

RALPH NADER RADIO HOUR EP 326 TRANSCRIPT

Steve Skrovan: It's the *Ralph Nader Rader Hour*. Welcome to the *Ralph Nader Rader Hour*. My name is Steve Skrovan along with my cohost, David Feldman. Hello, David.

David Feldman: Good morning.

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

Ralph Nader: Hello everybody.

Steve Skrovan: It's been a tumultuous week to say the least. I never thought I'd long for the good old days when we could get back to talking about just being quarantined during a global pandemic. But before we get to our main interview of Ari Berman, who's going to talk to us about the politics of mail-in voting. Ralph, I know you wanted to highlight a few topics that are in the news.

Ralph Nader: Yes, indeed. Well, we've all witnessed the disturbances and the protests and the police reaction all over the country to the homicide inflicted by the police on George Floyd in Minneapolis. But what we need to pay attention to now is Trump's behavior. And when he cleared the way and walked through Lafayette Park to a peaceful protest in front of St. John's Episcopal Church, in order to get a photo opportunity holding the Bible, guess what happened? He had with him the [eight] Joint Chiefs of Staff; he had with him the Attorney General Barr, and he had with him the Secretary of Defense. This provoked [and] I hope this is the harbinger of the future. James Miller was the Under Secretary of Defense for Policy from 2010 to 2014. He just publicly resigned from the Defense Science Board, excoriating Secretary of Defense, Mark Esper in the following words, "You recited that same oath on July 23, 2019, when you were sworn in as Secretary of Defense. On Monday, June 1, 2020, I believe you violated that oath. Law-abiding protesters just outside the White House were dispersed using tear gas and rubber bullets—not for the sake of safety, but to clear a path for a presidential photo op. You then accompanied President Trump in walking from the White House to St. John's Episcopal Church for that photo. You may not have been able to stop President Trump from directing this appalling use of force, but you could have chosen to oppose it. Instead, you visibly supported it." And he just raked us for over the coals in this letter, which he's making public. And then, even more astonishing, comes a critique titled *I Cannot Remain Silent. Our fellow citizens are not the enemy and must never become so*. Who said that? Retired Admiral Mike Mullen, the 17th Chairman of the Joint Chiefs of Staff. And he said, "It sickened me yesterday to see security personnel, including members of the National Guard, forcibly and violently clear a path through Lafayette Square to accommodate the President's visit outside St. John's Church. I have to date been reticent to speak out on issues surrounding President Trump's leadership, but we are at an inflection point, and the evidence of the past few weeks have made it impossible to remain silent. I am deeply worried that the members of our military will be co-opted for political purposes." And then he goes on in this excellent letter of dissent. And that could be the harbinger of a lot of other people, high levels fired by Trump like Secretary of

Defense James Mattis, in speaking out. And if that happens, Trump is really in trouble. He's already been subjected to a demand for resignation by George Will, the legendary conservative syndicated columnist in several hundred newspapers. Max Boot, another conservative columnist called for his resignation as well as other liberal columnists like Dana Milbank. So I think Trump is overplaying his disgusting hand in the service of his monstrous ego, through which he sees everything and decides everything and reacts to everything.

Another development is that Senator Roger Wicker, a tool of the Boeing Corporation and head of key Senate committee on transportation, has just filed a weak bill in the aftermath of the a horrendous 737 Max crashes in Indonesia and Ethiopia in 2018 and 2019. This is after massive media coverage and investigation about Boeing's criminal negligence, about Boeing putting its marketeers overruling Boeing's engineers, about all kinds of other problems with Boeing's planes and Boeing's contracts with the Defense Department and NASA [National Aeronautics and Space Administration]. And what has Wicker come up with? He comes up with an exhortation; he comes up with a bill that says that the FAA [Federal Aviation Administration] should review this and report on that without any teeth. He doesn't strengthen the FAA's weak regulatory authority. He doesn't change the abdication to Boeing to inspect its own planes on the assembly floor for safety. The bill doesn't expand the FAA's technical staff and kept capacity to do the job for aircraft safety regulation, including of course the airlines. He flunked and he deserves severe censure. Senator Roger Wicker from Mississippi--remember that name.

Steve Skrovan: Yeah. So Ralph mentioned the murder of George Floyd [and] the protests. People are out on the streets. Many are saying protests aren't enough; in order to affect need changes, it will require showing up and voting in elections. In a recent statement, Barack Obama said, "We have to mobilize to raise awareness, and we have to organize and cast our ballots to make sure that we elect candidates who will act on reform." But voting isn't easy for everyone. There have been increasing obstacles to voting for years. We talked about voter suppression a few months back with Robert Greenwald chronicled in his documentary about what went on in Georgia in 2018. And now coronavirus makes it more difficult and less safe to vote in person." And mail-in ballots are hitting Republican resistance. President Trump tweeted, "The United States cannot have mail-in ballots. It will be the greatest rigged election in history."

Our first and only guests today, Ari Berman, is a reporter who covers voter suppression, and he will be here to talk about Trump's attacks on voting rights. In the second part of the show, we're going to just answer some listener questions and in between, we'll take a short break and check in with our corporate crime reporter, Russell Mokhiber. But first, let's talk about how Donald Trump is going to try to stop people from voting this November.

David Feldman: Ari Berman is a senior reporter for Mother Jones and a fellow at Type Media Center. He writes extensively about American politics, civil rights, and the intersection of money and politics. Mr. Berman was the first national reporter to cover voter suppression during the 2012 election, bringing the issue into the national spotlight. His most recent book, *Give Us the Ballot: The Modern Struggle for Voting Rights in America*, is about the history of voting rights since 1965. Welcome to the *Ralph Nader Rader Hour*, Ari Berman.

