

RALPH NADER RADIO HOUR EP 235 TRANSCRIPT

David Feldman: From the KPFK Studios in Southern California...

Steve Skrovan: ... it's the Ralph Nader Radio Hour.

Stand up, stand up, you've been sitting way too long.

[Music]

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

Ralph Nader: Hello, Steve.

Steve Skrovan: David Feldman is not joining us today, Ralph. He's off on a writing gig. He's still in show business, apparently. But we're going to soldier on without him and we do have a great show today. And as a way to introduce our main topic, I want Jimmy, our engineer, to run a little piece of tape for us. This is, some of you may remember, Mitt Romney at a campaign stop during the 2012 Presidential Election. Roll that tape, Jimmy.

Mitt Romney: Corporations are people, my friend. We can raise taxes - of course they are. Everything corporations earned ultimately goes to people. So where do you think it goes? What? Whose pockets? Whose pockets? People's pockets, okay? Human beings, my friend.

Steve Skrovan: All right that was Mitt Romney, calling everybody his friend. They didn't sound like they were his friends. But I think our first guest today would dispute Mr. Romney's argument. Why do I think that? It's because our first guest has written a book that directly contradicts that notion. It's entitled, Corporations Are Not People: Reclaiming Democracy from Big Money and Global Corporations. His name is Jeffrey Clements and he is an attorney who is tackling the problem of big money in our electoral politics, not only through that book, but also through an organization he founded that seeks to write a 28th Amendment to the Constitution that would overturn the Citizens United States Supreme Court decision. We'll be spending most of the hour with Mr. Clements talking all about how to reclaim our democracy and then the remaining portion of the show we're going to devote to listener questions.

Our mailbox has been filling up over the past few weeks and we're going to make an attempt at emptying it. But first I'm anxious to find out how our guest today would deconstruct the idea of corporate personhood. Jeffery Clements is Founder and President of American Promise, which is an organization pushing for a 28th Amendment aimed at getting big money out of our electoral process. Mr. Clements is also the Founder of Whaleback Partners L.L.C., which provides sustainable financing to business in the local agricultural economy and has practiced law for three decades in public service and private practice. In addition, he is the author of *Corporations Are Not People: Reclaiming Democracy from Big Money and Global Corporations*. Welcome to the Ralph Nader Radio Hour, Jeffrey Clements.

Jeffrey Clements: Thanks, Steve, glad to be here and good to talk with Ralph again.

Ralph Nader: We've had a lot of authors on this program documenting the abuses of all kinds of corporations and all sectors of our global economy. But today, listeners, you're going to be regaled by an analysis that is basic to all these books. And that is why corporations, which are legal fictions, as law professors call them, have driven successfully over the years, to exceed all the rights of real people. And they amass that, together with massive wealth, massive campaign contributions, massive control over capital, technology, labor and a massive ability to escape U.S. jurisdiction in nations abroad. So Jeffrey Clements' book is written for people who don't have to be lawyers. High school students can understand this book. It is well footnoted but it's also very clear English, and it has a certain gripping attraction about it in terms of the story of the advancing powers of corporations. The first edition came out in 2012, and new editions came out later. But the first edition is titled *Corporations Are Not People: Why They Have More Rights Than You Do and What You Can Do About It*, and has a foreword by Bill Moyers. The importance here, listeners, is you cannot have equal justice under the law if corporations have equal or superior rights to you and all the power and immunity you can never have even if you're an individual billionaire. So here to discuss this very important subject, because unless we subordinate corporations constitutionally, with amendments to the sovereign rights of "We the People"—you know it starts "We the People" of the preamble, not "We the Corporations"—we are going to be subjected to a monetized, profit-driven at all costs, juggernaut called the global corporation.

So let me ask you this seminal question that you've devoted so much your intellectual life to, Jeffrey Clements, "Corporations are not people:" What do you mean by that?

Jeffrey Clements: Well, Ralph, you put it well. This is the underlying issue, I think, of our time and the reason I think we have to focus on that question - and it's interesting to tee it up with Mitt Romney's statement that corporations are people - because if we go along that route towards equating these literally giant, massive aggregations of power and wealth in the world and say that they are just like people in terms of constitutional rights, it's game over for democracy, it's game over for the planet, it's game over for people in this country and around the world. And the reason for that is because, although

the metaphor of corporations as people is now something the Supreme Court has accepted and used, what it means is that the sort of fragile human being that is the foundation of our constitution, of our rights, of our whole system, of thinking about democracy, has to contend, not just with the loudmouth in the room at your local town meeting, not just with the people you have different views about when you go to vote, but with literally trillions of dollars of wealth that doesn't actually have any interest in your community or your food or your water, but only in profit.

And I don't say that as sort of an insult. That's literally what a corporation is. It exists to make money in a profit-driven way. So obviously people don't. People exist for lots of other reasons. We all need to work. We all need to make a living. We all need to support our families. But we have families. We have ancestors. We have descendants and we have values that aren't just about profit. So this is the key distinction in our political life today.

