

RALPH NADER RADIO HOUR EP 328 TRANSCRIPT

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

MUSIC: Stand up. Stand up. You've been sitting way too long.

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

David Feldman: Hello there.

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

Ralph Nader: Hello, everybody.

Steve Skrovan: Now, Ralph, you wanted, before we kick off the show, to talk a little bit about something going on with Boeing.

Ralph Nader: Well, Boeing, which immolated itself with the notoriously dangerous 737 MAX plane, led to two crashes because of the instability of the plane in Indonesia and in Ethiopia; 346 people died including my wonderful grand-niece, Samya Stumo, an emerging leader in global health. And now this nightmare comes back. Reliable sources tell me that the FAA, stubborn and under the control of Boeing as ever, is going to start a three-month period to get this plane back up in the air. Even though airlines around the country are starting to cancel this boondoggle and airline passenger numbers are contracting, Boeing still wants to put it up. And the Congress is not doing its job, although the House committee has gotten some good reports and proposed legislation under Congressman DeFazio. But the Senate is totally rolled over led by "Moscow Mitch" McConnell and the Senate Transportation Committee Chair Roger Wicker who is about as Boeing as a Boeing wing is. So it doesn't look good. Right now we're trying to mobilize another consumer boycott and we have these buttons "AXE the MAX" that can be used, put up on YouTube and elsewhere and start a communication process where the consumers result in a negative poll, and that's the only thing really that the airlines are worried about is consumers saying we're not going to fly this plane if you put it on the tarmac. So that's what we want to do. You can obtain these buttons, "AXE the MAX" [with a] very prominent design to get the discussion and consumer boycotts underway by going to nader.org and there's a button for it. So you can get one or five or six or ten, and do your part especially if you're going to be an airline traveler.

Steve Skrovan: And we will also link to it at ralphnaderradiohour.com, and keep following this story, because it's an important one for all of our safety. Also in the news, back before the United States was even an independent nation we've had police. Some of the first police forces took the form of slave patrols who existed to enforce slave codes. This gave wealthy White people state sanctioned power to police the comings and goings of Black people. And though the methods and intensity varied throughout American history this has never really stopped. And that's what we're going to talk about with our first guest on the show today, as we welcome back journalist Glen Ford. Mr. Ford is the host of *Black Agenda Report*, a radio magazine that provides stories from the Black left perspective. We're going to talk about the ongoing protests against police brutality, which unfortunately received another jolt this week with yet another police shooting in Atlanta,

Georgia. Do these multicultural protests really mean that White people are starting to understand the generally toxic relationship the police have had with the Black community? Can the police ever escape the legacy of slavery and Jim Crow? We'll discuss all of that with Glen Ford. And last week we also learned that Treasury Secretary Steve Mnuchin is refusing to reveal the names of the corporations who were receiving five hundred and eleven billion dollars in taxpayer funds. These were funds allocated in the last stimulus bill. That's why in the second half the show we welcome Lisa Gilbert. Ms. Gilbert is the Executive Vice President of Public Citizen. That's the organization that Ralph founded almost 50 years ago now. And she is a veteran watchdog of Congress. She's a tireless advocate for ordinary people on Capitol Hill. And she's going to tell us all about what to expect and what we need to fight for in the new stimulus package they're calling the HEROES Act. In between as always we'll take a short break and check in with our corporate crime reporter Russell Mohkiber. And if we have some time left over we'll try to answer some listener questions. But first, let's talk about these protests that are still going strong as we approach week four. David?

David Feldman: Glen Ford has had a long and wide-ranging career as a broadcast journalist. He has served as Capitol Hill State Department White House correspondent and Washington Bureau Chief for the Mutual Black Network. He produced and hosted *America's Black Forum*, the first nationally syndicated Black news interview program on commercial television. Mr. Ford also co-founded blackcommentator.com, a weekly online political journal. And now, Mr. Ford hosts and produces the radio magazine *Black Agenda Report*. Welcome back to the *Ralph Nader Radio Hour*, Glen Ford.

Glen Ford: Thanks for having me.

Ralph Nader: Thank you very much, Glen, for coming back. And listeners, you're going to see what authentic analysis is all about behind the headlines here. I've always said that showing up is half of democracy and the rest is sweat and daily monitoring and empowerment. And when people showed up in the '60s, Nixon took note. He's the last Republican to fear liberals, never mind authentic progressives. But he was so scared at these demonstrations that he signed into law the Occupational Safety Act, the Environmental Protection Act. He wanted DC to have a vote in Congress. He put forth the health insurance project that we still don't have. It was even better than Obama Care. And on and on, even a minimum income plan which Congress rejected. And it was all because [of] people hitting the streets, and demonstrations, marches and picketing, and then the country went into a swoon. And of course, when the people stay home the oligarchy extends its domain over the political system and the creation of a corporate state. So, Glen, you've been watching what's going on both before and after the homicide of George Floyd. And first, before you get into the next step of change here, how do you characterize that? Who are the people? What are the demographics?