Ari Berman: Hi, David. Thanks so much for having me and hi everyone else too.

Ralph Nader: Yeah. Welcome, Ari. I'm going to try to push you on this more than many interviews have pushed you and it's because when you talk about voter suppression, and we're going to let our listeners know the various categories that you've studied and investigated. When you talk about voter suppression you're talking about, in significant part, a Republican Party that's openly funding voter suppression efforts in state after state, and a President that is openly encouraging them saying if more voters voted, you wouldn't elect a Republican and other exhortations from the White House. And we know that the goal of voter suppression is stealing elections and stealing elections should be a first-class felony with prosecutions everywhere that it exists. It's hard to see in a democracy any constitutional crime worse than suppressing voters from voting, in a whole variety of ways including discriminatory ways against lower-income people and minorities, in order to steal elections. So I'm going to ask you, before you talk about the various categories, do you think your language of criticism is up to the monstrosity of what's going on in this country--openly, deliberately systematically--with millions of dollars, by one of the major two parties in America?

Ari Berman: That's interesting, Ralph. I think you laid out what's happening very well. I'm a journalist. So I try to be precise in the language I've used and lay out the facts as I see them and base it on my reporting. And then I think what others come to the conclusions of what it all adds up to. But I certainly think this is a form of rigging elections. And I think you can call it whatever you want--stealing elections, rigging elections, manipulating the democratic process. I think some will use stronger language. Some will use maybe more moderate language, but I think I've tried very deliberately to show all the tactics and what it amounts to.

Ralph Nader: Well, you in your writings have shown that there's nothing new about this. It goes back to Reconstruction after the Civil War. And there are books out saying, it goes back to the beginnings of the republic when they used to just tear up the ballots they didn't want or throw them in the river. But the important thing about now is it's just brazen; it's open. I mean, I just read an article a few weeks ago where the Republican Party Super PAC is going to allocate \$10 million for the effort. Now they clothe it by saying, they're trying to fight voter fraud. But again, and again, there's no evidence of voter fraud. I mean the big problem is getting people to vote [Ralph chuckles], not people rushing to the polls with fake names. And the data show that it's totally infinitesimal in state after state so that doesn't wash but it keeps them trying to find some plausible reason for what they're doing. And they've been denounced by conservative [and] liberal columnists everywhere for this kind of falsification. But there's only one reason to suppress the vote. It's to win an election by suppressing the vote, which is stealing an election. So the League of Women Voters used to have a whole list of ways to obstruct voters, but they've run out of space. Why don't you tell our listeners all the ways, some of them almost diabolically cross the boundaries of states in terms of using names of voters in order to disenfranchise them. Why don't you systematically, Ari Berman, go through the categories?

Ari Berman: Sure. I'll do my best. And I think you're right, Ralph, that voter suppression is not new. Obviously, the founding of our country, a lot of people were just outright excluded from voting. When people were brought into the process after Reconstruction and when black men were given the right to vote, those rights were violently overthrown. I think what's different about what Republicans are doing now is that from 1965 and the passage of the Voting Rights Act, there was an attempt to try to broaden the franchise to bring historically disenfranchised and marginalized

groups into the political process. And we've seen those efforts be reversed more recently, and we've seen new restrictions on voting passed more recently. So that's really what I've been focused on as a journalist is everything that's happened really in the past decade. And we've seen an escalation of tactics to try to make it harder to vote. And I think that there's a wide range of things that Republicans are doing now: things like, for example, requiring voter IDs to cast a ballot that you never needed in any previous election that millions of Americans don't have; cutting back on how people vote like cutting back on early voting in states that have early voting; closing polling places, and more than 1600 polling places have been closed in Southern and Western states since is the Supreme Court gutted the Voting Rights Act in 2013 making it harder to register to vote; removing people from the voting rolls. 17 million people were purged from the voting rolls from 2016 to 2018.

Ralph Nader: What reason?

Ari Berman: A bunch of different reasons. I mean, some of them were removed legitimately because they had died or moved. But some of them were removed for very questionable reasons because they might not have voted in previous elections. And [some] states have changed their election laws so that if you don't vote in a few elections, you're removed from the rolls, even if you're still eligible to vote! Or they wrongly said that people had moved, or they were taken off because there was a process put in place that seemed ostensibly legal, but it targeted some communities more than others. We know, for example, that voters of color, poorer Americans are more likely to be taken off the voter rolls, so that's one tactic. Another tactic, for example, is just preventing people from voting altogether because they have committed a felony. That's a really big issue now with the rise of mass incarceration that some people just can't vote at all because of a mistake they've made in the past, even after they've served their time. So, it's not one tactic; it's a bunch of different tactics. That's of course then backed up by gerrymandering and other things that try to structurally manipulate the process to give one party and advantage over the other.

Ralph Nader: Well, let me give you an example of one of the worst ones and very difficult to overcome, and that is when the state is run, say by the Republicans, they have a Republican state secretary of state and they require the signature on the mail-in or absentee vote ballot to match a prior signature. Let me give you an example of what happened to me in my presidential campaign in Ohio. There is a valiant woman in Toledo who got me 5,000 signatures. I needed 15,000 signatures, legitimate, authentic to get on the ballot in Ohio. And she went to file her 5,000 signatures, and the official said, your signature does not match now your signature when you registered to vote 30 years ago. She was 52 years old. And so they canceled 5,000 signatures just like that. It wasn't that far from the election. There was no real judicial recourse or anything. So if this is going to operate this year, this comes down as one of the worst because people often have different signatures, you know, at the same time. You know, you sign your check, you sign a letter, depending on the speed, depending on the way your hand feels at a given time. So never mind comparing it with signatures 30, 40 years ago when you first registered to vote. So what's your view on that? How is that possible to overcome?