Ralph Nader: Historically, in our country, corporations have benefited our society when they are circumscribed by boundaries of the rule of law, the accountabilities that come from regulation, that come from legislation, that come from being exposed to courts of law by their victims, that comes from beneficial shareholder action. But in the last 40 years, as Jeffrey Clements has pointed out, the companies and their corporate lawyers have massively driven to break through those boundaries, to make sure that commercialism, profit-at-any-cost, is the dominant imperative in our country undermining much more important civic values like health, safety, respect for posterity, the environment, clean elections. And so the commercialism is damaging seriously civic values. And that means that our democracy is being weakened extremely seriously as well.

Now, what I think might appeal, Jeffrey, to a business school audience is the argument that these corporations engage in strategic planning. And the strategic planning, not only involves how to sell their products and services, it involves how they can control their environment and enhance predictability which is all important for these global corporations. We're not talking about small businesses or small professions on Main Street, USA. These are the global corporations like Exxon, Mobil, DuPont, Pfizer Merck, Bank of America, the giant insurance companies, the military companies like Lockheed Martin and so forth. And so they have been increasingly strategically planning greater corporate control over our elections, our candidates, and our government. They've been strategically planning more control over consumers. Look what the internet is doing. Look what the credit economy is doing. They're strategically planning more control over labor. They're bringing the unions to their knees, what's left of them. They're strategically controlling what is emitted into the environment, the coal industry, fossil fuel industry, for example.

They're strategically planning even our genetic inheritance by patenting thousands of gene sequences from the human genome. And if you go even further, they're strategically planning our educational curriculum. Civics is hardly taught anymore. The kids are watching computer screens and listening to corporate ads. So when you look at it from a strategic planning point of view, it becomes much more

understandable to people. And I would present this challenge to you, Jeffrey: How do you get people to raise their expectation level so that they demand more than they've already earned and more than they already deserve rather than starting with elementary school, learning how to get along by going along, and being cogs in giant corporate wheels that can just throw them out of the arena, close down the factory, go to China or Mexico, and ruin their lives in their communities? It starts with expectation levels that are informed by books such as yours. You've got a national movement underway. How do you motivate people to think about this?

Jeffrey Clements: Well, that's a great question, Ralph. And what we do at American Promise, and the reason for American Promise is, I think the number one way to motivate ourselves to have higher expectations of what we deserve in the workplace or in our communities comes not only with what we deserve like it should be given to us but what we are responsible for doing. And to me, that is the fundamental distinction between a consumer and a citizen. And so at American Promise, we're all about citizen empowerment, citizen responsibility. The reason we're called American Promise is, I found out from my friend, Joe Goodwin--a veteran who served in Iraq and Afghanistan--he's the son of the great Doris Kearns Goodwin, that I should have known this, of course, but the great speech that Lyndon Baines Johnson gave to Congress to introduce the Voting Rights Act--that was written by his father, Dick Goodwin. It was called the American Promise.

And it was all about basically accepting, not the promise like it's given to us, but the promise that we have a responsibility to fulfill. And it's about equal human beings actually governing together for the good, not only of ourselves and our families, but of our communities. And that's what's going on right now, is we have been trained to be consumers and spectators and watchers rather than citizens, which is an incredibly active word. Citizen implies so much responsibility and equality. We know we should have one person, one vote. We know if we go to a town meeting in our city council hearing or any other public place where we act as citizens instead of consumers, there's equal time, there's different views--there's people not only have a right to speak but a responsibility to speak and then deliberate and then to get moving forward. And when everything has been corporatized, when everything has been turned into a commodity, including our politics, and all we're supposed to do is pull a lever like we do when watching reality show or something, we not only let ourselves down, we let down our responsibilities and the nation.

And that's what's going on here. So we are all about the goal, as a Constitutional Amendment, to really...the Constitution is the DNA and when corporations have taken over that, we really have an uphill fight. But it's also where all the best fights have ever been fought and won in America with Constitutional Amendments to define that question of the American Promise. So women getting the right to vote or ending slavery or 18, 19, 20 year-olds voting--in every step forward when we act as citizens, we've locked down into the Constitution. And that's what we have to do this time. And we have found people are motivated by that. We're fighting for something bigger than ourselves. We ask higher expectations of ourselves because Americans before us have done it. And we feel like we've let them down and ourselves down if we don't step up to it.

Ralph Nader: And this is going to come out formally in a 28th Amendment to the US Constitution, which we'll talk about in a minute, but I think, you can't exaggerate the strategic planning point that I alluded to earlier. The two pillars of private law in our country are the law of contracts and the law of torts--the law of wrongful injury, which we've talked about in the past, listeners, on this program. And the reason why they're called private law is because you can use them without asking permission from anybody. You can go to a contingent-fee lawyer if you're wrongfully injured by a corporation's products, drug companies, cars, whatever or by street criminals and file a lawsuit and get a trial by jury. You can, in theory, negotiate your own labor arrangements or your own other contracts.

And these two are being destroyed by corporate strategic planning. One is the fine print contract that we all have to sign or click on and it's all one-sided and they decide what the terms are, what the penalties are, what the charges are--the vendor corporations. You know that, and the auto companies and the insurance companies and the hospitals and so forth. And the other is what they call tort reform, which I call tort deform, which is to make it difficult for you to use the rights of our founding fathers who made a big deal out of having access to the courts before and after the American Revolution. And they want to make it very hard for you to sue these corporations in a whole variety of obstructions from having your day in court, which is the all-American value.