Glen Ford: Well, yeah, the demographics are very, very interesting. According to the *New York Times* there have been at least 2,000 separate demonstrations, which is really a fantastic number. Julian Bond used to talk about the essence of the '60s being the protest and how in 1965 there were 5,000 demonstrations in that year and people thought that was a fantastic number, and yet we've just experienced a two-week period in which there were 2,000 demonstrations. So, you can see that the scale really is rivaling the '60s in terms of size, but you can't do 2,000 separate demonstrations in the United States with just Black people. There are 40 million Black folks, but we are located in certain places and scarce in others. This wave of demonstrations was heavily participated in by non-Black folks. And some of these protests were almost entirely non-Black.

What I think is most striking about the political character of these demonstrations is that whether they were majority Black or majority White or majority Latino, as they were in some places, everybody was singing the same song. Everybody was carrying the same placards with the same demands. And so, what Black folks have been demanding of non-Black allies in the various movements has come to pass. Black folks demanded that if White people are going to take part in these Black-led demonstrations, they would have to accept Black leadership. And clearly that is the case. When you see the same slogans in demonstrations that are 90% White in New Hampshire as you see in Harlem, then you know that the theme of the national protest is pretty damn uniform.

Ralph Nader: Well, it impressed me that there were so many White people in these demonstrations; many of them were young. And then on further reflection I thought, well, why wouldn't they be in the demonstrations, because although they're not bullied and beaten up as much by police, they do bleed the same way. They get screwed by their lack of health insurance. They get ripped off by payday loan rackets. They can't get a living wage. And I think it's all boiling up, and it would be very important, don't you think, for this movement to broaden beyond the police issue, important as that is and generic as that is in terms of enforcing the corporate two-party duopoly.

Glen Ford: Of course. Of course. On a moral level, in some ways the battle against the cops has been won, but not in terms of all the substantive changes that have to be made in order to dismantle that warrior cop and to undo the armed occupation of Black America. But in a moral sense, the inviolability of the warrior hero cop has been shattered and that has been a beautiful thing to see. There is no profession in the United States that has been glorified by the masked genius and mischief of media than the cop. The cop dominates popular television and movies. And to bring that hero down from his pedestal is a lot harder than pulling a statue of Columbus down from his.

Ralph Nader: Well, the hardline elements in the police and the police union are helping what you're just saying because they're pushing back. They don't want any accountability, literally. I mean, they've stated it in more extreme positions--we don't want accountability; we don't want effective citizen review boards; we don't want people to tell us not to do chokeholds. We want to do what we want to do. And so, in the movement to defund the police/to change the police, there's a lot of nuance here in terms of the kind of changes that are needed, the kind of activities that shouldn't be part of the police in the first place. The issue of community policing, the issue of prosecutors fronting for the police. They can never get any action against these terrible homicides that are going on around the country; the police get off. What's your characterization of the role of the police? What would you do ideally here?

Glen Ford: Well, the police have impunity and they have been afforded impunity, because there was a consensus belief by the wider American public--that means White people--that the police were not abusing their impunity from prosecution. They were using it against the right people. That is, they were using it against Black folks and a criminal class that deserved no quarter. Well, all of that's been shattered, and we see in cities all across the country these special protections for police are now on the block, but it must be said that the Congressional Black Caucus has been as protective of the impunities of the police and as protective of the militarization of the police as any other block of legislators on Capitol Hill. Back in 2014, when the whole Congress had a chance to repeal, to get rid of the infamous 1033 Program [LESO--the Law Enforcement Support Office] that allows the Pentagon to distribute billions of dollars in military weapons and gear to local police departments; that 1033 program was up for repeal, but 80% of the Congressional Black Caucus

voted to continue the militarization of local police. And then in 2018, there was a vote on a bill, the Protect and Serve Act, that made police a protected class. And this is already the most protected group of citizens in the United States. But this bill made them an even more protected class and made assault on police a federal crime. Assault on police is what happens to you; that's what you're charged with every time they kick your butt. Seventy-five percent of the Congressional Black Caucus voted for that, so the police have a chokehold on Black democratic politics as well.

Ralph Nader: Well, you know there's a lot of symbolism now by the entrenched interests in Congress. You write in your report, "These are the same scoundrels that this week took a knee in the Capitol's Emancipation Hall, along with their boss, House Speaker Nancy Pelosi--the same democratic leader that refused to hold hearings on the Katrina catastrophe in 2005, for fear that the Democrats would lose White votes in 2006 from being too closely associated with Black people. But just as the US Congress in the '60s responded to mass movements in the street, so Pelosi Democrats have offered legislation that "forces federal police to use body and dashboard cameras, ban chokeholds, eliminates unannounced police raids known as no-knock warrants, make it easier to hold police for civil rights violations and calls for federal funds to be withheld from local police forces who do not make similar reforms." Those are the Democrats being quoted. And you think they're serious here or they just will pass it maybe through the House knowing that it won't pass under McConnell's despotism in the Senate?

