

## RALPH NADER RADIO HOUR EPISODE 419 TRANSCRIPT

**Tom Morello:** I'm Tom Morello and you're listening to the *Ralph Nader Radio Hour*.

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

**David Feldman:** Hello, Steve.

**Steve Skrovan:** I'm very excited David because in a couple of weeks on Wednesday, March 30th 12:30 pm Eastern Time 9:30 Pacific Time, our guest will be Jessie Singer, author of *There are No Accidents: The Deadly Rise of Injury and Disaster—Who Profits and Who Pays the Price*. A couple of months ago, we did a thing with Richard Panchyk, the author it was a very successful Zoom episode so I'm looking forward to this one too.

**David Feldman:** This is an opportunity for people to watch the *Ralph Nader Radio Hour* as it's being recorded on Zoom.

**Steve Skrovan:** You get to see how the sausage is made and it's pretty tasty. Just go to [ralphnaderradiohour.com](http://ralphnaderradiohour.com) to sign up to be in our Zoom audience. There's a Ralph Nader button on the right side and you'll see actually a picture of Jessie Singer. So go to that and sign up to be in our Zoom audience. And guess who else we have here today. We have the man of the hour, Ralph Nader. Hello Ralph.

**Ralph Nader:** Hello everybody. Today we're going to have a program like no other. We're going to have half of it on the way the laws obstruct voting and the counting of voting and then we're going to have a section on how the laws obstruct candidates from getting on the ballot. So, voter suppression and candidate suppression and how they connect with one another.

**Steve Skrovan:** That's exactly right. On today's program, we're going to be looking at the state of voters' rights in America. Our first guest, radio legend and civil rights activist Joe Madison is the perfect combination of a talker and a doer. He ran the Detroit office of the NAACP in the 1970s working on some of their landmark civil rights campaigns including school integration and busing. He started his radio career in the 1980s and he has used this platform to continue the work he started in Detroit. He has taken his radio show to Cuba, South Sudan, and the White House. He broke the record for world's longest broadcast, a 52-hour marathon that raised more than two hundred thousand dollars for the National Museum of African American History and Culture. Now his latest cause is also his oldest cause--voting rights. He recently ended a 70-day long hunger strike protesting voter suppression. We look forward to speaking with him about the ongoing threats to voting access in America and his long advocacy career. After that, like Ralph said, we'll get an update on the fight to expand access to the ballot for minor parties, from a friend of the show, Richard Winger. He is the publisher of *Ballot Access News*, a national monthly newsletter covering developments and ballot access law and third parties in general. Hopefully, he has some good news from his work in the courts, Congress, and various state legislatures to remove ballot restrictions. If we have time, Ralph will answer some more of your listener questions. As always, somewhere in the middle we'll check in with our Corporate Crime Reporter, Russell Mokhiber. But first, let's talk to one of the foremost advocates for voting rights. David?

**David Feldman:** Joe Madison, also known as “The Black Eagle”, is a human and civil rights activist and talk radio host. He hosts *The Joe Madison Show* on SiriusXM Urban View. And *Talkers Magazine* has named him one of their 100 most important talk radio hosts nine times. Mr. Madison is also the author of *Radio Active: A Memoir of Advocacy in Action, on the Air and in the Streets*. He also just came back from a ceremony where speaker Nancy Pelosi signed the Emmett Till Antilynching bill, which passed overwhelmingly in the House and is now on its way to President Biden's desk. Welcome to the *Ralph Nader Radio Hour*, Joe Madison.

**Joe Madison:** And thank you, David. I can't tell you how thrilled I am. I've had Ralph on my show, my god, how many years have we been talking; it's great to hear your voice and I appreciate this opportunity. I really do.

**Ralph Nader:** Well, it's mutual Joe. Thank you very much for coming on. And David could have also mentioned that years ago, you were head of the NAACP chapter in Detroit in the midst of the civil rights movement. And so, you've been a thinker, a talker, and a doer. As I say very often there's an old Chinese proverb which says, “To know and not to act is not to know”.

**Joe Madison:** Well, and you have been a role model for that action. We sound like a mutual admiration society here, [Ralph chuckles] but I can't even begin to tell your audience and I don't have to tell your audience this; the impact that you have had on our lives for years and the courage... One of the things I've always said on my show is that all movements require sacrifice. Somebody once asked what's the difference between a moment and a movement. All movements require sacrifice and the movements that you have participated and created over the years I hope the younger generation... I always have to talk to them. I hope they understand the sacrifices that Ralph Nader made in creating the movements that have really changed our society in many ways. So, I just wanted to say that to you directly.