And so they're strategically planning childhood. They're commercializing childhood and their advertisers bypassing parental authority, undermining parental authority; instead selling junk food and junk drink and violent programs to six, seven, eight, nine, ten-year-olds. So we have to develop a framework of analysis here and overturn or subordinate or hold accountable global corporate power. These global corporations have no allegiance to our country other than to use us and then get rid of the community involvements in the economy by shipping industries abroad or whatever. So we have a very radical center of global corporate power that contradicts one American value after another. And what Jeffrey Clements is doing with his growing team, this is really growing, Jeffrey, called the americanpromise.net, americanpromise.net--is to lay the groundwork in every congressional district for a constitutional amendment to overturn Citizens United in effect and establish the supremacy of human beings over corporations. So why don't you first talk about Citizens United and the damage that's doing?

Jeffrey Clements: Yeah, your point about strategic planning, strategic action is absolutely right and the pathway to Citizens United versus Federal Election Commission, the infamous Supreme Court case that struck down the Bipartisan Campaign Reform Act and so many other attempts to constrain the power of corporations in the political sphere by deploying corporate capital to determine outcomes of elections. That case that decided corporations essentially are people with voices and free speech rights so that we, the people, are not allowed literally according to the Citizens United decision, not allowed to pass laws that keep corporate money out of elections. That is a straight line from a 1971 Strategic Memo from Lewis Powell (the Powell Memo) that you know well, Ralph, and I'm sure many of your listeners do, that basically outlined the game plan to create corporate rights.

And Citizens United didn't just come out of the blue. It was really the end game of a long-term strategic power play that led to a series of cases where corporations claimed rights of human beings under our Constitution in order to strike down various public interest laws. And many of those decisions were written by Lewis Powell, the Chamber of Commerce and Tobacco Lawyer who wrote the memo in 1971 and then was appointed to the court. So this is a constitutional fight. It's a fight that's been going on for 40 years. And only recently have, we the people been aware of just how drastic it was. And Citizens United really was the wake-up call for so many Americans because there were a lot of problems. This is a corporate power problem that has been growing a long time. And it's not just strategic planning of corporations, it's also systemic.

You're right, Ralph. Business people want rules, they want to understand the rules of the game. They want a level playing field and then they want to compete. And what we have now is, even if you are a very good person working in a corporation, you are compelled to try to figure out how to save costs and raise profits. And that means you do what the law allows or you leave and they get someone else to do it. And that means you get exactly the kind of situation you were describing, Ralph. So Citizens United is the endgame, because then it really moves the lawmaking process, the election process—the one place where people have a chance to weigh in—into corporate hands. And that's exactly what's happened.

Ralph Nader: We're talking with Jeffrey Clements, Author of *Corporations Are Not People: Why They Have More Rights Than You Do and What You Can Do About It* with a foreword by Bill Moyers. Citizens United, unfortunately is a myth name. It was a Supreme Court decision about eight years ago, split decision, and who wrote the majority opinion, Jeffery, and exactly what did it say?

Jeffrey Clements: So Justice Anthony Kennedy, now retired, wrote the decision. It was a five-to-four decision. The case had come up to the court basically around the question of this Bipartisan Campaign Reform Act, the McCain-Feingold Law, as it's known. And that law was one of a series that for a long time have tried to limit the spending by corporations of corporate money in elections, to influence the outcome of elections. It was challenged. Justice Kennedy wrote the majority decision and he ruled that the law violates the free speech rights of corporations, that they are like people, just like you and me and have a right to influence the outcome of elections even if that means spending billions of dollars in the election.

So that struck down the federal law. A series of decisions applying Citizens United over these past eight years has made it even worse, striking down state laws that tried to limit corporate money, some going back a hundred years, just wiped off the books by this new theory that corporations have a free-speech right to spend unlimited money. And the four dissenters in the case led by the great Justice Stevens, also now retired, warned that this is a disaster, that this is going to unleash untold amounts of money and global corporate power on our democracy. And those dissents have continued even after Justice Stevens

went off the court, he wrote a book and then testified in Congress, saying, we have to have a constitutional amendment to reverse that decision.

And I think it's extraordinary that a Justice of the Supreme Court, on his retirement, walks across Capitol Hill to the Senate to testify and warn the nation that we have to reverse the decision with an amendment. But now the other four dissenters, Justice Breyer and Sotomayor and Kagan, all are continuing to dissent about this problem. But the court is not reversing itself and Gorsuch and Kavanaugh are not going to change the situation. It's really up to us.

Ralph Nader: Well, I can hear some of our listeners saying, what? These are conservative judges. They're supposed to obey precedent. They're supposed to be against judicial activism. What happened, Jeffery Clements?

Jeffrey Clements: Well, what happened is there's been a long time of what I call the difference between a corporatist and a conservative. Conservatives are actually against this decision of Citizens United as well. Chief Justice Rehnquist, William Rehnquist, probably as conservative as anyone who served on the court wrote numerous dissents in the last 40 years as this theory of corporate speech was created. He was dissenting, saying, this is wrong, this will threaten the republic. And Lewis Powell was no conservative. He was a corporatist. He was a tobacco lawyer and a Chamber of Commerce lawyer. And I think conservatives and corporatists have kind of gotten mixed together because they share some of the values issues whether it's Roe versus Wade or some of the other issues around the social values. But conservatives want small government, responsive government, equal power of citizens in the community to have a say.

