David. Steve, didn't get the documentary film's name correct above

**David Feldman:** This question comes to us from James Awinyo. "Hello, Ralph. I recently came across a book by Jerry Fresia called *Toward an American Revolution [Exposing the Constitution and other Illusions]* where he argues the flaws within the U.S. Constitution, such as the failure to provide checks against private corporate power and the undemocratic system to party duopoly intellectual college. It creates are in there by design. As you know, majority of the framers came from the colonial elite and would have liked to maintain power in the newly established United States. Furthermore, reverence by the American to the Constitution and founding fathers presents an obstacle to radical new ideas for improving society compared to other Western nations, such as France. As an expert in law, should we advocate for a new constitution, start kind of like a second Republic in order to reign in the extent of corporate power and put the citizens first? I would love to hear your thoughts on this.

**Ralph Nader:** Well, I've said for many years, the expanding Achilles heel of our Republic is the lack of any mention of corporations or companies in the Constitution. And therefore, the lack of any differentiation, which would have led a even more prescient constitutional group of framers to subordinate the artificial entity, a name known as the corporation, to the supremacy of human rights, the rights of real people over the rights of commercial corporations. So we really need at least to start a informal citizen convention on how to update the Constitution. I mean, how prescient do you expect James Madison and Thomas Jefferson and George Mason and others to have been? They couldn't have foreseen the new kinds of surveillance, technology, new kinds of silent violence, weapons systems, the new kinds of corporate escapee systems from any kind of accountability, the international global penetrations of human and civil rights and bringing higher standards in our country to lower common denominators abroad. So, we definitely need that, but it's got to start with a group of advocates, scholars, practitioners, to get the discussion going because, you know, as they say, if we ever had a constitutional convention today, hold on to the Bill of Rights; you might lose half of them, never mind, updating the Constitution to meet new challenges for justice.

**David Feldman:** So you don't believe they gave us the tools, we're just not using them properly?

**Ralph Nader:** Yes, that's right. They gave us the tools and the amendment process is a little bit more onerous than I would have suggested, but it's not just the tools, David, it's...we have to have concrete visions. We have to have much broader public education. We haven't had a political system to discuss as these grand issues of the concentration and distribution and accountability of power and a presumptuous democratically based Republic.

**Steve Skrovan:** And that's our show. I want to thank our guests again, Professor Nicholas Ashford, Professor Lonnie T. Brown, and Joseph C. Stillman. For those of you listening on the radio, that's our show. For you, podcasts listeners stay tuned for some bonus material. We call the "Wrap-Up." The transcript of the show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

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

**Steve Skrovan:** And Ralph has provided two separate form letters to send to your representatives demanding they take action on corporate crime and taxing the rich. Just click on the clearly marked boxes in the right-hand corner of the *Ralph Nader Radio Hour* landing page. And it's all laid out there for you to fill in and personalize any way you want. Go to [ralphnaderradiohour.com](http://ralphnaderradiohour.com). Take action.

**David Feldman:** To support Whirlwind Wheelchair, visit [whirlwindwheelchair.org](http://whirlwindwheelchair.org). That's [whirlwindwheelchair.org](http://whirlwindwheelchair.org). They do wonderful work showing people in the United States and around the world how to build sturdy, economical wheelchairs from local materials. Whirlwind wheelchair.org,

**Steve Skrovan:** And for an independent news source that believes people are more important than corporations go to [populous.com](http://populous.com) to read, to subscribe to *the Progressive Populist*.

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

**Steve Skrovan:** Our theme music *Stand Up, Rise Up*, was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon. Our associate producer is Hannah Feldman.

**David Feldman:** Join us next week on the *Ralph Nader Radio Hour* when we'll welcome Alec MacGillis to discuss his exposé on the inner workings of the Amazon Delivery Monster in his book *Fulfillment*. Thank you, Ralph.

**Ralph Nader:** And what an exposé it is, listeners. By the way, those of you get any response on the tax letter and the corporate crime letter that you're sending to members of Congress, when you get response from your members of Congress, please send us copies. Thank you.