Ari Berman: Yeah, that's a really big problem. And it's a big problem, especially this year, because so many more people are going to vote by mail than ever before. And there's a lot of really restrictive rules around mail voting. So in 2018, over 400,000 mail ballots were thrown out either

because the signatures didn't match or because people just forgot to sign their absentee ballot envelope altogether, which happens more often than you'd think. And so what's happening now is that there's been a bunch of lawsuits filed to try to get rid of those kinds of signature-matching laws, either through the courts or to try to get secretaries of state or the legislatures to get rid of them, or to make them less restrictive, because states are throwing out tens of thousands of votes for very, very questionable reasons. Basically, as you said, a kind of junk science that wouldn't even be applicable in court is leading to a lot of people being disenfranchised. And one of the things I'm really worried about now is that we're going to see a huge increase in people voting by mail, but election officials aren't prepared for it. And voters don't really understand how to vote by mail, because most voters in most states still vote in person. And so voting by mail is going to be something they haven't done before, unless they live in a state like Oregon that does a lot of mail voting. So I don't think we're really prepared as a country to have an election that's primarily vote by mail. And obviously, it doesn't help when the president is it's spreading all these lies saying vote by mail is going to lead to fraud and that people are hijacking ballots. And in California, people are running around stealing ballots from mailboxes, [Ari laughs] which is absolutely absurd, but I mean, it's already hard enough to vote by mail on this country and then you add this huge propaganda, disinformation-suppression campaign on top of that.

Ralph Nader: Doesn't he or Vice President Pence vote my mail?

Ari Berman: Yes. I mean, there's so many top Republicans have voted by mail--the President, the Vice President. We just saw that the Attorney General voted by mail. And they're trying to draw a distinction; they're trying to say, well, they requested absentee ballots. And what states like California are doing are sending a ballot to every registered voter. I think that's a pretty ridiculous distinction because right now, five states primarily in the West send ballots to all registered voters and they have a lot of success doing that in places like Oregon that are controlled by Democrats and in places like Utah that are controlled by Republicans. They make it easy because as long as you're registered to vote, you're going to a ballot in the mail. And so they have very high turnout and they have very few people disenfranchised as a result. So I think that's really the gold standard here, but I think what Trump is basically saying is that it's okay if he votes by mail, but not anyone else or certainly not Democrats because for years and years and years, Republicans have actually been encouraging their voters to vote by mail, because their voters are older and less able to get to polling places. But it's only now when it looks like Democrats might use it more and it looks like historically marginalized groups might vote by mail in larger numbers that you see Republicans turning against mail balloting, even though they're the ones who have really been pushing vote by mail in the past few decades.

Ralph Nader: Well you know, our listeners are entitled to know the quantitative volume of this voter suppression purging felons that served their sentence, not being allowed to vote. Do you have any data on a recent presidential-year election and how many people were obstructed from voting or blocked or otherwise intimidated?

Ari Berman: I mean, one of the things that's hard is that we don't have good national data on all of this; our elections are run state by state. So we have lots of state-by-state data, but it's millions and millions and millions of people. And I'll just give you one example. Until recently, Florida was a state that prevented people with past felony convictions from being able to vote. That law

was overturned by the voters for a ballot initiative in 2018. And there is now a big court fight about it. But that felon disenfranchisement law in Florida prevented 1.7 million people from voting. So in one of the most important swing states in the country, which you know very well, that's had very, very close elections, they prevented outright 1.7 million people from participating at all because of one offense that they had made. So, I mean, that just begins to capture, -if that many people are disenfranchised in one state alone because of a law like that, then you have to imagine tens of millions of people are blocked from participating through all of these restrictions combined.

Ralph Nader: Especially in a state like Florida, where the differences in presidential and senate elections are often just a few hundred or few thousand votes and it can tip in the Electoral College as to who is going to become president as we know from the notorious Bush vs. Gore, the Supreme Court's coup d'état 5 to 4, led by Justice Scalia in 2000. Well, let's give some microscopic focus to this, Ari Berman. Talk about what happened in North Carolina in terms of real voter fraud manipulated, in an election, and what happened in Georgia where the current governor was the state secretary of state who basically stole the election.

Ari Berman: Yeah. In North Carolina, it's really the only case where there was major election fraud and it was committed by Republicans. Republicans were basically going around forging absentee ballots, manipulating absentee ballot signatures. Everyone knew what was going on, but the Republican officials there declined to prosecute.

Ralph Nader: Was this a congressional district?

Ari Berman: This was a congressional district. This was a [North Carolina] 9th congressional district outside of Charlotte. So kind of the Charlotte exurbs and more rural areas. And what happened was there was a Republican political operative, and they had an absentee ballot scheme and they were forging ballots and it was obvious what was happening. As far back as 2016, law enforcement officials warned prosecutors in North Carolina and warned the Justice Department to look into this. And in fact, they turned a blind eye to it because Republicans were benefiting from it politically. So I think it's just very ironic that the only major case of election fraud and recent elections was committed by Republicans and that everyone knew what was happening, but no one did anything about it, which goes to show you that when you have voter fraud, it's very rare, but when you have it in large numbers, you eventually get caught. And that's what happened in North Carolina and that election was ultimately nullified.

Ralph Nader: Anybody get prosecuted and sent to jail?