Glen Ford: Well, they're trying to get in front of the movement. They're anticipating more pressures to come and so they're moving quickly. Mayor DeBlasio in New York City made a similar kind of preemptive gesture. He said that he was all in with defund the police, which is the major Black Lives Matter demand. And he said he would cut 180 million dollars from his police budget. Well, all the time the Mayor knew that the City Council in New York was going to propose a much, much bigger cut in the police budget. And just a little while later that council proposed a billion dollar cut in the police. But all of it is a sham, because everybody knows that we are now in another great depression and that all state and local governments are going to be making drastic cuts across the board in all of their services, because a great depression means shrunken tax rolls. The deal is that most social spending at the local and state level has not recuperated from the great meltdown of 2008. And here we are hit with the equivalent of a great depression. So police budgets were going to be cut anyway; probably not as much as they're going to be cut. Usually the police budgets, like military budgets are less vulnerable to cutting when cutting time comes. But all of the state and local budgets are in for huge reductions and that is going to require a movement to resist.

Ralph Nader: We're talking with Glen Ford, Executive Editor of *Black Agenda Report*. He just came out with one of the reports that we'll make available on our website as well as tell you how you can get it directly and immediately. Glen, people on the streets now, when they're interviewed [are] saying, "Not this time . . . this is not going to go away. There are going to be real changes, "Not this time." Well, let's go back to a little history here. In your current report you said, "By 1979 after a decade of Black electoral victories in ~~and~~ cities abandoned by Whites, everyone was singing McFadden and Whitehead's "Ain't No Stopping Us Now". But the mass movement has long been snuffed out. The Black/White economic gap, which had briefly shrunken as a result of social justice victories in the 60s, was beginning to widen and mass Black incarceration ravaged the Black social fabric. But the Black political class and a small elite of entrepreneurs, professionals, and entertainers, were doing better than ever. And they were all in with the

Democratic Party, which soon succeeded in subverting virtually every civic organization in Black America. The spoils of a long-dead mass movement of the streets had ultimately accrued to a tiny sliver of Black folks in suites.” And as you know, the Black Caucus is heavily funded by corporate money including oil industry, money. At their annual convention every September in Washington, those donors are quite visible. What's your view of the Black Caucus now? Have they got the message or are they're just going through the motions? And we're talking about 50 members of the House of Representatives who are African American. Some of them [are] in very powerful positions like Maxine Waters, who is head of the House Banking Committee, renamed the House Financial Services Committee. What's your view now? Has they'd gotten a message or what?

Glen Ford: Now, the Black Caucus degenerates by the year. They used to have, oh, about 12 or 14 members who could be counted on to vote correctly on most social justice, and even foreign policy anti-war issues. But that little core of at least passable progressives has really shrunk to maybe seven; and I'm not sure about them. The whole new crop of Black Caucus members, except for a couple in the last six or seven years, has been almost uniformly putrid. The problem here is the duopoly system of the United States. In the duopoly in which there are two corporate parties, one of those parties in the United States, because it is a racist society, is always the White man's party. That is the party whose organizing principle is White supremacy. And since 1968 or so that has been the Republican Party; [it] used to be the Democratic Party. But always one of those parties is the White man's party, which means that effectively Black America is relegated to one party; it becomes a one-party state. And since the Democrats opened their arms to both Black voting in the 1960s, Black America has become totally infested with the Democratic Party. All of our civic organizations become annexes of the Democratic Party every election cycle. The churches are bastions of the Democratic Party. Fraternities and sororities act as organizing centers for the Democratic Party. So it is a true infestation and what is amazing about the current wave of protest is that it is occurring in an election year. Election years in the United States totally soak up all of the attention. People put down their “Occupy Wall Street” banners and start doing their duty to the duopoly during election years. But here we are, very late in that year, approaching the time that if it weren't for coronavirus we'd be looking forward to the major party conventions and yet the movement is still in high gear. That alone sets this wave apart from the usual profile.

Ralph Nader: Now, it's hard to overstate the lassitude, the accommodation of the Black Caucus in the House of Representatives. I remember several years ago, when the Democrats were in charge of the House, I tried to get some of the chairs who were African American to do investigations on what's going on in the inner city with African Americans: the exploitation, the payday loan rackets, the food deserts, the lack of municipal services, the discrimination in housing, the crumbling housing, the non-enforcement of building safety codes, the lead in paint. I couldn't get anybody to do it. I had to go to Dennis Kucinich who is a White congressman from Ohio, who had a all subcommittee that wasn't even a legislative subcommittee, and he had a couple days [of] hearings. I mean, it's pretty extraordinary the gap between the Congressional Black Caucus and the people back home. Let's go to Joe Biden. Why do the Blacks vote for Joe Biden?

