

## RALPH NADER RADIO HOUR EP 242 TRANSCRIPT

Jamie Raskin, Richard Winger

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

**David Feldman:** Well, speaking of technical difficulties, I've already voted early for Elizabeth Warren for 2020. Got that of the way.

**Steve Skrovan:** That's may be too early.

**Ralph Nader:** It's a little too early.

**Steve Skrovan:** Okay. So it's hard. This is so complicated, David and I know it's a little above you. And we also have the man of the hour, Ralph Nader. Hello, Ralph.

**Ralph Nader:** Hello. We're going to talk about living wages and why the Democrats aren't pushing it in an emblazoned way all over the country before the election.

**Steve Skrovan:** That's right and we're going to talk about that in the context of the midterm elections coming up. And we're going to come at it from two different angels on today's show. First, we welcome back Congressman and Constitutional Scholar Jamie Raskin, who is running for re-election in Maryland's 8th District. And we hope he will give us sort of an inside the Thunderdome view of what could happen if the Democrats take back the house and what to expect if they don't. Then our second guest is one of the foremost experts on election law in the United States. His name is Richard Winger and he's the Editor of Ballot Access News, which is a monthly newsletter that watchdogs not only individual voting rights, but also the rights of third parties to get on ballots. And as Ralph knows, with the two major parties controlling the process, it's not so easy—in some cases almost impossible. In between we will check in with our Corporate Crime Reporter, Russell Mohkiber, who will clue us in to the white-collared carnage that usually takes place in tall buildings with air-conditioned suites. And if we have time, we'll motor through some of your listener questions. But regular listeners know that Ralph is always preaching that the fulcrum of power in our system is the Congress, the smallest, most accessible branch of our government. So let's talk to a congressman, David.

**David Feldman:** Congressman Jamie Raskin represents Maryland's 8th Congressional District in the House of Representatives. He is the Vice-Ranking Member of the House Judiciary Committee and serves on two judiciary subcommittees--the Subcommittee on the Constitution and Civil Justice and the Subcommittee on Crime, Terrorism, Homeland Security and Investigations. For more than 25 years, Congressman Raskin has been a Professor of Constitutional Law at American University's Washington College of Law and he's written several books including The Washington Post best-seller, *Overruling Democracy: The Supreme Court Versus The American People* and the highly acclaimed, *We the Students: Supreme Court Cases for and about Students*.

Welcome back to the Ralph Nader Radio Hour, Congressman Jamie Raskin.

**Jamie Raskin:** Well, thank you so much for having me. I'm delighted to be with you.

**Ralph Nader:** Well, Jamie, as you know, the polls are tightening on the Congressional races. We have a sense out here of *déjà vu* all over again, 2016 it was supposed to be a big "blue wave" and now the posters are

telling us it might be more of a "blue trickle". And I have predicted that this would happen if the Democrats don't come out with the major issues on the minds of the American people. And one of them for tens of millions of Americans, is the low wage is frozen, Federal minimum wage at \$7.25, not to mention all the other terrible suppressing votes, the suppressing voter turnout by the Republicans, suppressing environmental controls to reduce the risk of cancer and other diseases, suppressing the corruption in the Trump Administration not investigating that from the Congress, bloating the military budget and starving our public infrastructure and on and on.

So I was delighted to see that even though the Democratic National Committee and other democratic organizations are not emblazoning this horrific series of House and Senate Republican votes in the last two years that you put it out. And, people, you can go to [jamieraskin.com](http://jamieraskin.com), that's J-A-M-I-E-R-A-S-K-I-N dot com, and you will see a selection of horrific, outrageous things that the GOP House Majority did in the last term of the Congressional Session. And I'm looking it over now and you know what I find, Jamie, is a lot of these are what I call, indiscriminate injustice to all the people in the country--never mind Republican/Democrat--the toxic environment, cutting social safety nets that affect voters who call themselves conservatives or liberals or whatever.

So I want to ask you, give us an idea of what these votes are.

**Jamie Raskin:** Well, Ralph, thank you so much for having me. And we're living in a time where there is such as smokescreen of propaganda that falls over everything that people are forgetting about what's really taking place. And so, you know, I think we've done a pretty good job of reminding people about their efforts to repeal the Affordable Care Act and to destroy preexisting condition coverage for insurance. And there is some talk about their attempt to gut the Dodd-Frank legislation, which put some modest limits on the ability of Wall Street to plunge us into another financial crisis like the one in 2008. But there's a whole lot of other votes that go right to our ability to govern ourselves and to have a decent society which are just forgotten like take number eight on my list, where they voted basically to strip one of the key protections from the Fair Labor Standards Act, which is that if you work overtime more than 40 hours, you get paid time and a half, where the Republicans wanted to trade that for comp time instead of money.

So it'd be up to the employer to decide they could pay back in comp time and they could also tell you when you could take it or not. Now, that's something that, you know, we were able to block but that's reflective of what is generally been taking place. They wanted to try to override the laws in the 50 states to say that if you are a victim of medical malpractice, you're limited to \$250,000 in terms of pain and suffering and punitive damages and other kinds of damages. So, you know, there's also these repeated assaults on Federalism that are taking place just because they understand that they've got the opportunity for these power grabs at the Federal level.