Ari Berman: Yeah. The operative behind it was prosecuted and sent to jail. And I think a few other figures involved in it were ultimately prosecuted and sent to jail.

Ralph Nader: In Georgia.

Ari Berman: Okay. So I think Georgia is the most high profile and disturbing example of voter suppression in recent elections, because you had a situation where when Brian Kemp was Secretary of State in 2018, and running against Stacey Abrams, who was trying to become the first black woman governor in US history. Kemp was both Secretary of State and a candidate for Governor.

So that was an inherent conflict of interest. It would have been illegal in virtually any other advanced industrial democracy. So Kemp was shaping the rules to his own benefit and he was doing it in a lot of different ways. He helped counties close over 200 polling places in predominantly black areas, which led to longer lines on election day.

Ralph Nader: Over 500 I hear.

Ari Berman: I think they closed something like 214 polling places. They might have closed more since the election, but that was a number I saw in Georgia. They purged over 1.5 million people from the voting rolls. That was something that Brian Kemp was doing while he was Secretary of State and then became a candidate for Governor. They blocked 53,000 people from being able to register to vote right before the election; 80% of them were voters of color. Kemp, just days before the election, said that Democrats were trying to hack into the state's voter registration system, when that ended up being completely untrue. In fact, it was the Department of Homeland Security that was investigating Kemp for having such a lax voter registration system that could be easily hacked. So it was just like one series of things after another that had the effect of helping his candidacy and hurting Stacey Abrams. And that was a very close election; there were only something like 20,000 votes that kept that race from going into a runoff and 50,000 votes allowed Kemp to win the election outright. And I think that's the kind of thing where if you look at the impact of disenfranchisement, it easily could have been larger than Kemp's margin of victory.

Ralph Nader: And this is an example where there is an impunity operating. He was sued civilly by the other side, civil action, but there was no prosecution. I mean, there's a lot of evidence that this was willful and deliberate. And as you say, here he is, the North Carolina Secretary of State in charge of elections and running for governor and he is, (Ralph chuckles) shall we say, tilting the scales in his favor. Overall, do the state laws provide for criminal penalties? Are there any prosecutions or is this a sort of well, you know, the Republicans do it and the Democrats do it over the years and it's just politics as usual--ha-ha-ha. Have there been any serious prosecutions in various states over the recent 20, 30 years, and is anybody calling for revision of these state laws as being too weak to deter and to punish the stealing of elections?

Ari Berman: That's a really good point. I think what you see is you see prosecutions for things like election fraud, criminal prosecutions, but you don't see criminal prosecutions for voter suppression. You might see, for example, a discriminatory law gets struck down in court, but you don't see the people that are suppressing the vote be held criminally responsible. Every once in a while, they are sanctioned in court. The most notorious example is the Kansas Secretary of State, Kris Kobach, who was one of the leading vote suppressors, was sanctioned in court for withholding evidence from the court and doing other things when he was representing himself as legal counsel. But I think that's an area of law that needs to be explored more. There's a lot of things on the books that aren't being enforced. One of those things, for example, is section 2 of the 14th Amendment, which says that when states disenfranchise voters, their representation should be reduced in Congress. Well, that's really never been enforced for the entire history of the country. And that could have been used in places like Georgia to say that maybe it wouldn't directly affect Brian Kemp, but it would say to the Republican delegation, you're going to lose seats as a result of the voter disenfranchisement happening in your state. That was something that the people that passed

the 14th Amendment meant to be a deterrent for states that were going to undertake voter suppression, but we just never enforced it through the entire history of our country/

Ralph Nader: Well, you might want to put more of your estimable efforts, Ari Berman, into looking into the lack of sanctions, lack of prosecution, weak laws that basically indirectly encourage these politicians to do what they do. And also, you know, there's also candidate suppression. Third-party candidate suppression is notorious in the United States, especially since World War II. We were sued, I don't know, about 23 times in a 12-week period in 2004, during the summer, by Democrats trying to get us off the ballot in places like Pennsylvania, Arizona, other states. And that's a real problem. You know, the meaningfulness of a vote is reflected in voter choices. And if candidates who are not part of the two-party duopoly can't get on the ballot, they can't give choices and voices and new agendas and new energies to the voter. And so you have this history, unlike any other Western democracy. And I'm sure you've said this many times, there is no Western democracy that obstructs people from voting like we do, not to mention candidates. But the source for recounting what's going on regularly in candidate suppression, or some states beginning to loosen up some of these restrictions that have been placed against third-party candidates is *Ballot Access News* by Richard Winger. He works out of his kitchen table in San Francisco, and he is by far the most eminent expert in the field. And he covers every state in his monthly newspaper. So I think candidate rights and voter rights are very much inextricably related. There is now major litigation in Texas brought by a lawyer that is trying to make that point before the courts in Texas. Texas is a notorious candidate restrictor and voter restrictor. I'm sure you know that the current Texas Attorney General [Ken Paxton] says that the coronavirus is not a legitimate excuse to get an absentee ballot. How about that one?