Glen Ford: That goes to the duopoly quandary as it particularly impacts Black folks. If you have this one-party situation, that is if you're going to be involved in this duopoly politics, you have no choice but to support the Democrats if you're Black. That is unless you understand that movement politics, the politics of people in the street, is even more powerful. But if you're going to vote for

the Democrat if the White man's party is actually the existential threat, and especially with Trump at the helm of the Republican Party, lots of Black folks do feel that way--that the Republican Party is an existential threat to Black folks. We get in this situation every presidential cycle in which Black folks feel that their real job in the primary election is to pick the Democrat who has the best chance of beating the Republicans, the White man's party. And of course the candidate who appears strongest among the Democrats is going to be the candidate with the most money. And candidate with the most money is going to be the corporate candidate. So we have this bizarre spectacle in Black America in that even though Blacks are the most left-leaning constituency in the United States, on issues of social justice and war and peace; even though that continues to be the case, in primary elections Blacks tend to vote for the corporate candidate who they perceive as being the strongest contender to beat the White man's party candidate, the Republican.

Ralph Nader: Let me argue against that. Unlike other elections there is Bernie Sanders. Bernie Sanders was able to raise a lot of money in small volume. The polls show that in poll after poll he came out as the lead Democrat to defeat Donald Trump, regardless what the Democratic National Committee says, because they prefer Biden. Why in the world would African American voters turn their back on Bernie Sanders who was deep in the civil rights movement in the marches in the South [and] is an authentic progressive, and vote for Biden? Now, in your *Black Agenda Report* you say the following - and it's important listeners - "Black democratic party loyalists claimed that Blacks were empowered by voting for Joe Biden in huge numbers in the primary thus saving his presidential candidacy." "Hands that once picked cotton now pick presidents," the Black Democrats exalt, as if power flows from abject servitude to the corporate dictatorship. "In reality, Black voters gave the presidential nomination to a politician who claims he wrote the crime bill that resulted in the imprisonment of hundreds of thousands of Black people, whose opposition to single-payer health care guarantees that Black people continue to die disproportionately from damn near all causes and who opposes defunding the police--a minimal demand of the current mass movement." Can you explain this?

Glen Ford: Yeah. Black folks know Biden's record. Everybody knows that he was one of the champions of the mass Black incarceration crime bill; none of that is a secret. They support Biden because they continue to buy into the idea that he is the strongest candidate. When Black people vote in the primaries, they are not voting their own political proclivities. They are trying to anticipate what they think White people are going to do. If they believe that a candidate is strongest among White voters then they'll support that candidate even though he is not in agreement with Blacks on a range of issues, because they want to support whoever they believe can beat the Republican. And so the Democrats the corporate Democrats were successful in pitching Biden as the kind of candidate that can unify the Democratic Party and finally get Trump out of there. And although Sanders was winning the popularity contest among young Black folks, they are not numerous enough, on primary days, to carry the vote.

Ralph Nader: It could be another additional explanation, Glen, which was over the decades, African Americans have come to realize, that too progressive candidates don't get anywhere in the final election even if they scrape through the primary; that the country will reject people who really stand for government of by and for the people. I can attest to that with some experience. [Ralph chuckles]

Glen Ford: Well, everybody with some age on them knows the cycle of White backlash. I'm just wondering when it's going to set in in the current era. It always has in the past. And so old Black kids are sitting back there saying, "Oh just wait," [Glen laughs]. "It's coming"

Ralph Nader: Yeah. Well, you've made this point, maybe not the way I'm going to phrase it, but you basically said, all mass movements got to have laser beams, that people lose some of their stamina; they can't be in the streets day after day, day after day. And the media then starts not covering them the way they declined the coverage of Occupy Wall Street. What are the laser beams that do the daily work--like you've said in previous conversations, Glen Ford, that once the pressure from the streets creates the opportunity for real change then it becomes a daily grind of work to make that change happen, because the other side works 24/7 to make sure that it doesn't happen?

Glen Ford: Yeah. And replacing these entrenched institutions [like] the police, is a huge job; it's a job that requires more structure than the movement currently has. It's going to have to grow some muscles. And I think that's one of the reasons that the Black Lives Matter demands for defunding the police is gaining more attraction among the Black public than the demand for community control of the police. Even though community control of the police has been out there for six or eight years in Chicago [and] where activists have been pushing it since before Michael Brown was shot down in Ferguson [MO]. And so it's a very mature, well-thought-out political strategy, but it requires a great deal of work. It requires, if you're going the route of an electoral board, that is the community electing a board that would hire and fire and oversee the cops and transform them from being an occupation army into being actual civil servants of the community--if you're going to do that, if you're going to make that politically feasible, you have to do huge and recurring political education in the community. If you're going to empower people you have to educate them about the nature of their new power.

Ralph Nader: That's a key point you make. These reform measures may sound good but if they don't empower the oppressed, as you put it, if they don't empower the people, they're not going to get anywhere even if they're written down and ordinances or legislation; they'll be gamed out of any kind of impact.