So yeah, I just wanted to remind people about all of these things, the attack on class action lawsuits, the attempt to destroy the Concealed Carry Weapons Laws of the 50 states to say that if you can get the right to carry a loaded concealed weapon in the most permissive state in the Union, which is Florida where 1.3 million people have that right, then you can take your gun anywhere in the country regardless of what the laws of the other states are. So there's just been this outrageous special-interest agenda that they've tried to shove down everybody's throats and I didn't want anybody to forget about it.

**Ralph Nader:** You know, the cruelty and viciousness of what they actually vote for and send to the Senate is obscured by their phony rhetoric of Speaker Paul Ryan and others. I was really amazed that even with children, they're cruel. Talk about the Supplemental Nutrition Assistance Program and other social safeguards for the poor, mothers, children.

**Jamie Raskin:** Yes. Well, of course, now, their rhetoric when it comes to any form of corporate regulation that would benefit the public like Clean Air Act or Clean Water Act, is to deregulate in the number of the points on my list or when they have tried to gut the Clean Air Act and the Clean Water Act. But when it comes to regulation relating to programs that would actually help people, like the SNAP Programs which is Nutritional Supplemental Assistance for people, they are bureaucratic extremists of the Kafkaesque and Orwellian variety. I mean, they want to put people through all kinds of repeated casts and examinations and so on. So they just drive people out of the program and it was estimated that the new rules that they wanted to propound to put in to the SNAP Program would reduce by 2 million, the number of people who get to access its benefits.

And, you know, we know that we've got millions of hungry people in the country, but it's too much for them to think that people would easily be able to go and get the food that they need to supply their families.

**Ralph Nader:** Even worse than that, they voted to weaken the Clean Air Act, which I worked hard for in the early '70s to pass, and allow these companies to poison the air, water, soil, food with uncontrolled toxic emissions that--and in your 16th point of the GOP votes, "Cause neurological ailments, lung disease, asthma and health disease among both children and seniors." Fortunately, a lot of these are being blocked in the Senate by the Democrats. It's not that the Republicans don't want to pass what their House brethren have passed, it just shows what they're delivering for big business in this country. It's always the corporations first--over workers, consumers, small taxpayers, you name it.

I was amazed the other day in The New York Times, they had an article by the former Chairman of Goldman Sachs and later Secretary of the Treasury, Henry Paulson, and it was co-authored by Ben Bernanke who is the former Chairman of the Federal Reserve and by Timothy Geithner who comes from Wall Street and the Federal Reserve world and he was the Treasury Secretary. And you know what they said? They said, Congress is taking away the tools we need in the next Wall Street crash and that they were too kind to the Republican buddies, but it's the Republicans, who are weakening the Dodd-Frank law and setting up another speculative binge with other people's pension money and mutual money by the Wall Street bosses, crashing the economy again and demanding a taxpayer bailout.

So this is what the Republicans are doing in reality in contrast to their rhetoric and the rhetoric of Donald Trump.

**Jamie Raskin:** Yeah, you know, they've got this missionary zeal for deregulation of Wall Street, deregulation of the financial industry, then they want to strip the ability--of consumers, of patients, of citizens--to sue by destroying the class action mechanism and by making it much harder for people to get into court and then taking away their possible relief once they're in court. And then they're not doing anything to prevent the repeat of a bailout of the biggest companies in the country. The irony, Ralph, I see is that all over American now, the Republicans are campaigning against Democrats as socialists. And the only socialists I can see out there are the big banks and the Republicans who are behind them who want to have the government ready to bail them out whenever they crash the economy.

**Ralph Nader:** Yeah, in reality they say don't worry, folks, don't worry, rich people, socialism in Washington will always bail us out--bailout corporate capitalism. You know, Kevin Phillips who is a Republican, he's written a lot of books, a very astute political analyst, some years ago said that the Republicans go for the jugular and the Democrats go for the capillaries. And, you know, I can't help but see that this is happening again. In the debate between Senator Ted Cruz, who should be defeated in Texas for his record, never mind his foul mouth, Beto O'Rourke, who is making a run of it, was confronted in the debate when Cruz twice said that the Republican Party stands for lower taxes, less regulation and a strong military.

Well, lower taxes for the rich, less regulation of big corporations, you know, have a choice--either the government regulates the out-of-control drug industry with its skyrocketing drug prices or the drug crisis--the drug companies will regulate the patients in this country and tell them pay or die for their drug prices. Many of these drugs developed by taxpayer money from the National Institutes of Health and given free to selected drug companies. So talk about what I think is the last clear chance of the Democratic Party to win in November. And that is tens of millions of Americans who are making less in inflation-adjusted wages than the workers made in 1968, and the Federal minimum wage is \$7.25, and Democrats are on the record as wanting a higher minimum wage although they often don't specify it, it's in their resolutions as a party.

But when you look at the massive TV ads and debates, Jamie Raskin, you don't see this up there with the preexisting condition, situation that the Democrats are publicizing the Republicans want to take away--insurance for preexisting conditions. What can the Democrats do in the next week and two days to make this a major issue and to get more lower-income people to vote including Hispanics and African-Americans who the press is saying, many of whom are feeling disempowered and don't see any reason to vote. What can the Democrats do in terms of publicity, debates, advertisement--to make a living wage more of the issue separating them from the Republicans, many of whom don't even believe in the minimum wage and want to keep the \$7.25 frozen at the federal level?