Ari Berman: Yeah, that's pretty remarkable what Texas is doing and the Attorney General there, who, by the way, has also voted by mail along with the Governor and the Lieutenant Governor of Texas are saying that you can't use coronavirus as a reason to get an absentee ballot. Texas requires an excuse to get an absentee ballot. And it says you can't use coronavirus as the reason, because the fear of contracting coronavirus, in the words of the Attorney General, is an emotional condition, not a physical condition, which is just absolutely insulting. Texas does another thing where they say to anyone over 65, you can get an absentee ballot for any reason, but if you're under 65, it's very, very difficult to get one. Now that seems to me like blatant age discrimination. I think that people over 65 should absolutely be able to vote absentee, but I also think that everyone under 65 should be able to vote absentee. And it seems like Texas is doing this because they know that older voters in Texas are more likely to be white and are more likely to be Republicans compared to younger voters who are more likely to be left-leaning progressive and also people of color in that state because there's so many young people of color in a state like Texas. So that's an example of where structurally, the law is defined in such a way to make it very, very difficult for people to vote in circumstances like this. But also it seems to be structured deliberately, to try to create an electorate that's going to be more favorable to Republicans as opposed to an electorate that might favor more liberal viewpoints.

Ralph Nader: Well, you know, listeners have heard me talk about the Australian system, which I'm sure you're familiar with, where voting is a legal duty and about 96% turnout compared to our 60 or so % turnout in national elections. Politicians don't spend time begging people to come out to vote or put ads or phone banks to do so. Have you looked into this? I mean, one way to dissolve

all these obstructions is to make voting a legal duty, like jury duty is a legal duty. We have a lot of Bill of Rights in the Constitution, but there's only one duty, which is jury duty, and even that, it's easy to get out of. But have you looked at that? I mean, you must be so frustrated at the regression of voter rights in this country under Republican Party, all that you've documented. What's your view of just adopting the Australian system? Barack Obama was asked about this in a chance meeting with someone at an Ohio gathering and he basically supported it.

Ari Berman: Yeah. I mean, I think it makes a lot of sense. In Australia, they've had this since the 1920s. They don't view the vote as a right or a privilege. They view it, as you said, as a duty, and they don't have these debates about voter suppression. They still have a lot of problems in their political system, but they don't have a problem with voter suppression, because everyone just participates; that's the culture there. The culture there is of near 100% participation. I think that would be the easiest way to eliminate voter suppression. I think that is something that's definitely worth looking into. Another thing that just disturbs me, Ralph, is that we don't have a fundamental right to vote in our Constitution. We have things that you can't do supposedly. You know, you're not supposed to be able to discriminate [against] people on the basis of race or on the basis of sex, on the basis of age. But we don't really have anything in the Constitution that says everyone has the right to vote except for X, Y, and Z. And I think that's one reason why there is so much voter suppression in this country, because there has never been a consensus; there has never been a founding principle in our Constitution that voter suppression is illegal.

Ralph Nader: Most people think there is a constitutional right to vote, period. Well, that argues for a constitutional amendment, which combines the constitutional right to vote with a legal duty to vote. And if you have on the ballot a write-in option, if you have on the ballot a none of the above option and people come and they don't want to vote for the candidates, they want to vote no, you can't vote no in this country; you can only vote yes. If you have those options, none of the above, write-in whoever you want to write in, your own name or you vote for the candidate of your choice, that takes care of the civil liberties issue, seems to me. But in all the plethora of writing about voter obstruction in 2020, if we don't also talk about a universal way to deal with it, like making voting a legal duty, it's going to depress and discourage people tremendously because there's so many obstructions being created out of whole cloth--lawyers working overtime to figure how to jam the system in the favor of one party, the GOP, that if we don't constantly tell people what the basic fundamental solution is, you're going to get a lot of discouragement. What is your nightmare scenario for November?

Ari Berman: My nightmare scenario for November is that the public health situation gets worse or doesn't improve, but voting laws don't change in response to that; that voting laws remain as restrictive as they are now, where it's very, very difficult to vote in some states. And people have a very hard time casting a ballot; that Republicans put into place all of these really restrictive rules to vote that disenfranchise thousands of people possibly, you know, hundreds of thousands, if not millions, of people and that in some states, the outcome is very close and that it goes to the courts and that the Republican-dominated courts, particularly the Supreme Court, declares Donald Trump the winner of the election like they did with George W. Bush in 2000. But it might not be one Bush versus Gore state. There could be six or seven states given how contested everything is. So I'm very worried about that with that scenario. I'm obviously worried about a scenario where Trump refuses to leave office, but I'm more concerned about a scenario in which so many people are not

able to vote because the election system didn't adapt to the unprecedented public health crisis that we're facing right now. We should be doing everything we can right now to make it easy to vote in response to this unprecedented public health crisis. Instead, we're seeing states like Texas, as you mentioned, erect barrier after barrier. So that's really what worries me in terms of a nightmare scenario. And right now, if you were to ask me, are we prepared as a country to vote in November, I would say absolutely not. I don't think any state is really prepared, except for a few, to hold most of their elections by mail. We're seeing problems like in Washington, D.C., and Wisconsin where people aren't getting their absentee ballots, where people are forced to stand in very long lines, where lots of polling places have been closed. And this was in places where there really weren't that many competitive elections. So imagine, in November, when you have a much higher turnout, many more infrequent voters, many more voters participating, and states have all of these restrictive laws. The election officials aren't prepared. Many people are afraid to leave their homes. I think that could end up being really a disastrous situation for democracy.

Ralph Nader: Well, I don't know if you know about the Sojourners' effort striving to put in one precinct after another in certain swing states like Pennsylvania and North Carolina, both a lawyer and a member of the clergy, in order to counter the intimidation, to keep some voters from going to the polls, even though they could go to the polls and not be harassed. On the positive side, there are a whole number of legal groups that are litigating this that are winning some cases. There are some good secretary of states. There are five states; you mentioned two--Utah and Oregon-- where all voting is by mail ballot. And there is this encouraging proposal by Senator Elizabeth Warren and others called The Heroes Act, can you explain that?