Glen Ford: And that's what in effect separates the demands for community control of the police, which actually gives the community power and defund the police, which is interpretable as almost anything. As I said, de Blasio acted like he was in with the movement when he was making what was an inevitable cut to the police budget that was coming anyway, but he called it "defund the police". Defund the police can become just the process of dickering over budgetary matters, that in the end, doesn't really empower the community one bit. And may in fact, just reaffirm decisions already made by the power structure, about who gets what moneys.

Ralph Nader: Well one early reform decades ago was to have more police be African Americans. Has that made a difference?

Glen Ford: That has made a difference in terms of making it more difficult to get to the real questions of power [and] of democracy in Black America. When you put the blue uniform on a Black person it makes it more difficult to fight against the essential role of the police as an occupying army. When some of these soldiers in that occupying army are from your own group, it confuses the situation. It is true that Black cops, statistically, are somewhat less likely to kill you,

somewhat less likely to beat you upside the head, than White cops are. But their role as an occupation army, their role as the actual agents of de-democratizing the lives of the people in the community, are the same as White police officers.

Ralph Nader: You know you end your report by a very compelling statement. Let me quote it, “The oligarchs that rule the country and control both of its corporate parties and all of its major media, want the people to believe that politics is limited to the electoral process and that street activism, labor militancy, and community organizing are outside the realm of ‘real’ politics. The events of the past 10 days have proven the opposite--that massive street action and unrelenting people pressure can yield far better results than decades of pulling levers for corporate duopoly candidates.” How long can these demonstrations continue, especially since there are going to be these horrible outrage stories and reports about continuing police violence? How long do you think this is going to continue? Because the oligarchy always has this finger to the wind--just wait them out; they'll get tired; they'll go back; they're missing too much work; nothing will happen.

Glen Ford: Well the kind of demonstrations that are designed to directly confront symbols of power can't go on forever. Nobody can maintain that kind of pace for that kind of demonstration. But if you are organizing, for example, for community control of police, there's much more to it than just packing your local city council chambers to force them to do a vote on enabling legislation. You have to actually get out there in the community, get the community's attention, hold all kinds of talks in the community about, not just the necessity to control the police, but how one does it. And elicit the opinions and thoughts of the community about how they think this movement should be organized. That's a lot of work; some of it is demonstration-type work, because you have to attract the attention of your own public, just like you attract the attention of the powers that be in the corporate media. But it's not the same kind of public demonstration then displays. It's actually aimed at getting the public's attention and not the powers that be.

Ralph Nader: Glen Ford, what's the *Black Agenda Report* and how can people get your reports, not just the one that I've been referring to, so they learn, and for example, the kind of detailed proposals; you have a “19-Point National Black Agenda for Self-Determination”. How can people get these reports and tell us just briefly a little bit about the *Black Agenda Report*. How did it come about?

Glen Ford: Yeah, the “19-Point Black Self-Determination” document is produced by the Black Is Back Coalition, not *Black Agenda Report*. *Black Agenda Report* comes out with a new issue every Wednesday. We've been in operation since 2006. Our predecessor magazine, where the core of writers came from to form *Black Agenda Report*, was *The Black Commentator* and that's been in existence since 2002. So, we've been doing this for 17 years. We've got a very, very good circle of writer activists. All of our writers are also activists and we're quite proud of the product that comes out every Wednesday.

Ralph Nader: And how can people get this report? Can you give their website?

Glen Ford: Oh yes www.blackagendareport.com

Ralph Nader: Well we're out of time. We've been speaking with Glen Ford, who is the Executive Editor of *Black Agenda Report* and thank you, Glen. Thanks for your past and continuing reports and reflections and observations on the present scene. I hope someday that we can hear you more frequently on the mass media, starting with public radio in the public broadcast system.

Glen Ford: Thanks Ralph; I always enjoy being in your presence. You're a hero.

Ralph Nader: Thank you again, to be continued.

Steve Skrovan: We've been speaking with journalist Glen Ford. We will link to his work at ralphnaderradiohour.com. Let's take a short break. When we return we will talk about The Heroes Act, 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 June 19, 2020; I'm Russell Mokhiber. Goldman Sachs is trying to get federal prosecutors to ease up on the bank for its role in a brazen scheme to loot billions of dollars from a Malaysian sovereign wealth fund. That's according to a report in the *New York Times*. Lawyers for the bank have asked Deputy Attorney General Jeffrey Rosen to review demands by some federal prosecutors that Goldman Sachs pay more than two billion dollars in fines and plead guilty to a felony charge. The bank has sought to pay a lower fine and avoid a guilty plea. It has been a point of pride for Goldman that it has never had to admit guilt in a federal investigation, the *Times* reported. More than 2.7 billion dollars was diverted from the fund known as 1MDB [1Malaysia Development Berhad]. The fund was meant to finance projects for the benefit of the people of Malaysia, but some of the cash went to buy luxury apartments, yachts, paintings and even finance the movie *The Wolf of Wall Street*. 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, so far the coronavirus bailout has put banks and corporations first and workers last. Our next guest is trying hard to make sure this doesn't happen with the second stimulus package, David?