**Ralph Nader:** Thank you very much Joe. Well, we're going to talk about going backwards into the future with the suppression of voting rights. So, I want to ask you-- were on this extended hunger strike, protesting the lack of action in Congress on two voting rights bills obstructed of course down to the teeth by the clenched jaw Republicans and reflecting some renegade Democrats like Senator Manchin and Senator Sinema who don't want to get rid of the filibuster regardless of the consequences to millions of people who want to participate in the electoral process. You've done these hunger strikes and fasts throughout your career. You've done some with our mutual friend, Dick Gregory, who did this again and again. And I've often wondered what kind of effect it has. And let me explain that, Joe. People who do hunger strikes for civil rights are almost uniformly advocates of nonviolence; not only morally but they don't think it works, and that it backfires harms a lot of innocent people. But they're willing to put violence to their own health. And I've got to tell you a quick story about Cesar Chavez. Near the end of his life, he was on a hunger strike for the farm workers in Arizona. He had done most of his work as you know in California. And I called him up and he was really getting weak, and it was I think about his 26<sup>th</sup>/27<sup>th</sup> day. And I said, “Cesar, you know there's only one Cesar Chavez; you can't do this to yourself. Why are you doing it?” He said, “I've got to get media publicity for my people.” I said, “That's quite a reflection on the media but you're not getting media publicity, but I'll try and help you.” So, I started calling the networks and I called one network and I got a producer. And I said, “You know you really have to cover this. This is newsworthy to begin with in terms of what he's trying to do and his sacrifice”. And the producer said, “How many days has

he been on this hunger strike?" I said, "Around 27." He says, "Call me when his reaches 35." You see, they want more tragic drama. And so I'm asking you, given that the Republicans are incapable of receiving an act of conscience, a demonstration of conscience--these are not the Republicans I knew in the 60s and 70s--but they are off the wall. Clearly in my book, the worst Republicans in the history of the Republican Party, on almost every single human issue--workers, environment, pensioners, patients, consumers, tenants--you name it. Why did you think that you could reach them or reach those two renegade senators?

**Joe Madison:** Well, there's a couple of things that I'll share with [you], and everything you said, I had to take under consideration, and I had learned down through the years joining Dick Gregory on hunger strikes. The reason I decided to do it was to join in coalition with individuals and organizations that were protesting--members of the Congressional Black Caucus. They were actually protesting in front of the Senate chambers and getting arrested. You had National Action Network, Al Sharpton with whom I had participated in a rally on Capitol Hill. Thousands of people showed up and then there were various other organizations. Ben Jealous had several arrests in front of the White House to try and convince President Biden to speak out more forcefully on dumping or at least changing the filibuster. NAACP had done their Annual Legislative Report Card. One of the issues was the filibuster. And there were several Democrats, not just Manchin from West Virginia and Sinema from Arizona, but there were several Democrats who had not signed on to changing the filibuster and they weren't getting a lot of attention. I didn't feel that it was enough pressure on the Senate and/or the president. So, I decided actually to take a page out of Dick Gregory, Cesar Chavez, you name it; I've had a lot of role models when it came to this. And you're absolutely right. You risk the potential of not getting any attention. But one thing that Cesar did not have that we have today and that is social media and a number of cable shows. So immediately, and by the way, he didn't have his own show. So, I had my own talk show and I had people who believed and knew me down through the years like we've known each other, and they knew that I was serious. Now, I should also point out that I got calls from friends like you, who said why are you doing this? Joy Reid from MSNBC said, "Joe you can't do this; we need you; why are you harming yourself?" I got folks who came at me with sincere affection, love, and concern and basically tried to talk me out of it. But again, I knew something dramatic had to be done and I just had to commit myself to this hunger strike and so I ended up 72 days of no solid food. It was juicing; I used the recipe Dick had used over the years--just simply liquids juicing and that's what I did. It did get attention. Matter of fact, a group of students from Arizona, Sinema's state, joined in the hunger strike. I had ministers that joined. And people started responding, I think because this issue should have transcended politics. Because you're absolutely right, the Republican Party, I think it was during George Herbert Bush 's son, extended the Voting Rights Act for 25 years. And not one, not one Republican in the United States Senate would support what turned out to be one bill. They merged the Freedom to Vote Act and the John Lewis bill. But let me quickly say, Ralph, that the Democratic senators kept meeting; they kept caucusing, and they would come on my show. I've actually had several Democratic senators call me and say, keep doing your hunger strike. Now this has got to be unheard of--keep doing your hunger strike. And eventually, all but two, and they needed those two, ended up agreeing to change the filibuster, so this bill could be passed. I should also say to you, I ended up getting a letter from President Biden thanking me for the hunger strike. I mean I framed this sucker; I did. I got it and I'm laughing because I think it's the first time in history that the President in United States has embraced somebody making a

sacrifice. But it does go back to what I said earlier about your efforts. You are a role model, and I meant that seriously.

**Ralph Nader:** Well, you know Joe, we're very worried about your health. I mean you've suffered physically from this with dizziness, nausea, insomnia.

**Joe Madison:** But I had anticipated all that. I knew I would; that's the point. I knew what I was going to go through. First of all, as somebody reminded me and said, look you're not this 35/40-year-old activist that you were; you're 70. I'll be 73 in June. Here you are 72 years old. And you're right but I knew I was going to go through this. And let me tell you one really interesting story. My wife insisted, "Well you're going to have to get a physical or else I'm not going to agree that you do this." I went, I got a physical. And even the doctor said, "Are you sure you want to do this?" Okay you and I just told "I'm going to do it." I always remember this conversation. So, I'm in the car driving home and my wife looked at me, sincerely looked at me and said, "Are you telling me that you're willing to die for this cause?" And I turned to her and said one word, "Yes." And that was the end of the conversation and I meant it.