And there's a very strong support for our amendment work across the political spectrum. And so that is what we have to bear in mind, is that you're right, this is not a conservative decision, it's a radical activist decision. Justice Stevens said that in his dissent. He called it a radical departure from the First Amendment. And so we have corporatists now running the court, not conservatives.

Ralph Nader: Very important distinction, listeners, between conservatives and corporatists, because actually we discuss soon with Jeffery Clements is how they're building this American Promise movement involving both conservatives and liberals, self-described in a left-right coalition, which I've always argued is politically unstoppable. I just want to read a few words from page three of your book, Corporations Are Not People. And you talk about even before Citizens United, which came out in January 2010, wasn't it?

Jeffrey Clements: That's correct, yeah.

Ralph Nader: Even before the Citizens United, Supreme Court decision, 5-4, "The fabrication of corporate rights in the reality of corporate power, controlled economic energy, environmental health, budget, debt, food, agriculture and foreign policy in America, the results, massive job outsourcing abroad, destruction of our manufacturing capacity, wage stagnation for the vast majority of Americans, an unprecedented enrichment of the very few, uncontrolled military spending and endless wars, to secure energy supplies" and you go on and on, "Bloated and unsustainable budgets and debt at every level of government, national and global environmental crises, the takeover public lands, chain-store sprawl, gutting of local economies (and referring to the food processing industry) obesity and air pollution leading to asthma epidemics and other consequences."

What do you think is it going to take, in American Promise, not only to inform enough people, and you can indicate how you're going from small numbers of people to thousands in just a few months. What is it going to take to have people not only absorb this information, raise their expectation level for the kind of country they want to bequeath to their children and grandchildren, but also to have that fire in the belly sense of urgency, the way the Tea Party people have, the way the right-wing has developed this enormous energy level, Jeffrey Clements? What is it going to take here? How can you make your message more than cerebral? How can you have what I call, irresistible rhetoric, backed by irrefutable evidence?

Jeffrey Clements: Yeah and you read, Ralph, from the first edition, I think, in 2012. And it sounds pretty dire but I think listeners would agree, virtually every one of those terrible things is now even worse. And we've had now six years of corporate power massing even more, with the Citizens United and related decisions. And you can just look at the results when we have the climate catastrophe happening before us and the political decisions are more coal, more subsidies for fossil fuels. So this is getting worse and it's getting worse fast. And I think what we're trying to do is make people feel that we can do something because that to me is the biggest challenge, is most people agree with us, Ralph. If you look whether it's in polling, whether it's in ballot initiatives, we have had ballot initiatives on this issue for the amendment, saying corporations don't have the same rights as people. We the people have a right to constrain these massive aggregations of wealth, that we have the right to be an equal citizen in this Republic and we get regularly 75% to 80% support. So what we need to do is, say we have to all move from agreement to action. And so what American Promise does is make that action possible and then powerful by networking it together. We aren't sitting in Washington doing it and then sending out fundraisers saying, aren't we doing great? Send us some more money. We are saying basically check out American Promise and see what you can do. And we form local American Promise associations in communities so people are doing this with their friends, their family, their neighbors and dealing with the issues that are real to them literally at the kitchen table.

And sometimes our first meetings of our local American Promise associations are around a kitchen table. We call them Inviting Teams. We get people who want to do this, to say, will you bring four or five

friends each together for a potluck to talk about this and hear what American Promise can do and how we can support your efforts in your community to support this constitutional amendment to give the people back our power. And people sign up for that. They go through a four-part training. And we have now 25 of these groups around the country. We want to scale that rapidly to hundreds of groups. And people, not only find it's effective, they translate sort of despair and not only into hope but into action. And that creates feedback loops to keep people not only doing the great work that needs to be done but telling others about it.

And so you're right, we've gone from zero to 250,000 people, 50 states, right, left, middle, it doesn't matter. People like working in their communities with friends and family to get this done. And that's what we have found to be the most effective methods because people already know the problem. They want to know there's a real solution and nobody is buying anymore that there's some short-term easy solution or if we just vote for the right guy or gal. And that's important of course, voting in the political system. But that we are way past anyone else doing this for us. We got to figure out how to take action ourselves. American Promise tries to do that for people and we've had... really been inspired by the response of Americans around the country.

Ralph Nader: And how do people get in touch? What's the website?

Jeffrey Clements: The website is americanpromise.net. It's dot net, as a network. We're going to be a powerful network around the country, americanpromise.net. There's a sign up there and you can sign right up on the website. If you're interested in doing one of these inviting teams in your community, I'm going to give my email. Drop me a line, jeffc@americanpromise.net and we'll have one of our citizen empowerment coordinators get right back to you.