**Jamie Raskin:** Well, that's right. Well, look, we're the party of the people or we're nothing. We've got to be the party of the people. And, you know, real wages have been eroded steadily over the decades, the minimum wage has been eroded basically to meaninglessness at this point. And, you know, 70/75% of American people support a dramatic increase in the minimum wage. And the \$15 measures are winning all over the country where they're put on the ballot. And so, how many people could support their family earning \$7.50 or 8 bucks an hour? I mean it just doesn't work. So this absolutely should be one of the things that we're pressing here. The Republicans have succeeded in demolishing labor unions in the private sector.

It's way below 10%, the Janus Supreme Court decision engineered by the right-wing crew they've instituted in the courts will further reduce unionism on the public-sector side. And so in order to stand for the working people in America, we have got to advance universal laws and programs that benefit everybody. And the minimum wage is one of those and we should be proud of it and we should out there fighting for it and it's something that's extremely popular with young people and it's extremely popular in precisely the areas where we got hard hit in the 2016 election in Indiana and Michigan and Ohio, Pennsylvania, Illinois and so on.

**Ralph Nader:** Well, you know, I've just written a column, listeners, you can get it on [nader.org](http://nader.org) and the title is, "Congressman Jamie Raskin" and the subtitle is, "Vote for A Raise, Expose the GOP, Win the Elections". The AFL-CIO once put out a book in 1996 called *America Needs A Raise*. They could have put it out today; wages have been frozen and stagnant all over the country, Tens of millions of people can't put food on the table with that low wages before deductions no less. They can't afford health insurance and the question is, in the remaining days until the November election, what can the National Democratic Party do to make this an emblazoned issue, because in the minds of most people, they're not getting that kind of front-burner message that the Democrats stand for restoring the minimum wage gutted by inflation and raising it to \$15 an hour for starters.

**Jamie Raskin:** Yes. So what, Ralph, they've got to close on this thought because I've got to go make a speech right now, but let me say, I'm totally with you on this. What we need to do is to put our agenda forward in terms of defending Social Security, Medicare and Medicaid against their clear effort to pay for their atrocious tax legislation, which was a trillion and a half dollar giveaway to special interests by cutting people's benefits. And these are programs people have paid into. We've got to advance the minimum wage and fight for that in order to give America a raise and we've got to remind everybody that they're not anti-regulation; they would

love to regulate the poor in such a way that they have no access to their nutritional benefits. They would love to regulate women's healthcare so women and their families would not have access to Planned Parenthood, would not have access to the full panoply of health services that women ought to be getting in insurance. They want to allow insurance companies and employers to pull the plug on complete healthcare for women so we got to be out fighting on this. If we're not doing that, what happens is, is that we can get carried away with whatever Donald Trump is tweeting about that day. The Caravan is clearly what Donald Trump wants to ride to victory on November 6th and we've got to put the issues of the American people front and center over the next 13 days.

**Ralph Nader:** Yeah, and you know, over the decades, our support of dictatorships in Central America are flipping leaders that are elected and replacing them with dictatorial regimes that repress their people and allow a dozen or so families to control the economy in the Plutocracy. No wonder poor people are driving out and trying to get a better life by crossing our border. And of course Donald Trump supports these dictatorships in Central America and now he is the making the caravan an issue. I mean, how gullible does he think the American people are? Don't answer that question, Jamie. So listeners should get Jamie Raskin's "Roundup of 20 Outrageous Things the GOP House Majority Did in My First Term". They just have to go to [jamieraskin.com](http://jamieraskin.com) and reprint it, send it around, and it's very well-footnoted, by the way, as bespeaks his constitutional law background. You know what, I'm glad you did, Jamie, on that 20th question--you nailed the Republican's not on their votes but on what they refused to do. And I'm going to read it. "The GOP," which is the Republicans, "The GOP did nothing to address the nation's infrastructure needs, pass the Dream Act, reduce gun violence, address climate change, and reduce greenhouse gas emissions, increase the minimum wage, address the soaring price of prescription drugs, lower the cost of healthcare, strengthen voting rights, and curb the power of foreign- and corporate-wealth in our elections or challenge the outrageous corruption of this Trump Administration."

So it's not just what they did, it's what they allowed to continue that's ravaging the American people, their families, their children, their air, water, soil, their schools, their public services, and not doing anything, I might add, about the bloated military budget which is totally out of control and unauditible. You know, the Pentagon, Jamie, will not give you auditable data so the Government Accountability Office, the accountants of the Congress, can audit it. It's in violation of a 1992 Federal Law--constant, every year--Pentagon violates the 1992 Federal Law requiring an auditable budget. So that's why, I think, listeners out there just spread the word and tell your Senators and Representatives why they're not making a bigger issue out of this abysmal GOP voting record and I keep saying Jamie, the Democrats should be landsliding the Republicans over the recent decade; instead the reverse is happening.

What do you think the National Democratic Party should do in the next few days before the election?

**Jamie Raskin:** Well, I got to leave you with this thought. I think we need to get out there and talk about how right-wing and extremist is its agenda. They told us very clearly what they would do if they could get it through the Senate and clearly Trump would sign all that stuff. They would take us to just a very different form of government and a very different kind of society. And we need to stand strong for the working people of the country with an increased minimum wage, with a real investment in Social Security, Medicare and Medicaid and we got to deal with the overarching crisis of climate change, which they ignore and deny in every way. Thank you for having me, Ralph.

**Ralph Nader:** Thank you, Jamie Raskin, again, go to [jamieraskin.com](http://jamieraskin.com) and see what one Democrat is trying to do to turn this election around for the people instead of for the giant corporations and the hooks they have in the Republican Party.