**Ralph Nader:** And then you see, if Mitch McConnell, the Republican leader in the Senate heard that conversation, he would have let out a ghastly chuckle. These people are cruel beyond belief. The only reason they're in the Congress, Joe is the weakness of the Democratic party. The Democratic party of Franklin Roosevelt or Harry Truman or John F. Kennedy, would have landslided these people. They never would have been re-elected or elected in the first place. And so, let's talk about the Democratic party. Do they have the intensity in pushing for these bills the way the Republicans have the unanimous intensity in obstructing them? And shame on Mitt Romney who has his own independent political base, and he goes along like a toady to Mitch McConnell's instructions. Is there an asymmetry in energy and intensity here and that includes Joe Biden?

**Joe Madison:** I think not. I agree with you. And the reason I'm hesitating, I'm one of these people who'll always believe you got to make them do it. Look, you know what this whole game is about; it's about power. And that's really what it's about. And so, my position with Majority Leader Schumer, with many of the members of Congress. You're going to lose everything. You will lose everything, and I did not bite my tongue. You can't get re-elected without us particularly African Americans and progressives. You can't get re-elected. So, if you don't do this, you're going to lose the...

**Ralph Nader:** It's in your self-interest and they still--

**Joe Madison:** Well once again, we got all but two. And so as far as I'm concerned, I agree with this: I don't know why they didn't just, and I'll just use the street term, I don't know why they didn't jack up Joe Manchin and Sinema because I go like you back to the days of Lyndon Johnson. And that's what I was my biggest criticism of Joe Biden. All this talk about "we got to get along kumbaya; I need them, I trust them." I think he should have grabbed [Senator] Manchin and used whatever trigger he had, but it may not have done any good. And with [Senator] Sinema, I don't know what her issue, what her was. So, the answer is they certainly aren't the Lyndon Johnsons, and he wasn't perfect.

**Ralph Nader:** He knew how to trade off with these guys because his conversations were recorded and they were played on public radio. We've all heard the amazing way he handled the Southern Democrats during the Civil Rights...

**Joe Madison:** And none of them wanted to vote for the Voting Rights Act. None of them wanted to vote for the Civil Rights bill. But he understood... if you want that bridge, damn it, you want that highway you can't... Look, I'm not going to sit up and give you money for a highway and then what? Then you're going to discriminate about who drives up and down the highway? You want that bridge? You want that electrical grid? What you're going to discriminate about who gets electricity? You're absolutely right. I did not see that with Joe Biden, but I will quickly say this Ralph, and that is, people said "Well, you failed." And I quoted the Japanese admiral who was in charge of bombing Pearl Harbor when they were celebrating and he said, "You know what, I'm afraid all we've done is awaken a sleeping giant. And he is resolved." That's what I think we did particularly with young people. These folk learned more about how Congress worked, how the Senate worked, what the hell was a filibuster, how it worked; they understood the sacrifice that had to be made and now it boils down to this, and that is, there's only going to be one way to get those bills passed and that is getting out the vote. There has to be a major progressive, concentrated, voter registration and get-out-the-vote drive. That's the only way because you are 100% right. This is not the Republican Party of years ago, not at all. It is now the party of white supremacists; they are the party of voter suppressionists; in essence they are Donald Trump's party.

**Ralph Nader:** Right, party of big business too. Joe, let me try a new approach here. I think the reason why they were hesitant with Manchin because if those two senators turned Republican, they'd have lost the Senate. And you know they were afraid they'd say okay stop brow beating us; we've had enough; we're going to become Republican. Suddenly Mitch McConnell replaces Schumer. Now what about this for an approach and trying to get these bills through. There are five Republican senators who are not running for reelection. They have nothing to be concerned about, Trump or anything. There are several Republican senators who used to be called liberal Republican senators. That's Collins from Maine, Murkowski from Alaska, and Mitt Romney has got his own independent base as I said. There are some Democrat senators who pride themselves of working across the aisle, like Senator Coons and Senator Carper from Delaware. Why aren't they working across the aisle privately to spin off two, three, or four of these senators especially when they got goodies called good works that they can trade off with some of these senators, and especially since some of these senators are going to really look pretty bad in history as they retire. There are about eight or nine of them that they could work on and I have found no reporter who has ever written about this article, about this subject. And so, I don't know what is going on behind the scenes but they're not having any success. When was the last time you heard major voting rights legislation opposed by every one of the Republicans? One hundred percent are saluting McConnell and Trump. So, what about that approach--try to spin off as the election comes close.

**Joe Madison:** Well, that's why you're Ralph Nader and that's why I have such respect for you. Let me start with the media. I think one of my biggest criticisms with the media particularly, and I say this as constructive criticism, a lot of these young reporters are good at putting words together, but they have no institutional memory of history. And so, they don't know to ask or approach the senators and the heads of these two political organizations in the way that you just

described. I think your approach is right. For the life of me, I couldn't understand Portman. He's retiring.