Ralph Nader: You have polls that show that 80% or more of Americans want to overturn the Supreme Court decision of Citizens United to keep big money out of politics. And it involves democrats, independents and republicans. The country now has in the White House, the most reckless corporatist perhaps in modern American history. How are you focusing on the Trump Administration here? Are you ignoring it or are you trying to challenge it in the coming dialogue? I know you don't get involved in electoral politics because you're a nonprofit, americanpromise.net, but wouldn't you like in the next few weeks, some candidates for congressional office to start talking about it?

Jeffrey Clements: Yeah, we sure do, Ralph. And so two questions in there and I want to take both of them because they're really important. President Trump has some supporters and some virulent opponents. There are a lot of issues around that that everyone is well aware of. And at American Promise though, we are executing against a strategic plan of our own. And we assumed in making that plan, it was a 10-year game plan and we started January 2016. We're two years in. We are right on track. We want this amendment passed and you need two-thirds of Congress to get the amendment out. We

want that in 2021 after the next election. The things we're doing now, building the support, 19 states have called for this amendment.

We are building that support and the reason we are so disciplined about our cross-partisan work as you said, Ralph, and as your great book *Unstoppable*, says, it really is true that when you have 80% support and Americans work together on this, even though we disagree about a lot of things, we can do incredible things. And we are trying to do an incredible thing. So we won't get distracted by other things that also need attention. And people must do what they think is right in those areas. We're executing this 10-year game plan, holding this 80% together and empowering it to have big impacts that will go way beyond this presidency and really set the foundation right for successful democracy for in the next century.

So that's what we have to focus on. And that relates to your next question, we are a nonprofit, but we have two arms: an educational arm and a citizen-action arm. So we do encourage our members all around the country to make candidates take the pledge. You can find the pledge on our website under Take Action. There's an American Promise pledge. We don't want anyone running for office who doesn't say whether they support this constitutional amendment to give the power back to the people instead of big money and corporations. They need to answer that question and we hope voters will vote accordingly whether it's independent, republican or democrat. If somebody supports the amendment they deserve support.

If somebody is against this amendment, they are really going to hurt the country and the voters should know that. So we have the pledge. We ask everyone to take it--republican, democrat, independent. We have over 250 candidates, again across the political spectrum, who have signed that pledge all around the country.

Ralph Nader: You have over 800 cities and towns that have passed local 28th Amendment Resolutions. And you have produced and distributed how-to guide to these local resolutions if you want to introduce them in your town, listeners, that have connected experienced local leaders with hundreds of other citizen leaders for training and tips on how to pass these local municipal resolutions. And you also have quite prominent legal scholars backing you up on all this. But to be clear to our listeners, you're formulating the 28th Amendment. The exact words have not yet been etched in stone. It's going to be a short amendment. But why don't you tell our listeners generally what it's providing for, even though it hasn't yet been formally introduced?

Jeffrey Clements: Sure, and there's actually several versions, several proposals have been introduced in Congress calling for that would be this constitutional amendment, this 28th Amendment. The one with the most support right now was introduced by Senator Tom Udall in the Senate and Congressmen Jim McGovern, Ted Deutch and Jamie Raskin in the House. It has 44 co-sponsors in the Senate, 140 or so in

the House. So it's for real and I'll just give that as an example and then talk about how we get the best, strongest, most powerful amendment that can get support around the country, but this amendment proposal ...

Ralph Nader: So these are provisional 28th Amendment, are they called the 28th Amendment?

Jeffrey Clements: Well, Senator Udall calls this the "Democracy for All" Amendment. We have 27 amendments in the Constitution, so the next one will be 28. And so we say the 28th Amendment is coming and this is what it will be. But the exact wording could be Senator Tom Udall's. It could be the "We the People" Amendment. As I said, there are different versions in Congress and that's normal like any big issue, there's going to be different views in Congress about what the exact words should say. We think we need that resolved in order to have this vote that we want to get it out to the states for ratification shortly after the 2020 Election. So we have time to get this right. And so what we're doing at American Promise is holding a nationwide series of town halls and we also do this online.

We think this is...we've done amendments when the technology for writing was dipping a feather into a pot of ink. We've done amendments at the Pony Express. We've done amendments when trains were how people got together and communicated. So we are in the digital age and we think there's no reason why every American can't be at the table if they want to be to understand what this amendment says and to say what they think it should say. And then we're going to build the consensus that can get this rapidly through Congress and ratified because Americans had input into it. And so we have town halls. We've already done them in Ohio and Missouri and Boston and Washington and we're taking it out to Texas, Oklahoma and then LA and then we're going to be at the National Constitution Center in November to have a debate about this amendment.

So what it will do is basically two major things at a minimum. And that is empower us as people to pass laws whether through Congress or in our states and our local governments that control money and politics. And that means we can have reasonable limits so that your voice counts as much as a billionaire, as much as a corporation. And even further, we'd say, corporations have no place in elections. They're economic entities. They're not political entities. We don't want them in elections. And we can pass laws that will say no corporate money in elections. We can't do that now because of the Supreme Court's views. With this constitutional amendment, we will be able to do that. Limits on money and empowerment of everyday people who aren't necessarily in the donor class so that we all have equal representation not just the big donors who are getting their phone calls returned.