**Steve Skrovan:** We've been speaking to Congressman Jamie Raskin. We will link to his website and that particular article at [ralphnderradiohour.com](http://ralphnderradiohour.com). When we come back, we're going to talk to one of the foremost experts on election law, Richard Winger of Ballot Access News. But first, we're going to check in with our Corporate Crime Reporter, Russell Mohkiber. You are listening to the Ralph Nader Radio Hour, take it away Russell.

**Russell Mohkiber:** From the National Press Building in Washington DC, this is your Corporate Crime Reporter "Morning Minute" for Friday October 26th, 2018, I'm Russell Mohkiber. Canadian Criminologist, Frank Pearce, was the first scholar to use the term "Crimes of the Powerful". His groundbreaking 1976 book of the same name provided insightful critiques of liberal orthodox criminology. Historically, "Crimes of the Powerful" were largely neglected by criminologists, but there's an important and growing body of work addressing this gap. Now, comes a group of scholars who have put together a new book, Revisiting Crimes of the Powerful. It's a collection of 24 essays by criminologists from around the world. The book is edited by Steve Bittle, Laureen Snider, Steve Tombs and David Whyte. Bittle is an Associate Professor of Criminology at the University of Ottawa. "There are many great scholars out there doing important work on 'Crimes of the Powerful', but generally speaking, it's a topic that is marginalized", Bittle said. For the Corporate Crime Reporter, I'm Russell Mohkiber.

**Steve Skrovan:** Thank you, Russell. Welcome back to the Ralph Nader Radio Hour, I am Steve Skrovan along with my co-host, David Feldman and Ralph. Now, in our election coverage, let's turn our attention to Ballot Access, David?

**David Feldman:** Richard Lee Winger is an advocate for more equitable laws allowing access to the ballot for minor parties. Winger has testified on behalf of these issues in court cases around the country and has been published in journals ranging from Election Law Journal to the Fordham Urban Law Journal. In 1985, he began publishing Ballot Access News, a monthly newsletter covering developments in Ballot Access Law and third parties in general. Welcome to the Ralph Nader Radio Hour, Richard Winger.

**Richard Winger:** I'm really happy to be here. Thank you.

**Ralph Nader:** Yes, welcome. For once, David didn't do a full justice to one of our guests. You're one of the great full-time citizens in our country. You basically are committed, from your kitchen table in your apartment, in putting out the singular newsletter, talking about state after state, laws that obstruct access to the ballot to give voters more voices and choices beyond the two-party duopoly, and what is being done to fight back--the lawsuits that citizens are winning the, sometimes legislation--to open the door to the ballot for more people and various states. And you put this out every month and there's nothing like it in the country. Listeners, it's called Ballot Access News, the website is [www.ballot-access.org](http://www.ballot-access.org), comes out every month. I recommend it heartily to those of you who are concerned about a narrowing of the electoral system to two parties often dialing for the same commercial dollars.

Give us an idea, Richard, of the scene. I know you have pointed out that no other western country obstructs candidates from getting on the ballot, requires so many signatures on petitions, picking at them for trivial reasons in order to invalidate them. You know, we went through that with the Green Party presidential run. But in recent issues of your newsletter, you seem to be a little optimistic. So tell us what the grim reality is

and what changes you see on the horizon in state after state, which under our Constitution, gives the states the right to establish the electoral rules.

**Richard Winger:** Well, Ralph is absolutely right, other western democracies, it simply never even occurred to people that they should start blocking serious candidates who want to run, from running. It's just hard to understand what went wrong with United States. But we've had this bad habit for a long time. Even 100 years ago, for some reason in this country, state officials started thinking it was okay to write ballot access laws. They're so discriminatory and so peculiar and so restrictive that serious people couldn't run for office. Even Theodore Roosevelt in 1912 couldn't get on the ballot in Oklahoma. Eugene Debs, the year he ran in 1920, he couldn't get on the ballot in five states. So unfortunately, when bad habits are set up a long time ago, it's tough to get rid of them. But Ralph is also right, things are generally getting better. In fact, if you're running outside the major parties for president, right now, the laws are easier than they've been as a percentage since 1932.

**Ralph Nader:** Can you describe, Richard, some of the many obstructions other than huge number of signatures required in places like North Carolina or California?

**Richard Winger:** Well, there's a really peculiar situation in Florida. As you know, the Federal Election Commission was set up in the 1970s and it deals strictly with campaign finance. The FEC has no expertise and no interest in figuring out which parties have a modicum of support. But for some reason, the Florida Legislature in 2011 passed a bill that's said, well, if a party is on the ballot, in Florida, we're still not going to put their presidential nominee on the ballot unless the party is recognized by the FEC as a national committee. And they were embarrassed in 2011 when Americans Elect, a big party backed by a billionaire said, well, hey, Florida, this isn't fair, we can't get FEC recognition as a national committee for one thing the FED will not give it to new parties.

And so Florida, said, oh, that's okay, we're not going to enforce this law. They were so embarrassed by their own law, the Secretary of State said, don't worry, I'm not going to enforce it, fine. But then at the very end of August 2016, the Florida Secretary of State changed his mind. And he kicked Evan McMullin off the ballot and he said, oh, your party isn't recognized by the FEC, so you can't be on the ballot. And furthermore, he did it just before they were printing the ballots and there was no time for Evan McMullin to sue. And if people don't remember who Evan McMullin was, he was a very strong third-party candidate in 2016. He represented Republicans who don't like Donald Trump and he did well in the 11 states he was on the ballot. He got 2.2% of the vote. That's very significant. If he had been on the ballot in the whole country, well, things might have been different.