**Ralph Nader:** From Ohio

**Joe Madison:** Now you've got an outstanding Democratic Senator, my good friend Sherrod Brown, who I've known for years. I knew when he was secretary of state. But you know the problem is and I'll say this, and I may be naïve, I think they're absolutely afraid of Donald Trump's base. It's just that simple. Murkowski saying, "Oh, I'd support the John Lewis; I love John Lewis." But then she voted right along. And Collins. Why? Ralph, it maybe they're afraid of it being the primary and they have to spend all that money. I just think Donald Trump has this unholy hold on them and they just simply aren't the kind of Republicans we knew that were willing to trade off and compromise. It's almost immoral.

**Ralph Nader:** There are some Republicans in close races. There are five Republicans not running. There are several Republicans who've just been elected like Collins and Romney doesn't have anything to. If I were the Democrats, I'd be working overtime in terms of cutting deals with these people. Because what have they got to worry about?

**Joe Madison:** First of all, let's go back. You are absolutely right. There are about maybe five, six states right now that need to be targeted and I mentioned Ohio, Pennsylvania. And I don't see a concerted effort. Matter of fact I can tell you honestly, I had a discussion this afternoon while I was over on Capitol Hill. And I had prominent Democratic members of Congress come up to me and say can you come to a meeting and talk to us because we're stalled when it comes to a major voter effort this year. Now how in the heck can you be stalled? This is not rocket science. So, your strategy maybe that's the problem. Maybe the Republicans realize that if the Democrats are stalled and they don't have an effective... see I think we're both right. If they don't have an effective get-out-the vote campaign, then why should the Republicans do business with them?

**Ralph Nader:** Well, the Republicans are taunting the Democrats saying they don't have a clue as to what the people in America want and they're taunting them because they saw what happened in the recent elections. The Republicans would get out the vote in Ohio by using people in the neighborhoods and the Democrats would bring in outside consultants into Ohio who didn't know what the neighborhoods were like. There's got to be a third force here to get out the vote big time. The November election, listeners, will be lucky to get 35 percent of the voters out. And in the off year as you know Joe, the turnout is ridiculously low. And there's got to be a third civic force here to get the vote out and some members of Congress admitting to you that they're stalled. Well you know what, they're right. They're accurate even though it's disgraceful.

**Joe Madison:** It is disgraceful, and you used the word and that is consultants. I think that they better stop listening to these consultants. I hate to say this but it's good old... no I shouldn't hate to say it because I think it's true. This has to be on the ground. This has to be the door-to-door and they have to understand they have to target community. They're sitting up here depending so much on the internet. But what they forget, particularly in the African American community and in the poor underserved communities, is that some of these folks don't have wi-fi; they don't have the internet. I got in trouble when they celebrated and had the symbolic crossing of the Edmund Pettus Bridge last week and I said, you had thousands of people who showed up in Selma Alabama, and Selma Alabama has the lowest--think about this how ironic--the lowest voter

turnout in the state of Alabama. So, in addition to having this symbolic march and everybody trying to get in front of the camera, why don't y'all spend a day or two since you're there and go door to door? And it's really simple. You go to the low voter turnout districts, the low voter registration districts and you work it, you keep working it. You just don't go in for one day. I did this with the NAACP. Under Ben Hooks. I ran the political action department. Man, we registered people. I remember this: you remember cheese lines when people get in line to get cheese and butter? Well, they registered thousands of people on the cheese line. Folks thought we were crazy. First of all was a captive audience. They weren't going anywhere till they got that cheese. Second of all, we could educate them as to just think about what you're going through. Just think about the fact that all of this is political. And we registered thousands of people. I just don't think quite honestly, they know how to do this anymore.

**Ralph Nader:** They use television and social media instead of person to person and that violates the most... that violates all the way back to Abraham Lincoln's memo on how to get the vote out. Right on the ground, that's what has to be done.

**Joe Madison:** And it has to be on the ground.

**Ralph Nader:** Yeah, and the Democrats are just not up to it organizationally. That's why there needs to be a third force. The unions also use email. You know you ask some union members did you do this and that? Yeah, we sent out thousands of emails. I said, that isn't what I was expecting you to say. You don't organize labor by email. So, we have to continue this conversation strategically Joe.

**Joe Madison:** Ralph, I mean we need to go on each other's show and educate our audience and see if we can push this from the ground up.

**Ralph Nader:** But we want to hear from our listeners about how you would get out the vote in the neighborhoods you know. Let's get some ideas from you, listeners. They're going to realize that what's coming is not just McCarthyism, it's fascism American style. Franklin Delano Roosevelt sent a message to Congress in 1938 to create a temporary national commission to investigate concentration of corporate power. And in his message, he said, "When government gets taken over by private power, that's fascism." So, we're beyond McCarthyism. McCarthyism was a senator who didn't have enforcement rights, military, or police. What we're dealing here with the Trumpsters is rising fascism. And so young people, you better read your history books and you better wake up, because your voting turnout in their 20s and early 30s is lower than the voting turnout of people in their 50s 60s 70s and beyond. On that note Joe, how can people get to hear you? Give the contact numbers for *The Joe Madison Show* on Sirius Radio.