Ralph Nader: Lisa Gilbert is the Executive Vice President of Public Citizen, a consumer advocacy group. She's a strong advocate of government transparency, civil justice, and consumer protection. She founded the Not Above the Law coalition, designed to push back on the Trump administration's rule of law abuses. Ms. Gilbert has been named one of DC's top lobbyists by *The Hill*. Welcome to the *Ralph Nader Radio Hour* Lisa Gilbert.

Lisa Gilbert: Thanks so much for having me.

Ralph Nader: Yeah, welcome Lisa. Rob Weissman, who is president as you know of Public Citizen, several months ago put out a statement demanding the resignation of Donald Trump. Behind that statement was obviously the conviction shared by many [that] this is the most corrupt administration in history, not only because of who is in the White House, his nepotism, his cronyism, his firing of inspector generals, his flouting of the law, his defiance of congressional subpoenas, on and on. But also, it's because he's got trillions of dollars to play around with, far more than other previous presidents. And so, I take note of the effort by Democrats in Congress to try to hold him accountable by something called the rule of law. But he laughs at the rule of law and he floats it and he's been obviously getting away with it so far. Recently the *New York Times* had an article on the spreading corruption of the use of the 2.3 trillion dollars, not only with businesses who have no business getting the money at the expense of small business and workers, but also price gouging like you can't believe. One lab for example, cited in the *New York Times* is charging \$ 2,300 for one test, for one patient under the coronavirus; \$2,300 [when the] test costs

less than one hundred dollars. So, there aren't enough federal cops on the corporate crime beat and not enough will to prosecute. So here are my questions: what makes you think that any legislation, no matter how good it is, is going to affect this regime, other than impeachment and conviction, or an irresistible swelling of a demand to resign as Nixon and Agnew did, or the invocation of the Twenty-fifth Amendment. In other words, is there any statutory scheme, and we'll get into the details, that can possibly affect Treasury Secretary Mnuchin or President Trump or all his cronies?

Lisa Gilbert: Well that's a great question and at Public Citizen as you know, we have pushed for impeachment; we have pushed for resignation; we have pushed at every juncture when we have recognized how clearly this president believes that he is above the law and the numerous places throughout this administration, throughout the last three and a half years that we've seen him test the boundaries of what is acceptable and go far beyond what anyone would have thought possible from a president, in terms of disregard for the rule of law and for precedent. That said, the crisis of this moment, the need for relief to go to the states, at the local level for state governments, for work on a vaccine, for unemployment insurance, for sick leave; the numerous reasons why we all know that funding has to go out the door to help regular people means that we have to pass legislation. And when we do that, the checks that we put in place on this administration are essential. And we've been disappointed thus far about what those sorts of guardrails have been in the CARES Act and in earlier stimulus packages. And so we think that this next moment, this fourth stimulus package, whether it's the HEROES Act or something that's negotiated between the House and Senate, has to have checks and balances; has to have oversight components and guardrails on the money going out the door. So, we don't think it's a wasted effort to push on that in this moment.

Ralph Nader: Well you point out in one of your articles that the first law called the CARES Act C-A-R-E-S, that's the 2.2 trillion, had a waiver provision. And it's beyond my comprehension that the Democrats, and their lawyers in the House of Representatives, allowed a waiver provision. Because you can't have mandatory legislation and give [the U.S.] Treasury Secretary waiver authority, so he can allow these corporations to buy back their stock or increase their executive compensation. So, you're close to the Democrats on the Hill [Capitol Hill]; How did that waiver provision every get in there?

Lisa Gilbert: I wish I could tell you it was because of a specific caving on the part of one Democrat. I think honestly, it and some of the other things that we don't like that made it into that package, happened in the sort of 3am negotiation moment, where they were trading for other things that they hoped would be impactful. Certainly, it's one of the things we're most unhappy about in the CARES Act. As you stated, the idea that the Treasury Secretary can waive the limited guardrails that we did get on money that goes out the door; you know there are limitations on stock buybacks and dividends and exec comp, in particular the airline companies that received funding. Just the idea that Mnuchin can say that those shouldn't be applied is appalling. The only check on that is, that he is then able to be called into Congress, responsible for saying why he gave such a waiver. But we certainly don't think that that is enough, so one of the things that are advocating for in the next package is changing this waiver provision. I think it, on the listing of things that we hope to get, it's not as high as some of the others that we think are more probable, but we're still pushing for it.