**Ralph Nader:** But your point, Richard, you point to the arbitrary nature of state, secretary of states, I mean I was supposed to be on the Oregon ballot in the prior presidential run and then the Secretary of State just changed his mind. He just said, no, you're not going to be on the ballots, sue me. Well, if you sue, you know how long court cases take. I mean, the election comes and goes. And the whole thing is it's true.

**Richard Winger:** You're absolutely right. What happened to you in Oregon was outrageous. The county said you had enough ballot signatures, it's the counties that checks signatures, not the state. So after the county told the Secretary of State, you have enough ballot signatures, he just ignored it and he made up reasons why he wasn't going to count some of your signatures--like the pages weren't numbered in the right order. Oh, that's right. That makes me mad thinking about it.

**Ralph Nader:** And it gets more in Ohio, in Ohio where you're required, I think, 15,000 verified signatures.

**Richard Winger:** No, only 5,000; you turned in 15,000.

**Ralph Nader:** Right. And then they struck 5,000 signatures collected in the Toledo area by a real energetic woman and they said they're all invalid. And she says, why? She said because your signature on the sheets at age 52 doesn't match your signature when you were 21. And then the usual thing, go on and sue us. You know, yeah, the election is coming up fast where we're going to judicial justice here.

**Richard Winger:** You were treated worse in 2004 than any presidential candidate in the history of the country except it was even worse in 1940 for the Communist Party, Earl Browder, because they pulled the same kind of tricks on him that they did on you but even to a greater extent.

**Ralph Nader:** Well, you know I was sued 23 times our campaign by the Democratic operatives in 2 dozen states in just 12 weeks in 2004 and it was impossible to have enough lawyers to defend. I remember once we got a notice on Friday in Pennsylvania, one of the more notorious ballot excluding states saying, appear in court like 12 courts in Pennsylvania to defend your petition signatures from the attack because in Pennsylvania as you know, it's administered by the courts not by a state election commission, the ballot access rules. Tell us about what's going on in terms of independent and third parties in your newsletter Ballot Access News, which we'll tell you, listeners how you can get in a moment, you actually follow all kinds of major and minor party statuses on all the 50 states and where they're at--you know, whether they're on the ballot, who is on the ballot. Just from looking at one, it's really amazing the detail you come up with, all kinds of parties people have never heard of: the Silver Republican Party, the American Independent Party, the Green Party, the Workers' League. You go through history here to show how the American voters have been deprived of progressive agendas, more choices/more voices on the ballot in contrast to the 19th Century before all these ballot access rule started becoming so terrible--where people could get on the ballot just by printing the ballots before the Civil War, I understand. So tell us a little bit about the history here and where third parties set the agenda for the major parties finally to come to their senses and what the contributions have been by third parties.

**Richard Winger:** Well, before 1888, there was no such thing as a government printed ballot. People were free to prepare their own ballot, take a piece of paper and write down who you want and that's a ballot. But that was too much work for most people so most people just got a ballot from their favorite party. The parties had to do a lot of work printing up ballots and distributing them. And if you didn't like all the names on your party ballot, you were perfectly free to scratch off candidates you didn't like and write in people you did like. So that's why when the government took over the job, at first, they were very careful to keep write-in space on the ballot, because people had always had the perfect right to vote for anybody they wanted. And they didn't want to take that away, at least right away, but unfortunately we've lost that. In 1992, the US Supreme Court said, there's nothing in the Constitution that protects the voters' absolute right to vote for whoever he or she wants. And they upheld taking away write-in space. And so now we've lost it in California; they've taken write-in space off the ballot, they've confined, except for president, they've confined our general election ballot to just two names. Sometimes they're two Republicans but more often it's two Democrats. So what we're saying is people who actually go to bother to vote, to cast the ballot, see two candidates and they don't like either one, so they leave their ballot blank.

The polls are showing this year that 20% of the people who expect to vote are going to leave their ballot blank for certain offices. What kind of a system is it when people who want to vote can't vote for anyone they want? I know you didn't ask me about this specifically, but this is our chief setback--the "top-two system" that California passed in 2010 is a terrible burden on the right of freedom for people to vote for whom they want.

**Ralph Nader:** Listen to this, listeners, this is really atrocious and it's not just California.

**Richard Winger:** Well, it's two states, Washington also does it. It's just the two.

**Ralph Nader:** Explain, Richard. We're talking to Richard Winger, Editor of Ballot Access News. I hope this one is overturned on constitutional grounds. Just describe what's happening. How it's boomeranging against the two parties that proposed it in California.

**Richard Winger:** Well, you're right. It's the Republican Party more than the Democratic Party that is responsible for the California and Washington "top-two system". It says, everybody runs in the primary and only the top-two people can run in November so this year, as last election in California, we just have two Democrats on the ballot for US Senate so there's extreme battle, of course, everybody knows this, going on right now between the Democratic and Republican Parties. It's fierce, intense and yet in California we have a US House race where people cannot vote for a Democrat and we have the US Senate race where people cannot vote for a Republican because ...