**Joe Madison:** I'll make it very easy. It's Sirius Radio channel 126 Urban View. And I always tell people to go to joemadison.com; everything is there. And I got to thank you for mentioning. This is my first book man. It took me 11 years and in it, that's why we called it *Radio Active* because almost every chapter is about what we've talked about and it's all been on the ground and how I used my platform, I think like no other talk personality really has.

**Ralph Nader:** joemadison.com the book is *Radio Active*. Joe does the program 6 a.m. to 10 a.m. so you've got a lot of time there to partake in real radio talk, not just blather, not just celebrity massaging, but real talk that affects people everywhere.

**Joe Madison:** And I always ask the question, what are you going to do about it? After you get through talking, what are you going to do about it because everybody can do something.

**Ralph Nader:** The essential question of democracy, what are you going to do about it. Thank you very much Joe.

**Joe Madison:** I thank you Ralph and we'll stay in touch man. I really appreciate this and thank you so much.

**Ralph Nader:** You're most welcome.

**Steve Skrovan:** We've been speaking with Joe Madison. We will link to his work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). Up next. We've covered voter suppression. When we come back, we're going to move toward candidate suppression. But first, let's check in with our corporate crime reporter, Russell Mokhiber.

**Russell Mokhiber:** From the National Press Building in Washington, DC, this is your *Corporate Crime Reporter* "Morning Minute" for Friday, March 18, 2022; I'm Russell Mokhiber. On February 23, two days before Russia invaded Ukraine, Congresswoman Marjorie Taylor Greene said that war and rumors of war are incredibly profitable and convenient. What she didn't say was that on February 22, she bought up to fifteen thousand dollars in stock in Lockheed Martin, the nation's largest defense contractor. That's according to a report from [congresstrading.com](http://congresstrading.com). Add this to the list of why members of Congress should never be allowed to trade stocks, said Congresswoman Ilhan Omar, Democrat of Minnesota. Greene has repeatedly targeted Omar insinuating that Omar, among the first Muslim women of Congress, is a terrorist. 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. Ever wonder why during an election it's so hard to distinguish between various candidates. It may have something to do with who is not allowed on the ballot. David?

**David Feldman:** Richard Winger is an advocate for more equitable laws allowing access to the ballot for minor parties. He has testified on behalf of these issues in court cases around the country and has been published in journals ranging from the *Journal of Election Law* to the *Fordham Urban Law Review*. Since 1985, he has published *Ballot Access News*. Welcome back to the *Ralph Nader Radio Hour*, Richard Winger.

**Richard Winger:** Thanks for having me.

**Ralph Nader:** Welcome back Richard. I'm holding in my hand your *Ballot Access News* for March 1<sup>st</sup>, 2022. You've been at it for 37 years and it's amazing all the information you acquire. You monitor the bills that are in state legislatures. You monitor the judicial decisions from state and federal courts all over the country. You monitor initiative referendum recall. You monitor proposals for rank voting. You talk about what third parties are doing and not doing about these barriers. And there's nobody in the country, no scholar, no professor on elections that comes close to your knowledge of this. And you really do it out of your kitchen in the San Francisco Bay Area. So, I got to ask the question that Steve usually asks. How did you get involved in this?



**Richard Winger:** When I was in college in UC Berkeley in the early 60s, I was just fascinated by activists in the few minor parties that existed back then that actually went out and ran candidates because they had so little attention, so little prestige. And yet, when I looked at the election returns sometimes, they got big votes. So, I just I wanted to study who votes for minor parties. The only minor parties back then, nationally organized parties that ran candidates, where the Socialist Labor Party, the Socialist Workers Party, and the Prohibition Party. And I thought, well I'd love to study who votes for those parties in my own state of California. But guess what, they're not on the ballot in California. I thought well if a party is organized in the country, why isn't it about in every state. So, then I looked into the ballot access laws and I realized every state writes its own and they varied hugely and some of them were extremely unfair.

**Ralph Nader:** Well, you know better than anybody that we are at the bottom of the totem pole so to speak when it comes to allowing and facilitating third-party and independent candidates at the local, state and national level just to get on the ballot, so they give voters more voices and choices. And in Europe, the ballot access laws are very modest compared to the US. It's much easier to get on the ballot in European countries by far than the USA. That's why they have multiple parties. That's why the Green Party can get a foothold in Germany if it got over five percent of the vote and got over five percent of the Parliament. That's called proportional representation. And now look, they're one of the major parties in Germany. So, tell our listeners the differences at the state level, which control by the way not only candidates for state office but candidates for Congress and the president to get on the ballot. How many signatures does it take in a state like Texas and California compared to a state like New Jersey and Massachusetts or whatever states you choose to pick?