So that's the first piece. The second piece of course is we have to be able to distinguish between human beings and corporations and making laws. And so Section 2, essentially, is saying that Mitt Romney is wrong. Corporations are not people and in our Constitution, we have to define the rights of people as being fundamental. And we make the rules for corporations not the other way around. So those are the

two key pieces of the amendment, getting control of the money that now dominates our political system and getting control of these corporate entities so that they can do good work in the economy with rules that actually make sure we all benefit from that rather than get harmed by that.

Ralph Nader: Like your forebears, listeners, roll up your sleeves and join American Promise. The website is americanpromise.net and before we conclude, Jeffrey Clements, author this great book, *Corporations Are Not People*, what a clear-headed book it is, Jeff. It goes into the history, it has examples, great footnotes. You cite a special authoritative study that the damage of the coal industry in terms of human disease and damage to land exceeds \$300 billion. So here we have Donald Trump talking about “clean beautiful coal”, and it's ravaged the land and ravaged the lives of coal miners and their families for over 140 years. So, the book is really a very good conversation material for your neighbors, friends and co-workers. But I hear you're going to be speaking later this month at the Harvard Law School Forum in Cambridge, Massachusetts.

Those of you who are in the area might want to go there. And I understand the forum will put up that speech of yours and your interaction with the law students and professors on their website.

Jeffrey Clements: That's right, Ralph. I'm looking forward to that. And on our website, as well, I think it's also under the Take Action tab. You can check out our calendar for events around the country so that no matter where you are, you can find one of our events and plug in and we'd love to see you out there.

Ralph Nader: Can you get on NPR, have you been on NPR and PBS with your message, your movement?

Jeffrey Clements: I've done a few shows on NPR and recently the Jim Brody Show here in Boston. It's a good news show on WGBH and of course we'd like to go/get out there more into everywhere we can. So, I think the more we can get this message out to Americans the more we'll quickly move this to success. And I just want to say, Ralph, you've been kind to compliment me on my book but like every American, I owe a huge debt to you and learn so much from you and your work. So big thanks to you.

Ralph Nader: Well, thank you, Jeffrey Clements. We're very encouraged by this national movement and how it's developing groups all over the country. The stakes are really enormous, listeners, as you all know. On that note, we'll have to conclude. So go to americanpromise.net and get connected. They have guidelines, they have kits, they have all kinds of information. They'll even tell you if there's a group near where you're living or working these days. Thank you very much, Jeff.

Jeffrey Clements: Thank you, Ralph, great to be with you again.

Ralph Nader: You're welcome.

Steve Skrovan: We have been speaking to Jeffrey Clements, author of *Corporations Are Not People: Reclaiming Democracy from Big Money and Global Corporations*. And he's also the Founder of American Promise, which is pushing for a 28th Amendment to get big money out of politics. We will link to all of that at ralphnaderradiohour.com. When we come back, we will answer a whole bunch of questions from you, the listeners, but first we're going to step away for a minute and check in with our Corporate Crime Reporter Russell Mohkiber. You are listening to the Ralph Nader Radio Hour. Don't go away.

Russell Mohkiber: From the National Press Building in Washington, DC, this is your Corporate Crime Reporter Morning Minute for Friday, September 14th, 2018. I'm Russell Mohkiber. Legg Mason will pay over \$34 million to resolve a Securities and Exchange Commission charge that the company violated the Foreign Corrupt Practices Act in a scheme to bribe Libyan officials. The SEC alleged that between 2004 and 2010, a former Legg Mason asset management subsidiary, Permal Group, partnered with a French financial services company to solicit investment business from Libyan state-owned financial institutions. These entities engaged in the scheme to pay bribes to Libyan government officials through a Libyan middleman in order to secure investments.

As a result of the corrupt scheme, Legg Mason was awarded business tied to \$1 billion of investments for the Libyan financial institutions. The middlemen used the term "cooking" to describe the ability to cause Libyan government officials to invest by any means necessary, including bribery. For the Corporate Crime Reporter, I'm Russell Mohkiber.

Steve Skrovan: Thank you, Russell. Welcome back to the Ralph Nader Radio Hour. My name is Steve Skrovan along with Ralph. And as promised, we're going to spend the remaining time answering your questions. So let's get to the inbox. Our first question here, Ralph, is from a listener; his name is HA Brown, and he was listening to the Chris Hedges Show. And his question is, "On your show, Chris Hedges reflected on America's problems and predicted its demise. What countries, cities, states, communities or organizations can America look to for guidance?"

Ralph Nader: Well, there are probably 20 countries in the world that have higher livelihood standards of living than ours--the Netherlands, Belgium, Sweden, Finland, Denmark, Norway, Canada. So we can learn a lot from them and other countries. And there are advances in third-world countries that might surprise us. There's a city in Brazil that has an enormously well-run municipal government that stands out in Brazil, stands out in the world; the progressive mayor who was no-nonsense and turned the city around. And in our country, we have best-practices in certain states and that are better than other

states and there are organizations you can find on the internet that in effect provide those kinds of high standards of performance.