Ralph Nader: As you know, Donald Trump has said, with Article II [of the Constitution], I can do anything I want as president. So that's his definition of being above the law, right? I've had a

constitutional law expert or two say that very declaration, if he doesn't retract it, should be an impeachable offense. In any rate I think the Democrats have not been tough enough, even in the House of Representatives, which they control. For example, in your article of April 9th you say "On April 2, Pelosi announced the additional creation of a new congressional committee to oversee the bailout, to be chaired by Representative James Clyburn, the South Carolina Democrat. Now Jamie Raskin is on that committee, the congressman from Maryland, and what has it done since April? Has it held any hearings? Has it subpoenaed anything? Has it demanded testimony? What is it done?"

Lisa Gilbert: So, I would say that the Special Select Committee on Coronavirus that you're referencing, has actually been one of the more active of the new body set up to oversee this money going out the door. So they have held I think four hearings at this point. They have sent letters to companies where they thought it was inappropriate that they received money. And those companies, at least one of them, and maybe more at this point, have returned that money. They've set up a whistleblower hotline, which is very important, as you know, to make sure there are ways for people inside these companies who are seeing waste, fraud or abuse when money comes in the door as a bailout to be able to report it. So we feel at least a little bit confident that this committee is thinking about what they need to do the right way. Some of the other oversight entities that were set up by CARES more officially, not just on the House side, not just by Pelosi, we're more worried about. So, for example, the Congressional Oversight Commission [COC] the sort of official body looking at Title IV of the CARES Act, the bailout components doesn't yet have a chair; that's a huge problem. As you recall Elizabeth Warren was the chair of the similar board in 2009. We need a chair who is loud, authoritative, and you know, at the very least, able to staff up the Commission, so they can do their work.

Ralph Nader: You know the Republicans seem to know better how to use tough language, clear language, even if it's deceptive. For example, they'll have for a bill saying Estuary Preservation Bill and it really allows polluters, corporate polluters to pollute the estuary. And, you know, Frank Luntz is their wordsmith, has all kinds of words that they use to cover up the dastardly things that they're doing. At the other extreme are the Democrats, who almost sound like they're a wonky Brookings Institution. So, this bill that you think is very important and we'll get into it; they called this new bill the Coronavirus Oversight and Recovery Ethics Act. I'm sure that really gets guys at the bar in St. Louis riled up; instead of calling it the Anti-corruption or Anti-corporate Crime and Ethics Bill. So how do they defeat themselves before they get out of the box? Why don't they use strong language? In fact, after all the commentary that you put together on this act by members of Congress, the only person who used the word corruption was Congresswoman Jayapal from Seattle. All the rest of them were like the kind of language that doesn't arouse public indignation to really produce a grassroot demand on Congress to up their ante and uphold their primary status under the Constitution; and start ending their record as an inkblot when it comes to a preposterous overweening executive branch. What do you think?

Lisa Gilbert: It's a great question. The rhetoric that Democrats use can be weak and less authoritative, as you say. I think in this case, when it comes to the CORE Act, what you were just talking about, Coronavirus Oversight and Recovery Ethics Act, they are hoping that the provisions, in addition to being tough in all the ways we need, are seen as common sense in this moment of crisis around oversight of the CARES spending. As scandals continue to come out as Mnuchin tells us they're not going to disclose the recipients of the PPP loans, as the inspectors general are

complaining about transparency, the understanding that the CARES Act was inadequate in this regard is growing. And so they are hopeful that the CORE Act can be inserted almost wholesale into the next stimulus package to fix some of those problems. So that, I know, is the sort of strategic thinking and then this bill is good. It reins in conflicts of interest for those that would receive bailout money. It does something really important; it guarantees the independence of inspectors general. So you would only be able to fire them for cause, which obviously has been a Trump thinks he's above the law overreach, over the last six months. It gives the Congressional Oversight Commission subpoena power. It would restrict the lobbying and political expenditures by those that get relief funds, which obviously was a big failing in 2008/2009, where they took money from TARP [Troubled Asset Relief Program] and then used it to lobby for deregulation. So, some really good stuff is in this bill. And I think, rhetoric aside, we are hopeful that we can we can push it in, because it's just such essential reform components.

Ralph Nader: Well, as I go through this list under this CORE Act that you've just described, Trump is basically violated everything! He violates conflicts of interests; he gets away with it. He fires inspector generals and has left empty a third of the posts and all the departments and agencies and he gets away with it. He's thumbs his nose at Congress; 42 subpoenas as of October 29th 2019, according to the Congressional Research Service. And it's probably double that by now, which is more subpoenas defied than all the presidents since George Washington. I mean, Nixon was impeached for obstructing justice once and for defying a subpoena from Congress once. And Trump has done this in spades and got away with it. He excoriates and tries to punish whistleblowers using his terror tweets and as far as nepotism, lobbying, crony contracts, you know the story, the only thing that seems to be effective in this bill is a private right of action, right? Citizens can actually sue isn't that right?

Lisa Gilbert: That is part of the bill, absolutely. Enforcement is going to be the key to making sure that we know what's happening with this bailout money.