**Richard Winger:** There are three nightmare states for minor party and independent candidates in the presidential race. Most states are okay, but California, Texas, and Florida are just nightmares right now. And the Florida case is really sad because in 1998 the voters of Florida passed a constitutional amendment saying ballot access has to be just as easy for any new party as it is for the largest party in the state. So, that was a huge victory. And then in 2011, the legislature wrecked it. I don't know if I should spend a lot of time in one particular state, but I just thought I'd single it out. California, Texas, and Florida are the real nightmares for independent minor party candidates in presidential election. And then if we look at U.S. House, Georgia is the monster. Georgia's law is so bad. It was passed in 1943, the year I was born, 79 years ago and no minor party has ever been able to comply with the law and we had a huge victory last year. The U.S. district court finally struck it down and then the state appealed and earlier this year, the 11th circuit reversed. It's a shockingly crazy decision. We filed for rehearing that's still pending.

**Ralph Nader:** Richard, give us some numbers here. Let's say you're running for president in California, Texas, and Florida. How many signatures do you have to get? How are they validated? How are they easily struck from the petition arbitrarily by state secretaries of state who don't want third parties on the ballot?

**Richard Winger:** California requires almost 200,000 signatures for an independent presidential candidate and we had a lawsuit against it in 2016 and we lost in U.S. district court; we lost in the U.S. court of appeals. The court of appeals, which was composed of three Democrats said, "Oh, that's necessary to keep the ballot from being too crowded." Even though we had in the case evidence that in the entire history of ballot access, no state that requires more than 5,000

signatures ever has a crowded ballot where crowded ballot is defined the way justice Harlan defined it as more than eight candidates. Justice Harlan didn't think that having eight candidates on the ballot for a particular office would confuse anybody. After all, almost every American goes to restaurants where you got a lot more choices than eight for entries.

**Ralph Nader:** Well, before we get into what's gotten good about ballot access and what has gotten bad in all these decisions that you keep reporting in your newsletter *Ballot Access News*, tell our listeners the value of third parties starting way back say with the 1840 Liberty Party and what they proposed all these third parties that never won a national election and what their value was.

**Richard Winger:** Yes, throughout all U.S. history, every historian agrees with this. New parties, minor parties, often very weak, introduced new ideas into the system that started people talking about them. The Liberty Party of 1840 was the first organization of any kind, not just the first party, but the first organization to advocate the idea that the U.S. should abolish slavery. Now of course we take that for granted. We don't realize how radical that was because the people who were against slavery back then never dared to suggest that it should be abolished throughout the country. They just concentrated on trying to stop it from expanding. So even in the north, the Liberty Party's message was considered so dangerous and controversial that their speakers were frequently chased out of town and not even permitted to speak, but because they ran candidates who toured the north, not the south, they got the idea going. And that's just a perfect example of what new parties can do. There's so many more but that's probably enough.

**Ralph Nader:** Give us some examples in the 19th and early 20th century.

**Richard Winger:** Okay. Well, we take all these reforms for granted. We don't realize that somebody had to think them up first. Setting rates for the railroads was a whole new idea in the United States because before that, the whole concept that the Congress should pass a law telling some company how much to rate, to charge for its product just hadn't been thought of. So, the Greenback Party and the People's Party suggested controlling the rates that railroads could charge and of course that was enacted into law fairly quickly. And then we had women's suffrage, outlawing child labor, and Social Security. All these things were first suggested by minor parties, and they all got enacted.

**Ralph Nader:** Right, progressive tax insurance, the 40-hour week, even initiative referendum recall. Well, in your newsletter, you have description of legislation that would ban rank choice voting. Explain ranked-choice voting and what's going on there with the obstructors?

**Richard Winger:** Ranked-choice voting is a hundred years old, and some people don't like it; some people do. But the point is in almost every state, cities are permitted to decide if they want to use it or not for their own elections. Why in the world the legislature should get into the business of passing a law telling cities you can't use this even though the cities want to. It's hard to understand why they're doing that. I don't really understand why Florida and Tennessee are doing this.

**Ralph Nader:** Well, other than rules that specify what a qualified political party is and how many signatures an independent candidate has to get, one of the more pernicious offerings in recent years by the obstructionists is called the top two or now in Alaska it's a top four. And this is where in the primary, listen to this one, listeners. In the primary in California, there used to be

the different parties would have their candidates--whoever won the primary for the Libertarian Party, the Green Party--would then go to November for the general election. No, no the duopolists didn't like that. So, now they have a top two which means that the top two signature getters in a primary in California, are the only ones who go to November, and they just passed one in Alaska which is the top four, which means that in almost all the cases, isn't this right Richard, that the small parties never get to November.

**Richard Winger:** That's true. The two states that have used top two for the longest are Washington and California. And in all the 10 or 13 years for each of those states, there's not a single instance of a third-party candidate placing first or second in the primary except in races where one of the major parties didn't run anybody. So, there's no third parties on the ballot November except in those strange races.

**Ralph Nader:** Some people think that's prima facie unconstitutional because that basically says to third-party candidates you can run for election; you've got a chance to win. But you really don't have a chance to win because you're overwhelmed by the number of votes that the two parties get in the primary. It's like one general primary, if you come in third you don't go to November or you can come in fifth in Alaska you don't go to November. Have there been constitutional law challenges?