**Ralph Nader:** Because they didn't make the top-two voting ...

**Richard Winger:** Right. It all depends in how many people from each party run in the primary. There's only three US House seats in the entire country without a Democrat this year. The Democrats are really good this year about running candidates. One of them is in California. It's on the 8th District in the primary; three Democrats ran and only two Republicans. So the three Democrats split up the Democratic vote and the two Republicans came in first and second so that really inhibits freedom to vote in the general election.

**Ralph Nader:** So where in the courts now is it being challenged?

**Richard Winger:** Well, we only have one case pending. And it's been pending forever. I mean, it's three years old and we still don't even have a decision. It's in the 9th Circuit. We have a really good panel, unfortunately, one of the three, after they had the oral argument, one of the three judges, Judge Reinhart, died. That was very sad. So that delayed the case. They had to pick a new judge and every day, I think, will this decision come out today? Maybe it will come out after the election. I have a hunch that the judges are being, they're being very slow. There's about a dozen ballot access cases pending and we just don't get the decision. I think everybody is so nervous about the upcoming election.

I think they're slowing down their work and maybe, you know, these decisions will come out after the election. Thank goodness it's only two weeks away.

**Ralph Nader:** What is Richard Winger's ideal ballot access laws? Would you have the Federal Government have uniform ballot access for federal candidates and not state candidates? What's your ideal?

**Richard Winger:** Absolutely, there's only two countries in the world where the national government doesn't write the rules for the national elections, for getting on the ballot. That's the United States and Switzerland. There are three political scientists in Canada who wrote a very good reference book, setting forth the ballot access laws of all the democratic countries in the world. And they said in their foreword, we're sorry but we had to omit the United States and Switzerland, because those are the only two countries where there is no national law on how you get on the ballot for national office. Instead every sub-unit of the country writes its own laws.

**Ralph Nader:** Well, whether for state elective offices or federal offices, what's your ideal law?

**Richard Winger:** Well, we had a bill introduced in Congress, nine sessions of Congress, it was okay. It set a petition requirement of 1/10th of 1% of the last vote cast and so that's easy to understand and uniform. Congressman John Conyers introduced it three sessions of Congress and then Congressman Tim Penny from

Minnesota introduced it and then Ron Paul from Texas introduced it in four sessions. So that would have worked fine. You know in Canada, it's 100 signatures and a filing fee of 1,000 Canadian dollars to get on the ballot to run for Parliament. That's fair. And the typical ballot in Canada, typically has five parties on the ballot. In England, it's only 10 signatures and 500 Pounds filing fee.

So it works fine. We have so many good examples all around the world that we could copy, but this country has an unfortunate habit of ignoring the good practices of other countries.

**Ralph Nader:** Well, before we get to Steve and David's questions, give quickly some of the worst state ballot access obstructions like North Carolina and California.

**Richard Winger:** Well, North Carolina isn't the monster it used to be. I'm very happy to say that this year, the legislature eased the petitions. So now it's only 11,000 for a new party so it's not the monster that it used to be. That's why we do have a lot of good news. Georgia, used to be 50,000; now it's only 7,500 for president. Maryland, it used to ...

**Ralph Nader:** And you have to get twice the number because they strike so many of the signatures.

**Richard Winger:** That's true.

**Ralph Nader:** You have to double the number. North Carolina was over 100,000. We could never get on the Georgia ballot. Oklahoma was very difficult. How do people get your Ballot Access News?

**Richard Winger:** It's been going since 1985 so obviously back in 1985, it was a paper publication because that's all there was. It's still a paper publication; it's only \$16 a year for 12 issues. If you use PayPal, you can use PayPal to get it but just go to the webpage and I'll say it again, you've mentioned it already, and that tells you how to subscribe--[ballot-access.org](http://ballot-access.org) or nowadays just Google Ballot Access News. You asked me what was the worst and ...

**Ralph Nader:** Yeah, the worst.

**Richard Winger:** I didn't really answer you.

**Ralph Nader:** Yes.

**Richard Winger:** Right now, for president, I mentioned the Florida problem and we're hoping to sue them very soon. I think the ACLU will do it and then Texas is still a horror nightmare and I think there's going to be a lawsuit filed against Texas also. Texas is the only state left where you can't sign the petition if you voted in the primary. So at the independent ...

**Ralph Nader:** Even if we get on the ballot, they got all kinds of shenanigans like I got on the New York State ballot in 2008, and suddenly I got fewer votes than I got in Ohio, which is usually just the reverse. And I learned that they put my name figuratively around the corner of the ballot where most people couldn't see it. There's no end to their shenanigans; there's no criminal violation. It's like, oh, that's just politics, the two parties, you know.

**Richard Winger:** You're right. The New York ballot is just the epitome of irrationality. They used to use mechanical voting machines. So they had to design the ballot in a certain number of columns or certain number of rows, depending in the type of mechanical voting machine. Well, guess what, seven years ago, they got rid of the mechanical voting machines but they still designed the paper ballots, the paper ballot now, as though it were a mechanical voting machine. And they only have nine rows or nine columns and

there are a lot of parties on in New York. So when there's a 10th party on, they squeeze the candidates to two parties into a single column. It's a problem this year.

You should see it. I mean, I've ...

**Ralph Nader:** I've filed the complaint to Secretary of State...never answered. You know, it's total tyranny here. The two parties do it to themselves too in some ways to each other. David, and Steve, what kind of questions or comments do you have? This is fascinating. Richard Winger, the public citizen extraordinaire right off his kitchen table, supports himself very, very modestly with subscriptions. What would you like to ask the world's expert on electoral ballot access in the United States?