Ralph Nader: So as you say, “the bill allows any individual harmed by a company's misuse of bailout funds, to seek recourse through the courts to ensure that harmed parties, like workers fired after a company committed to not fire anyone after receiving bailout funds, have the ability to bring private lawsuits and seek damages against bailout recipients”, that's the companies, who do not adhere to bailout terms. “The bill also would hold senior executives of companies that violate bailout terms personally liable to taxpayers including by having their executive compensation seized.” Would you agree, Lisa Gilbert that, that would probably be the number one priority to defeat by Senator McConnell?

Lisa Gilbert: I think he will hate that absolutely. It is far from me to parse his motivations. He seems to hate all of these components, but absolutely he would be appalled at the idea this bill would allow individual parties to seek this kind of recourse and even more so the sort of juicy component at the end that you mentioned--the idea that we would actually hold these folks liable and seize their bonuses; that is something that they will hate and Mitch McConnell will hate right along with them.

Ralph Nader: Tell us what Congress Watch does, Lisa Gilbert, and what its priorities are at the present time, and whether it's going to make a priority in terms of the executive branch power overriding the authority of Congress with often congressional complicity?

Lisa Gilbert: Absolutely so Public Citizen has a number of legislative priorities and we are focused on making sure the next stimulus package is as strong as possible and is loaded up with anti-corruption and oversight provisions as possible, as we've discussed. We will also continue to push back that the Trump Administration believes it's above the law and use that everywhere we can. The coalition we created is full of organizations that have aligned behind the idea that Trump should not be seen as above the rule of law. And we continue to band together to explain, at every juncture, how what he is doing is unacceptable, hoping that it will infuse into the electoral conversation as we were just discussing and hopefully into our victory.

Ralph Nader: You know Public Citizen has a litigation group, listeners, and they're pretty sharp lawyers. Do you have them help you go over the fine print of the legislation before it's passed? Because it's pretty stunning to see how sloppy the drafting is; it allows so many loopholes, not to mention the waiver issue, which should have been a real burning issue. Because people understand, if you have laws that require the government to do some and you give the government officials the right untrammelled to waive these laws as they see fit, people understand that's just a bad joke; it's ridiculous and absurd. And the Democrats should be ashamed of themselves. You don't trade a waiver provision for some threat by McConnell that he's going to cut budgets for children's welfare. You make it a big issue because it's a game-changing destruction of the rule of law coming out of Congress. Tell me how you can up the ante on this Lisa, legislation by waiver.

Lisa Gilbert: Yes, I mean I think that the main fight is as you've described. At the end of the day it'll be people who are negotiating late at night and they need to have heard by then that things like that waiver provision are unacceptable. And so we are using all the resources that we have. We've created a large coalition of groups who are all singing from the same songbook on this. We're organizing our grassroots members to push and apply pressure. We're writing on this. We are making sure that the policy that we're pushing, the CORE Act that we talked about, is as strong as possible and exactly what we want, hoping to bolster our champions for that eventual moment of negotiation. Nothing is a given and McConnell is devious and terrible and pushing just as hard for his corporate liability shield. So, we need to be on the other side of that fight and be as loud as possible.

Ralph Nader: One last thing, how many people do you have working at Congress Watch?

Lisa Gilbert: I think the Congress Watch division has eighteen people right now.

Ralph Nader: Eighteen. And do you have them reading about the history of social justice movements, so they have historical context? Because a lot of them are new and young and they look at screens a lot. I write a weekly column and I've never had anybody from Public Citizen below the level of director of the various groups indicate they ever read the weekly column. And it would help Congress Watchers and your staff a lot for them to read it. So you need to have some sort of a book club to provide more deep historical knowledge, so they don't make the same mistakes and sway futilely on the same hopes and you become much more grounded.

Lisa Gilbert: I'm happy to provide the column, yes to make sure people are seeing it.

Ralph Nader: Yes, well I'll be happy to supply the books, Lisa. [Ralph chuckles] Well we're out of time. We've been talking with Lisa Gilbert who is head of Legislative Affairs for Public Citizen and also directs Congress Watch. Thank you very much, Lisa. And do you want to give the website where people can get more information about Congress Watch and what it's doing?

Lisa Gilbert: Absolutely so Public Citizen's website is just citizen.org

Ralph Nader: citizen.org; you can imagine how early Public Citizen got that domain name. Thank you very much Lisa.

Lisa Gilbert: Thank you.

Steve Skrovan: We've been speaking with Executive Vice President of Public Citizen, Lisa Gilbert. We will link to her work at Ralphnaderradiohour.com. Well I want to thank our guests again, Glen Ford and Lisa Gilbert. 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 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 free weekly column, go to nader.org. For more from Russell Mokhiber go to corporatereporter.com.

Steve Skrovan: 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 Squire. Join us next week on the *Ralph Nader Radio Hour* when we welcome Michael G. Long, author of *We the Resistance: Documenting a History of Nonviolent Protest in the United States*. Thank You Ralph.

Ralph Nader: Thank you everybody and again to the listeners, spread the word; get more listeners; get more radio stations.