As far as organizations are concerned, I mean, we're full of good charitable organizations: the Salvation Army, at the point of needed charity is a very, very honest organization. Groups that I've started: Center for Auto Safety, Public Citizen, Pension Rights Center--others that you can find on the internet to join and support, environmental groups, for example. We have some companies that have high standards. Patagonia in Southern California, the outdoor clothing and hardware company has put out a book called *The Responsible Company: What We've Learned From Patagonia's First 40 Years*. And you can throw those kinds of superior performances against some of these bad companies that are dominating our country. So, it's always good. It's a good question. So, find the best practices that are on the ground, not theory, actual practice, and throw them up against the bad practices.

Steve Skrovan: It's interesting because Michael Moore did a documentary, a few years ago called, "Who Should We Invade Next?" And the premise was basically, he went to mostly European countries and was kind of doing what you were talking about was, "here's this idea, here's that idea." And the irony was, is that most of these ideas started in the United States. And they're being more fulfilled in countries like Norway and Belgium and the Netherlands. And we have fallen by the wayside. We've dropped them.

Ralph Nader: That's true and unfortunately the documentary didn't do as well as some of his others. It's as if culturally we grow up averse to recognizing that some countries do certain things better than we do. We're always told we're number one, number one--in grade school, high school. And I think that translated into a lower turnout in the theaters for Michael Moore's movie.

Steve Skrovan: Yeah, all right. Well, our next question comes from Henry Todd and he says, "What do you make of John McCain's death seeming to stir up jingoists on all sides of the political spectrum. On Twitter, Congressman John Lewis called McCain 'a warrior for peace' and even Alexandra Ocasio-Cortez went so far as to label him an unparalleled example of human decency among many other examples of this," - what he calls - "an odd glorification of the man." He says, "It seems like a great departure from reality and everybody in Congress is contributing to it. What did I miss in the legacy of John McCain? He had a storied career, but I don't imagine that that absolves him of this pretty, awful record and a number of issues. Condolences to the family are appropriate, but these comments are outright false. Are they not?"

Ralph Nader: Well, I think when John McCain passed, the accolades were also a reflection of the horrid response of Donald Trump to John McCain. So that his biography was heralded in contrast to the type of biography of Donald Trump, who didn't want to go into the armed forces when he was supporting the wars and who was a casino gambling czar that went into bankruptcy and not to mention his lies and abuses that have been recounted endlessly in the last year and a half, as president. And so I think that's

part of it. But Henry Todd, you're right in one sense. I mean John McCain did a lot of good things. He was an advocate of auto safety. He didn't like waste in the military budget. He supported campaign finance reform, was eloquent about it and got through the McCain-Feinold Law.

And personally, he was very skeptical and funny and open to different views and liked to argue. But he also had a dark side, which is he never seemed to find a war he didn't like. He was an aggressive advancer of the American empire. He wanted more interventions, more troops in Iraq and Afghanistan and attacking Iran and aggressive words and pushing for an ever-greater military budget. So, I thought that was the downside of John McCain's political career. So, there was an aversion, at the time of his funeral ceremony, to bring these up. And that's natural in American culture. You want to give the family its due time and a period of mourning. But there's no question that he could have been a really great American lawmaker if he was a peacemaker and he was not a peacemaker.

Steve Skrovan: You mentioned his support of auto safety. Did you have personal dealings with him on that issue or any other issue?

Ralph Nader: Not as much as Joan Claybrook, who was the President of Public Citizen. And she worked with him so closely to overcome the Republican corporatists in the auto industry lobbies in 2002, 2003 under George W. Bush, that USA Today had a big feature about how they collaborated one another. And that was John McCain's bright side. That was his open-mind side.

Steve Skrovan: Right. Our next question is from, and I hope I pronounce this name correctly, from Joan Pougiales and Joan says, "Wondering if you're familiar with this movement and the work of the Program on Corporations, Law and Democracy (POCLAD)." Then she names another program called the Community Environmental Legal Defense Fund (CELDF) and another program called Community Rights US. And she says "The movement uses community rights ordinances that's specifically refuse to recognize corporate 'rights', what we were talking about today, within the community's boundaries and assert the preeminence of community rights over corporate rights. Communities are also being extended to include natural communities, such as rivers, lakes and ecosystems. I'd love to see this movement get some attention on your program as it offers great hope, not just through its ordinances but also through its intense educational efforts to remind people that they are the true source of power and needs to start wielding it, very appropriate question for today's show.

Ralph Nader: Yeah, I think, Joan, you're referring to the communities in Pennsylvania where this started. And they would pass ordinances in their towns demonstrating the superiority of human beings over corporate entities. And then they'd apply it to some particular situation or condition in their municipality. The problem with the movement, of course, is that the corporations will come back with federal preemption or state-wide preemption of these municipalities. So, they don't have the right to

pass these ordinances. So far, the corporate lawyers have, I think, not wanted to take this into the courts. They're trying to ignore it and not have any precedent set, or any publicity given to it.

But the POCLAD movement, started by Richard Grossman, is an extremely important one. He's the one really who started years ago this national discussion. And he'd go all over the country, about corporations are not persons. They are not people. If we allow them to have all our rights together with their economic power, immunities, impunities that we will destroy our democratic society. And he was very eloquent about that.