**David Feldman:** Is this country equipped to handle a viable third party?

**Richard Winger:** Well ...

**David Feldman:** A permanent third party.

**Richard Winger:** We're just going to have to start paying attention to the rest of the world and looking at proportional representation and rank-choice voting. Rank-choice voting is finally in use in one state, Maine, and I'm hoping ...

**Ralph Nader:** You want to explain that, Richard?

**Richard Winger:** Okay. This system was embedded over 100 years ago. Ranked-choice voting enables the voters to give the government more information about what they really want. With ranked-choice voting, you don't just put an X next to the name of the candidate, you like the best, you put a number 1 next to your favorite candidate and you put a number 2 in the ballot next to your second favorite candidate and number 3 if you want to, you don't have to. So when they count the ballots, if somebody got 50% of the first-choice ballots, that's fine--they're elected. But if nobody gets a majority from the number 1 ballots, then they drop out the weakest candidate and redistribute all the ballots of the people that voted for that weakest candidate as number 1. And of course this solves the so-called spoiler problem. I hate to say that word, but I think we all know what it means. If we had had rank-choice voting in 2000, it's quite obvious to me—and you may disagree, that's okay—that Al Gore would have won the election, not George W. Bush. And then even better is proportional representation. If anyone comes up with an objective list of the 10 best countries in the world--the 10 countries where life is best--invariably at least nine of them are countries that use proportional representation. Proportional representation is the dominant system in Europe and surveys have shown that there's a greater fit between public policy and public opinion in the countries with proportional representation.

**Ralph Nader:** Explain that to the listeners. And by the way, just a footnote, I think, we should remember Gore did win the election and it was taken away from him.

**Richard Winger:** That's true, you're right.

**Ralph Nader:** By the Electoral College and ...

**Richard Winger:** You're right.

**Ralph Nader:** And the shenanigans in Florida and the Supreme Court five-four decision.

**Richard Winger:** Well, I just want to underline something you just said. A year after the 2000 Presidential Election, the big wealthy news organizations put their resources together; they obtained all the Florida

ballots, they recounted them, they took their time, they did it accurately, and they found that Gore got more popular votes than Bush. And this is very little known. I saved my New York Times edition that had that news. It didn't get a lot of attention because it was right after 9/11.

**David Feldman:** Right, he made the news ...

**Ralph Nader:** So what was the news organization that did this?

**David Feldman:** It was all in Florida.

**Richard Winger:** All of them. They pooled their resources. You know, TV networks, the big... New York Times, Washington Post. The reason they didn't discover this is—poor Gore, he didn't know, none of us knew—there were 7,000 Florida voters who both X'd the box next to Gore's name and wrote him in. So the machine thought the voter had voted for two people and it was an invalid ballot. But obviously if someone votes for Gore twice, the intent of the voter is clear, that should have been counted for Gore. And he never got credit for those votes because unfortunately he only asked that the under-votes be counted. He didn't think to ask that the over-votes be counted. And now, okay, there were 3,000 people that wrote in George Bush and X'd the box for George Bush too. But that was a 4,000 net gain for Gore, and that would have made all the difference. And we never even knew it!

**David Feldman:** Wasn't the mistake he made that he was only asking for recounts in the precincts he thought he did well and he never asked for ...

**Richard Winger:** That's another count problem. He only asked for certain counties. He should have asked for all the counties. Even if he had, since he only asked that the under-votes be recounted, he still wouldn't have made it. He needed to have asked that they all be looked at including the over-votes.

**Ralph Nader:** Yeah, and David, this count a year later was the whole state.

**David Feldman:** Right, but he didn't ask for that. He didn't ask about it; he was trying to be smart.

**Ralph Nader:** No, it's clear that the Democrats and Gore bungled it. Just explain before we leave, proportional representation.

**Richard Winger:** Proportional representation gives a party the same share of seats in the national legislative body that it won in the election. This is why the Green Party in Germany has been able to be so influential. If it gets 15% of the votes, it gets 15% of the seats in the national Parliament. So that's very satisfying to the voters because their vote is never wasted; you know if it's counted.

**Ralph Nader:** Every vote is counted.

**Richard Winger:** Yeah.

**Ralph Nader:** Whereas if you vote with other voters and you get 49% of the vote, and the other side gets 51, all 49% of vote don't mean anything under the present US system. Proportional representation basically gives every vote a meaning. Well, we have to close. Thank you very much, Richard Winger, Public Citizen Extraordinaire, Editor of the Ballot Access News, right out of his kitchen table in his California apartment. You can get Ballot Access News for \$16 for one year; every month, make the check out to Ballot Access News and send it to Ballot Access News Box 470296, Box 470296, San Francisco, California 94147. If you want to send it the old fashion way, otherwise you can send it to which email address, Richard?

**Richard Winger:** If you use PayPal, they do want you to enter an email and so you put [sub@richardwinger.com](mailto:sub@richardwinger.com), but you can go in the webpage for Ballot Access News and it's much easier to understand.

**Ralph Nader:** Thank you very much. Thank you for your heroic civic work, Richard Winger.

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

**Steve Skrovan:** We have been speaking to Richard Winger, Editor of Ballot Access News. We will link to Ballot Access News at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). And we have some time for some listener questions. I will take the first one. And this is from long-time listener Dale West who says, "With the Kavanaugh appointment to the Supreme Court confirmed, should attention now be given to who is going to fill Judge Kavanaugh's post at the US Court of Appeals in Washington DC?" And he says, "All of this lower court, federal court positions have less visibility, but they are just as important as the Supreme Court due to their jurist size. Why not generate more public awareness on these lower-court nominations that are subject to Senate confirmation?"