**Richard Winger:** The Washington State case went to the U.S. Supreme Court; the lower courts had invalidated the top two system. The Supreme Court in a decision by Clarence Thomas said, "We don't think top two violates freedom of association. We are not ruling on the ballot access aspects of top two." So, they sent it back to the lower courts who thought, oh gee this means top two is fine and they upheld it. But we still have a chance against it. In the Washington State case after it was remanded, the Washington primary was in August and the ninth circuit said, well it's true. The minor parties get to run in August but not in November. But that's not a severe burden because running in August is practically as good as running in November. But they said, it would be an entirely different thing if the primary was in March. Well, that gives us an opening to attack it in California because in 2024, the primary for all office is going to be in March. It's not this year; it's in June this year. But in 2024 for Congress, it's all in March. So, we're going to try again. Based on what the ninth circuit said we have a chance. But we have to wait to file that case until 2023; it wouldn't be right now.

**Ralph Nader:** Well, every cruel legislation has plausibility behind it and the argument of course for easy ballot access and getting rid of all these restrictions is it gives more voices and choices to the voters. I mean who are the lawmakers to say that we're going to make it hard for Jane Smith to get on the ballot because we don't trust the voters who might vote for her. So, it's very anti-democratic to put it mildly. But they do have a plausible argument. It was actually done by initiative in California. And I thought the voters didn't understand the consequence.

**Richard Winger:** No, no no. The legislature put it on the ballot, but the voters passed it with 53 percent of the vote. So, you're basically right.

**Ralph Nader:** So, what was the argument they used Richard?

**Richard Winger:** Well, California had a terrible crisis with its budget just before top two was put on the ballot, but at the time the state constitution said the budget can't pass unless it gets two-thirds vote in each house of the legislature. And the Republicans refused to vote for the

budget. So, for two months, we had no budget and were out of money; the courts, the state courts were starved for money. We were paying our state employees in script, and so everybody thought this was horrible. So, the way they got top two is one Republican senator said, "I'll vote for the budget if you'll put top two on the ballot." They only needed one more vote. And then they claimed that would cause the Republican Party in California to moderate itself. It absolutely has not. In fact, the Republicans in Congress from California are among the most extreme; I'll say it that way.

**Ralph Nader:** And of course, the argument was that it would produce more moderate candidates. What business do they have defining moderate candidates as the exclusive occupant of being on the ballot. You might say well, this is really abstruse stuff. When you start reading it, it just sparks your intrigue; it sparks your sense of curiosity and indignation. You just cannot believe what these people think up. You can see it in what Richard reports, like on January 24th, the state supreme court of Michigan struck down a 2018 law that says no more than 15 percent of the signatures submitted could come from a single U.S. House district. This meant that once a certain number of voters from a particular district had signed the petition, any more signatures from the same district are invalid. That was the League of Women Voters versus the [Michigan] Secretary of State. And then they fool around with the deadline, so they don't give you enough time to collect signatures before the primary date. So, there's all litigation about that. And when the people try to change it by initiative, they put in all kinds of roadblocks there. Even if they win an initiative, in some states it has to be ratified by the state legislature. So, one of the major reforms to get rid of this stuff Richard, is a federal uniform ballot access law for candidates running for Congress or the presidency. What's the situation? Has Congress or anybody in Congress ever proposed that and what do you think of that?

**Richard Winger:** In nine sessions of Congress, we had a wonderful bill to outlaw restrictive ballot access law for federal office, but it never passed. Congressman John Conyers of Detroit introduced it in 1985, 87, and 89. And then Congressman Tim Penny, a Democrat from Minnesota introduced it for two sessions and then Ron Paul, Republican from Congress introduced it in four sessions. But it never got out of committee. But in 1998, Ron Paul pulled a floor maneuver, and he got a vote on the floor of the House to attach the ballot access law to another election law. So, at least we got a vote, but we only got 63 yes votes out of the 435 members. I started the whole newsletter in 1985 just to promote that bill and it's too bad that we don't have anybody in Congress now who is even willing to introduce it. On that score we've come backwards. We did better in the 20th century than this century.

**Ralph Nader:** Well, it was much easier in the 19th century to get on the ballot, and I understand before the civil war, you got on the ballot if you could print the ballot. If you went to the printer and printed the ballot in some states, you were on the ballot. Is that correct?

**Richard Winger:** Until 1888, all ballots were private. A voter was free to make his own ballot and cast it; that was legal. Most voters didn't want to bother with that because Americans elect an awful lot of offices so most Americans would just get a ballot from their favorite party and that would save them the work. But they were free to scratch out names on that party printed ballot they didn't like and put in somebody else. So, there was no such thing as a declaration of candidacy, a filing fee, a petition. There was no way the government could stop people from running for office. There was no way the government could stop people from voting for whoever they wanted. So, it was much freer. It's ironic that as voting rights in this country generally has

expanded since the 19th century, on the matter of voter choice, we've gone backwards. And what really broke my heart was in 1992 when the U.S. Supreme Court said it's constitutional to ban write-in space, because in the past, 20 state supreme courts had said you must permit write-ins, because after all we have to preserve the ancient right that the voter can vote for anybody he or she wants. But the Supreme Court washed it all away. They didn't even acknowledge the history. It was a terrible decision written by Byron White.