Ari Berman: Yeah. So The Heroes Act, which has been passed by the House and is now sitting, I guess you would say, at Mitch McConnell's desk, basically would make it a lot easier to vote in a pandemic. It would allow states, for example, in a pandemic or an extraordinary health situation, to mail ballots to all registered voters. It would get rid of a lot of ridiculous restrictions on mail voting like signature matching. It would ban the purging of voters in a pandemic-type situation. It would also make it easy to vote in person, because what we're seeing in states is that a lot of people still want to vote in person, because they don't trust mail balloting, or they live in areas without regular mail service, or they're not actually getting the ballots they requested sent to them. So we need to make sure that it's easy to vote by mail, but it's also easy to vote in person. That means giving people a lot of time to vote, having extended early voting--that allows making sure there's enough polling places, making sure that people can social distance at the polls, making sure that election officials have the equipment they need. And I mean, it's going to cost billions of dollars to do this. Election officials need so much new equipment to be able to handle the impressive numbers of mail balloting. They need equipment to be able to open enough polling places [and] have protective gear. The Heroes Act allocates \$3.6 billion to that end. And you ask election officials, what happens if you don't get this money? And they say, that means there's going to be huge problems. It means that people won't get the mail ballots they request, or election officials will be able to count them officially, or they're going to have to close polling places or cut back on election workers. And I think all of that would be a disaster in November when there's going to be so much interest in trying to get rid of Donald Trump as President.

Ralph Nader: Well, you fault the House Democrats for not being tough enough and arguing with the Republicans when the Republicans were desperate to pass the \$2.2 trillion Relief Act and they

had great leverage. And all I got was \$400 million, which was a tiny amount of what's needed to help the states get out to vote, right?

Ari Berman: Yeah, I do. I think Democrats should have been more aggressive. I think they were somewhat passé in terms of doing this. They said, well, 400 million was the best we could get and then we'll pass another stimulus. Well, everyone knew that Republicans were eventually going to start opposing passing any more stimulus. It was hard enough to pass the first one. And so I think they could have gotten more in the first bill. I think the Party was slow to embrace it. I think Joe Biden was slow to even talk about this issue in the middle of the pandemic. He was urging people to vote in person when we should have been really dramatically scaling up vote by mail as quickly as possible. And so, yeah, I mean, the Democrats are good on this issue now, but the question is, did they wait too long? I don't think there's any way that Mitch McConnell is going to pass The Heroes Act as is. There's no way there's going to be \$3.6 billion for election reforms and aid coming out of the Republican-dominated Senate. And so now the question is, well, what can they bargained for? But they were in a much better bargaining position a few months ago than they are now.

Ralph Nader: Well, you've said, Ari Berman, that this battle between the Democratic Party and Republican Party is a major form of asymmetric warfare. And you say that, "The Democrats are doing what they can to protect the vote, but it seems like Republicans are always one step ahead when it comes to finding more and more devious ways to undermine the democratic process." And it just reminds me again of Kevin Phillips' famous saying that the Republicans go for the jugular while the Democrats go for the capillaries. What accounts for the lack of comparative energy here?

Ari Berman: First off, there were a lot of Democrats that benefit from the status quo. There are a lot of incumbents that have been in office forever that don't necessarily want to expand access to the ballot either. But I think, in general, the Democrats have been slow to really embrace bold policies and to put in place bold policies that make it easy for people to participate. I mean, I think that's starting to change, but you look at New York where I live. For years, we had no early voting, no election-day registration; it was very, very difficult to get an absentee ballot. Our system is slowly changing; it's now easier to get an absentee ballot. We now have early voting; we will eventually have election-day registration. But why was New York so far behind other states? Why did Texas have early voting before New York did? I mean, that's crazy. And so I think there's still a problem where incumbents in both parties feel like the political system benefits them and they don't want to change it.

Ralph Nader: You're right there. Andrew Cuomo just recently maneuvered a much greater number of petition signatures to get a third party on the ballot in New York state.

Ari Berman: Yeah. So I mean, I think there's a lot of obstacles for people to participate and there's a lack of choices in terms of who to vote for and there's a lack of choices in terms of how to vote in the first place. And you know, my hope is that Democrats are as aggressive in fighting voter suppression as Republicans are at trying to suppress the vote. I think we're starting to get there, but I still think that Republicans have a big upper hand in trying to always think of what's the next thing we can do to make it harder to vote. And now they've kind of moved on from making it hard to vote in person to now trying to make it hard to vote by mail, when in fact, they were the ones

that were trying to make it easier to vote by mail. So they don't have a problem with switching their principles on a dime if they feel like it's going to help them politically.

Ralph Nader: You know what was encouraging? There were some clear signs in the Wisconsin primary that people were so angry about the obstruction of voting, especially closing down precincts in Milwaukee on a grand scale, that they became more determined to go out and stand in line, social distance and vote. You think that's gonna spread where people would say, hey, this is America. You're not going to block my right to vote. I'm going to get my neighbors, my friends, and some of my relatives out.

Ari Berman: I hope so. I hope that happens. I think we saw some of that in 2012 when there were efforts to try to suppress the vote against Barack Obama. And we saw higher turnout among African Americans in some key states as a backlash to that. Just like you saw at the White House, after the President gassed peaceful protestors, a whole lot more showed up a day later as protestors. So I hope people pay attention to what happened in Wisconsin, pay attention to what's happening in other states, and are more determined than ever to vote. The one thing I would say to voters is, try to make a plan ahead of time for how to cast your ballot. If you're going to vote by mail, make sure you leave a lot of time to request an absentee ballot and a lot of time to mail it back. Make sure you know what the rules are. Make sure you're careful with your signature. Make sure that you sign your ballot. Do all of those things, because the risk of disenfranchisement is much higher than in 2012 and years past. If you can vote early; vote early when the lines are shorter, if your state has it. Don't wait until the last minute. The more people try to vote at the last minute, the more problems are going to happen in terms of election officials being able to run a smooth election in 2020.