**Ralph Nader:** Agreed, Dale, and no one is doing that more determined than Senator Mitch McConnell who's ramming through as we speak one district judge nominee after another. And the Democrats can't stop him. And so he's going to move very fast to fill Brett Kavanaugh's post in the Kafkaesque Court of Appeals based in Washington DC. And he'll get it through because he is determined and it looks like the Republicans are going to control the Senate. There used to be a filibuster, which required sixty or more votes, but Senator Reid, the Democratic leader at that time, a few years ago got rid of it to get his choice of Justice through with the majority vote. And of course Mitch McConnell smacked his lips and said, when it's our turn, we're going to really show you how to get judges of our liking, often corporate judges, on the circuit courts as well as the Supreme Court.

**David Feldman:** This next question comes from Joe Cavara, it involves unions and wages. He says, "I currently live in Minneapolis, work full-time as a Deli lead in a co-op." He lives in the same neighborhood as his work. He writes "The co-op allegedly prides itself as a place of just wages based on costs of living in the area. I'm a manager, I'm single, no kids, and I live in the neighborhood. For me to rent a one-bedroom apartment anywhere around here, it's about 50% of my monthly gross income; in order to get in the 25% range; I'm forced to have a roommate or rent a room instead of being able to support myself alone. It's maddening that my union seems like it's a charade. What should I do?"

**Ralph Nader:** Well, this is a classic example, the Minneapolis, St. Paul area has the greatest number of food co-ops in the country. And they're supposed to be run by the consumers and the workers should be treated adequately and there's often a conflict. And you want to raise prices to the consumers in the co-op that you consumers own in order to pay a better wage or do you want to keep wages more modest and keep prices better for the consumer. Given his figures, it looks like they're not paying very much. I can't imagine what the union is doing for that. But if you're only making, as a manager of the Deli, you're only making a wage where you have to spend 50% of your gross income for your rent, that doesn't speak well for the resolution of this tension between the co-op, pro-consumer and the rights of workers in a co-op to have a living wage, so I don't know any more detail, Joe, about your union, but your figures illustrate something needs to be done here.

**Steve Skrovan:** Thank you for that question. Our next question comes from Bill Ferrari. And he's very upset about a subject we've talked about, tax subsidies for corporations, who move their businesses abroad. And

essentially, he wants to know how to fix this and he doesn't expect that either major party will touch it because "it's their baby", he says. How do you fix that, Ralph?

**Ralph Nader:** Well, one thing is you tax a US corporation who makes profits by selling US products in other countries as if they sold products in the US. The money is produced by the US corporation. Instead now, they can park their money overseas and as long as they don't repatriate all those profits, which are in the trillions of dollars collectively, they don't have to pay any federal tax. And so that's where the corporate lobbyists have secured these huge tax overseas escapes, which are accentuated by being placed in tax havens like Luxemburg, Ireland, the Island of Cork, The Grand Cayman Islands, and the Caribbean and elsewhere. If you look up James Henry, he is a tax expert that deals with these issues. You should get more information on his website. James Henry.

**Steve Skrovan:** And we've had James Henry on the show. So if you go to our website and put him in the search box, you can listen to his take on that. I think we had him on the show maybe a year/year and a half ago.

**Ralph Nader:** Yeah, indeed.

**Ralph Nader:** And we had him a few days ago at our full-day conference entitled, "Destroying the Myths of Market Fundamentalism". And tremendous speakers, thinkers, doers, people who know what they're talking about and Jim Henry was one of the presenters on the stage in Washington DC. So if you go to Real News Network, you can see the whole proceedings and C-span was there--C-span 3 covered all eight hours, "Destroying the Myths of Market Fundamentalism".

**Steve Skrovan:** Well, thank you for your questions. Keep them coming on the Ralph Nader Radio Hour website. I want to thank our guests again today--Congressman Jamie Raskin from the 8th District of Maryland. We will link to his 20 Points that Rebut the GOP Agenda and also Ballot Access News's 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 this show will eventually appear, actually we're doing pretty well. It usually comes out on the Monday after. It will appear on the Ralph Nader Radio Hour website.

**David Feldman:** For Ralph's weekly column, it's free, go to [nader.org](http://nader.org). For more from Russell Mohkiber, go to [corporatecrimereporter.com](http://corporatecrimereporter.com).

**Steve Skrovan:** And Ralph has got two new books out, the fable, HOW THE RATS RE-FORMED THE CONGRESS, to acquire a copy of that, go to [ratsreformedcongress.org](http://ratsreformedcongress.org) and the other one, TO THE RAMPARTS: how Bush and Obama paved the way for the Trump presidency and how it's not too late to change course. We will link to that also on our webpage.

**David Feldman:** Join us next week when our guests will be Anand Giridharadas, author of *Winners Take All: The Elite Charade of a Changing World* and Andrew Keen, Author of *How to Fix the Future: Staying Human in the Digital Age*. Thank you, Ralph.

**Ralph Nader:** Thank you, Jimmy, Steve, David, thank you, listeners. Get your friends, neighbors and co-workers out to vote if they show any reluctance from exercising their Democratic franchise.