**Ralph Nader:** I remember when I was running, Oklahoma didn't allow write-in votes. I think Oregon didn't. DC said, okay you can write in a vote but we're not going to count them unless it makes a difference in the contest between the Republicans and Democrats. So, for all practical purposes they didn't count them. Thank you very much Richard. Again, you can get this news. Go to [richardwinger@yahoo.com](mailto:richardwinger@yahoo.com). And the shortcut is just use Google, *Ballot Access News* and everything comes up. It really is an insight into political science that you don't study about in college and graduate school. There are professors who subscribe to this and look at the detailed information with awe as how he can collect all this information all by himself off of his kitchen table. What a heroic citizen you are Richard and we're going to keep revisiting this as we get closer to elections. Is there anything else you want to tell our listeners before we conclude?

**Richard Winger:** In fairness, there's some wonderful other institutions that really make my job a lot easier. And when you say that, I just feel like I have to give a shout out especially to the National Conference of State Legislatures. They have a wonderful web page that finds and tracks all the election law bills, and boy I'd be in trouble without them.

**Ralph Nader:** There's the League of Women Voters; there's Oliver Hall who I know you talked with often; he has won quite a few of these ballot access cases in recent years. But you're the fountain of information and we're very grateful for you doing that year after year. Thank you very much Richard.

**Richard Winger:** Thank you Ralph.

**Steve Skrovan:** We've been speaking with Richard Winger. We will link to *Ballot Access News* at [ralphnaderradiohour.com](http://ralphnaderradiohour.com).

**David Feldman:** We have time for one quick question. It's from a listener called Hayes. And the subject matter is runaround for my US senator as well as criminal justice reform. He says, "Hi Ralph. Thanks for your work over the years. I contacted Senator Bob Casey from Pennsylvania back in early 2020 to explore the introduction of legislation to remedy a criminal justice reform issue. After many backs and forth over about two years, their office has told me that the avenue to having my legislative fix explored and introduced is through contacting the Senate Judiciary Committee. Essentially, I was told that Senator Casey's office can't help me. Am I being given the runaround? I don't see why Casey's office couldn't help me draft legislation and introduce it to the Judiciary Committee. What do you advise?"

**Ralph Nader:** This is another evasion that is now used by members of Congress. He's your U.S. Senator, Hayes. And he shouldn't be trying to shove you over to the Judiciary Committee whose staff is not a political staff in the sense they're worried about votes and elections and they're very likely to tell you go to your senator that we can't represent your recommendations. We get our recommendations from the senators, and they get it from the voters. So, it goes from the voters to the senators to the committee. He's trying to get you bogged down in a bureaucracy that is as

befuddled as you are in not getting a straight answer from senator Bob Casey from Pennsylvania. So, give him a lecture in congressional civics here. He is your senator. The Judiciary Committee does not represent you the way he should.

**David Feldman:** And he's a Democrat.

**Steve Skrovan:** I want to thank our guests again, Joe Madison and Richard Winger. For those of you listening on the radio that's our show. For you podcast listeners, stay tuned for some bonus material we call "The Wrap Up". A transcript of the show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

**David Feldman:** Subscribe to us on our *Ralph Nader Radio Hour* Youtube Channel. And for Ralph's weekly column, you can get it for free by going to [nader.org](http://nader.org). For more from Russell Mokhiber, go to [corporatecrimereporter.com](http://corporatecrimereporter.com).

**Steve Skrovan:** The American Museum of Tort Law has gone virtual. Go to [tortmuseum.org](http://tortmuseum.org) to explore the exhibits, take a virtual tour, and learn about iconic tort cases from history. And be sure to check out their latest program and how litigation on brain trauma is changing the future of football. All that and more at [tortmuseum.org](http://tortmuseum.org).

**David Feldman:** Ralph wants you to join the Congress Club. To get more information, go to the *Ralph Nader Radio Hour* website and in the top right margin click on the button labeled Congress Club. We've also added a button right below that with specific instructions about what to include in your letters to Congress.

**Steve Skrovan:** And Wednesday, March 30th 12:30 pm Eastern, our guest will be Jessie Singer, author of *There are No Accidents: The Deadly Rise of Injury and Disaster—Who Profits and Who Pays the Price*. Go to [ralphnaderradiohour.com](http://ralphnaderradiohour.com) to sign up to be in our live Zoom audience. Join us next week on the *Ralph Nader Radio Hour* when we'll welcome health journalist Vidya Krishnan to discuss her new book *Phantom Plague: How Tuberculosis Shaped History*. Thank you, Ralph.

**Ralph Nader:** Thank you everybody. I hope you get a sense that candidate rights help voter rights and voter rights help candidate rights. They both support each other.