Steve Skrovan: Very good. Thank you for that, Joan. Actually, I can tell you that in my own personal experience out here in California, I'm aware of a nuclear site that needed to be cleaned up and a state bill was passed to do that, to clean it up to a certain standard. And the land was, and much of the land was owned by the Department of Energy. And the Department of Energy said, well, the state law, we don't have to follow it. The Atomic Law of 1954 says that federal law takes precedence over state law. So, all these activists spent a lot of time and energy passing the state law, and then it was ignored by the Department of Energy. So that was a case where the federal side just decided now, "We take precedence."

Ralph Nader: And that's why the corporations firmly entrenched in Washington DC support federal preemption. And that's why in a state like Texas, when municipalities passed higher minimum-wage laws, they went to Austin, the corporations and preempted and blocked these municipality efforts to advance the well-being of workers in their jurisdiction.

Steve Skrovan: Well, thank you, Joan. We're on a roll here. Let's go to, and again, I hope I pronounce this correctly, Andrew Carchambault. And Andrew says, I have a question for Ralph Nader, which is good, because this is the Ralph Nader Radio Hour. So, you're here. He says, "Why is it Mr. Nader doesn't call for the ratification of the--I hope this doesn't get too wonky--for the ratification of the 1789 Congressional Apportionment Amendment, which was passed by the First Congress in 1789. The amendment, which awaits ratification by 27 more states, would, once ratified, improve the representation ratio from its current 720,000 persons to one elected representative to the House of Representatives to 50,000 persons to one, which would increase" and then he gets into more of the numbers here.

He says, "This would ensure that people have a voice and a seat at the table of governance that isn't bought and paid for by campaign contributions and entirely under the influence of the two-party system." Now this seems completely appropriate to what you're talking today but I can't make heads or tails what he's saying, Ralph, do you?

Ralph Nader: Yeah, he's saying that if this amendment passed, which it won't, we would move from 435 members of the House of Representatives to over 6400 representatives, which means you'd have to build a massive new capitol and change the direction of the country into more representatives representing fewer numbers of voters. And that's a long discussion, in terms of the consequences, but it's good that he reminded us of this history. And I'd be interested to get some comments from people in our listening audience about that.

Steve Skrovan: Yeah, I guess, Washington has enough traffic problems. There'd be too many people to bribe. How do you, how can you bribe that many people? I guess maybe that's the point.

This next question comes from Chris Tracey and I think it's actually a very good one. And it was about a little discussion you and I had, Ralph, in a wrap-up section about the Catholic Church. And he or she writes, (I don't know if Chris is a male or female, but writes) "Ralph, last week you said that many Catholics had said to you that the pedophilia behavior of priests was related to the celibacy requirement in the church. And if the celibacy requirement was lifted then pedophilia would be somehow abated. Steve said that he agreed with that, but the two of you are conflating pedophilia with consensual sex between adults."

Steve Skrovan: It seems like a pretty good point.

Ralph Nader: Do you want to answer that?

Steve Skrovan: Well, I kind of see what Chris is saying, because that is a tendency. I think, the first response is of course, they're not married so they're having to express their sexual life in some way. But there is another element to this which is a power element that has nothing to do with sex or consensual sex between adults. And I think Chris makes a good point when we kind of say maybe the celibacy requirement--lifting that would be a solution. It may not be because they may not necessarily be directly related. I don't know. What do you think about that?

Ralph Nader: I think my comment stemmed from the comparative lack of pedophilia exposes among other religious denominations that allow their clergy to marry and have families. I mean, you don't see in a Protestant church or in Synagogues or you don't see that because the rabbis can marry and the reverends can marry. That's the comparison I was making. It's quite stark. I mean, this has been going on now for well over 10 years and a lot of diocese have gotten into trouble, cover-ups and hundreds of priests involved in this tragic behavior. But you don't see that in other denominations. So, what is the difference? How do you explain it? It certainly isn't religious doctrine. And that's why I thought maybe the celibacy issue was relevant.

Steve Skrovan: Yeah, all right. Well, Chris, it's a good point and I hope these are two answers that satisfied your question. Thank you all for your questions. Keep them coming on the Ralph Nader Radio Hour website or when we post something on Facebook. When we post the episode on Facebook, go ahead and ask question there too if you're so inspired. I also want to thank our guest today, Jeffery Clements, author of Corporations Are Not People. 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 this show will appear eventually on the Ralph Nader Radio Hour website. We're getting that down pretty well now. For Ralph's weekly column--it's free--go to nader.org.

For more from Russell Mohkiber, go to corporatecrimereporter.com. Visit the American Museum of Tort Law and go to tortmuseum.org and check out the Tort Museum Bookstore for engrossing books and memorabilia. The Producers of the Ralph Nader Radio Hour are Jimmy Lee Wirt and Matthew Marron. Our Executive Producer is Alan Minsky. Our theme music, "Stand Up, Rise Up" was written and performed by Kemp Harris. Join us next week when we welcome back one of Ralph's oldest friends, legendary broadcaster, Phil Donahue. Thank you, Ralph.

Ralph Nader: Thank you very much, Steve and Jimmy. And indeed it's going to be a great program. Nobody can really connect with the public the way Phil Donahue can. And has in 6000 television shows during his television career, the Town Meeting of America by Phil Donahue.