Ralph Nader: We're talking with Ari Berman who has written more about voter suppression than almost any journalist in the country and has gotten awards for it. Let me ask you this question, because I think my listeners are starting to say, what about all this proprietary software, these hacked machines, voter machines, whether they're hacked domestically or from foreign sources and why don't we just adopt the Canadian system, which is still a paper ballot? They don't have to worry about all this proprietary hacking and by 11 o'clock at night, they know who won and who lost in this huge geographical-area country. What's your view on what's coming in terms of hacking here?

Ari Berman: Yeah, I mean, I do think we should have paper balloting. I think more states are switching to either paper ballots or to machines that have paper backups, but there's still states where large numbers of people in places like Texas are going to vote on machines with no paper backups, which just seems crazy in this day and age. We know that the Russians tried to target voting systems in all 50 states. In 2016, they were able to get into the registration system and at least one state in Illinois; that's a big problem. They could potentially delete names. They could cause a lot of confusion, not even by deleting voters, but just by changing people's names or their addresses; voters would show up at their polls and there would be no record of them, or no record of them being at the right place. So, I'm very, very concerned about that. The Trump administration has done almost nothing to boost election security after 2016. Trump is talking to Putin all the time who I'm sure is giving him advice on election interference and election disinformation. And so it's something that I'm really concerned about. I'm particularly concerned about it in 2020, because I

think a lot of people don't understand the rules of how to vote particularly by mail. There could be a lot of disinformation on social media that could be promoted by adversaries. I mean, the Republicans are already devoted enough to doing this kind of stuff [Ari chuckles]. They don't really need an assist from the Russians or anybody else, but it would be very easy for foreign countries, enemies of the US or people that don't want Democrats to be elected, to try to spread misinformation when people are going to be confused about how to vote in the first place.

Ralph Nader: Are the defenses against hacking stronger in 2020 than they were in 2016 or 2012?

Ari Berman: In some states. In some states, they are because they've gotten new voting machines, but in some states, they're not because they haven't gotten new voting machines. And I think it's weaker now than in 2016, because we don't have a national strategy that's looking at this. The Trump administration has disbanded so many of the task force and intelligence agencies in the same way that they disbanded coronavirus, the global pandemic task forces. They've also gutted election security by the Department of Homeland Security and other places. So I'm not really sure that they are looking at this in the way that they should be. And Congress has basically done nothing. I mean, Mitch McConnell, over and over and over, has blocked bills trying to boost election security for the states. So we have a real patchwork system. In some states where there's paper ballots and election officials know what they're doing, and they've done things to try to improve against hacking, it'll be better. But in a lot of places, there are really defenseless systems, really antiquated systems that can be easily manipulated. And it's something that I'm worried about in 2020.

Ralph Nader: That's why he's called "Moscow Mitch" McConnell. He hates that nickname, which is why there are buttons now in Kentucky, he's up for reelection; there are buttons in Kentucky, "Moscow Mitch" you know, "Beat Moscow Mitch" And he's going to have to face some of these same problems himself. Well, we're out of time, unfortunately. This has been very instructive, Ari Berman, and we all applaud your work over the years and your stamina. Do you have a website you want to put on?

Ari Berman: motherjones.com. Very simple.

Ralph Nader: motherjones.com. We've been talking to Ari Berman who's an author, writer, a major reporter for *Mother Jones* magazine, which is a very good magazine. I recommend it. And we're looking forward to what you have to say about Australia and Canada. We have such an arrogant culture here, especially with Trump, like can't learn anything from any other country in the world and we need to discuss universal solutions here in order not to be dragged down into bit-by-bit obstructions demonically created by Republican operatives and their incisive corporate attorneys. Thank you very much, Ari.

Ari Berman: Yep. Thanks for the assignment, Ralph. Thanks so much guys. And thanks for all you've done, Ralph. I appreciate it.

Ralph Nader: Thank you very much, Ari.

Steve Skrovan: We've been speaking with journalist and voting rights expert, Ari Berman. We will link to his book at ralphnaderadiohour.com. We're going to take a short break. When we return, we're going to answer some listener questions, 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 Report Morning Minute for Thursday, June 4, 2020. I'm Russell Mokhiber. A new side effect of remote working, layoffs and furloughs stemming from the coronavirus pandemic: more whistleblowers. "The Securities and Exchange Commission received about 4,000 tips, complaints and referrals of possible corporate wrongdoings from mid-March through mid-May", said Steven Peikin, Co-Director of the SEC's enforcement division. That's according to a report in *The Wall Street Journal*. That number is 35% higher than it was in the same period last year. The tips have led to hundreds of new investigations—"many COVID-related, but many in other traditional areas," Peikin said. Their increase might be due to the fact that many would-be tipsters are working from the privacy of their home, out of view of snooping colleagues and managers and thus safer from being exposed as whistleblowers. 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. Let's do some listener questions. Shall we? This question comes from Gerry Chidiac who is from Canada. We've talked a little bit about Canada in the show today. He says, "Dear Ralph, I love your show. I live in Northern Canada and your program colors most of my perspective on American politics. I think that's a good thing. From what I gather, Donny Johnny," referring to Donald Trump, "doesn't like to play fair and his little friends like that. Does he realize, however, how an uneducated mob can turn on a dictator? I really don't want to be alarmist, so I'm asking this question of someone I greatly respect. Ralph, can Donald Trump's incompetence and lies of the COVID-19 issue be compared to Mussolini and the disaster World War II was for Italy? If so, is anyone worried about that? Thank you for clarifying. Stay well."

Ralph Nader: Well, the two historic periods really can't be compared [with] the entry into World War II. But what can be learned from history is that all societies have said it can't happen there have been proven wrong, because it can happen anywhere. And I'm talking about dictatorial takeovers. And if there is an external enemy, it's often easier for an unscrupulous political leader of a country to turn it into a dictatorial regime. We don't have that kind of external enemy that Trump would want to bounce off of. We have the COVID-19, which has reflected his incompetence and his unwillingness to accept responsibility. It's just the reverse. He pouts here and there, but the real work is being done by the frontline workers that we all have praised as well as state governors and mayors. It's hard to see a scenario other than him refusing to abide by an election's result and staying in office. And I think there's enough building resistance inside the government now that he wouldn't get away with that. That's why, by the way, the Democrats should move for a wave election, not just, oh, we gotta beat Trump. It's going to be close in the close states. The time is right for a wave election like the Reagan election in 1980, against the Democrats. They've got to have higher expectations so it can develop broader agendas in order to sweep the Republicans out of office. And if they do that with a mandate, they won't be sorely disappointing the people as much. So the win has to come with specific mandates like single payer, like living

wage, like cracking down on corporate crime, like pulling back on the military budget and empire and using the money to rebuild and repair American communities throughout the country.

David Feldman: This next one comes to us from Marki Brown. “Ralph, can Trump be charged with negligence for the inept way he has handled the COVID-19 at the International Court of Justice at the Hague?”

Ralph Nader: No, I think they would say that that is a domestic issue and doesn't meet the treaty requirements under human rights laws.

Steve Skrovan: This next question comes from Ruth Landsberger. She says, “Dear Ralph, I've listened to your show for years and often share it with friends and family. It strikes me that you've introspected about the benefit to society in your runs for presidency and have weighed the risk of third-party consequences to the outcome of elections. I've heard that Bernie was concerned about being perceived as tossing the election to Trump by continuing to fight for his agenda. I'm wondering if a more public discussion of the value that Bernie may gain and give to society by rethinking his presumption, that it's a mistake to hold the power of your beliefs and those of your supporters and use it to shift the conversation and ultimately the balance of power. It seems as though it might be that singular fear of being perceived as being like Ralph Nader that caused him to capitulate. If he were able to turn around his thinking and embrace being like Ralph Nader, the country would be better off. Thank you for your great work.”

Ralph Nader: Well, I always believe candidates fighting for what they believe and not tactically with antenna, trying to figure out complex variables that no one can figure out, because you can never figure out cause-effect response initiative and the dynamic of political calculations in elections like that. He wouldn't have helped Trump if he stayed all the way to the convention. I mean, Jesse Jackson stayed to the convention; Ronald Reagan stayed to the convention against Vice President Ford. He would have kept the heat on by, you know, he wouldn't have used nasty language. It's not his style, but he just would have said, I represent tens of millions of people, especially young people. And they expect me to go through all the primaries and give them the right to vote and to advocate before the convention. Something obviously changed his mind and it probably was the COVID-19. That's what he said in his statement that he just didn't want to get all complicated and implicated. He is obviously going to be at the convention with his supporters and his agenda, but it would have been much more forceful, and he would have gotten probably more primary votes if he did it the way I have just suggested, he might've done it.

David Feldman: This one comes to us from Dave Carlson. “Ralph, is there a way to direct our individual income tax payments to the World Health Organization at this pandemic time when our president is defunding. I know it's not legal, but it is hard to imagine that any court would object. Thanks in advance for any thoughts.” Regards, Dave Carlson.

Ralph Nader: Well, peace groups have often done that. When they have filed their income tax, sometimes they protest and don't file sort of conscientious objectors, but sometimes they have filed their tax and said in an accompany letter, “I would like this money to go to domestic programs and not the military budget.” It doesn't have anything other than a feedback effect of public opinion. So there's no harm in doing that. And remember, he's threatening to defund the WHO and to quit

the WHO, but the WHO is a treaty under the United Nations. And he's going to have to ask the Congress to approve that, which of course, he'll never get approval. So it's another one of his nonsense threats that he seems to thrive on every day. He can hold back some of the money arguing under some phony emergency declaration, but it's not going to last. He'll be out of office, we hope, in January next year.

Steve Skrovan: Well, thank you for your questions. Keep them coming on the *Ralph Nader Rader Hour* website. I want to thank our guest again, Ari Berman. I would like also to encourage our listeners looking for ways to contribute to any police brutality, to contact their Congresspeople. And if you'd like to donate money to organizations helping the cause, please do. We'll link to some of it at ralphnaderradio.com. 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". A transcript of this show will appear on the *Ralph Nader Rader Hour* website soon after the episode is posted.

David Feldman: Subscribe to us on our *Ralph Nader Rader Hour* YouTube channel, and for Ralph's weekly column, it's free. Go to nader.org. For more from Russell Mohkiber, go to corporatecrimereporter.com.

Steve Skrovan: The producers of the *Ralph Nader Rader Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky.

David Feldman: Our theme music, "Stand Up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon; our intern is Michaela Squier. Join us next week on the *Ralph Nader Rader Hour*. Thank you, Ralph.

Ralph Nader: Thank you everybody. And try to get more radio stations to pick up the show.

[57:52]

[Audio Ends]