

RALPH NADER RADIO HOUR EP 315 TRANSCRIPT

Steve Skrovan: Welcome to the *Ralph Nader Radio Hour*. My name is Steve Skrovan along with my cohost, David Feldman, who I'm keeping a safe 3000-mile social distance from. Hello, David.

David Feldman: You know I didn't have cabin fever until I heard your voice.

Steve Skrovan: Well, you know what? This show hasn't even started yet and I'm already going to give us a ten. That's what I'm doing. And we have a man who always earns his tens, Mr. Ralph Nader. Hello, Ralph.

Ralph Nader: Hello, everybody. Well, it's a very timely show. It's on the virus. And what else, Steve?

Steve Skrovan: Donald Trump. And how he uses the court system. And that's the topic of today's show. Our court system is an attempt, obviously to establish justice for the American people. In fact, Ralph has created a museum that we've talked about a lot on this show, the American Museum of Tort Law, to celebrate the constitutional right of ordinary people to have access to the courts, especially against large corporations for wrongful injury. But lawsuits are expensive to maintain, which also makes it a handy tool for the wealthy to subvert justice. Donald Trump is the king of working the court system to his advantage and in his life has been engaged in over 3,500 lawsuits. So first up on the show, is lawyer, author and talk show host, James Zirin, who will talk about his recently published book entitled *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. In it, he details how Donald Trump, for his entire career, has weaponized the court system and how the nature of all of these lawsuits reveals his true character.

That's in the first half of the show. In the second half of the show, we will welcome back Dr. Michael Carome, Director of the Health Research Group at Public Citizen. Now, as the coronavirus has begun to sweep the United States, the US has been administering only five tests per million people. This is in stark contrast to the response of South Korea who performed close to 4,000 tests per million people. That has enabled them to react quickly to slow the rate of infection. After a delayed response, cities in the United States are beginning to shut down. Schools have closed, San Francisco is on lockdown, and many people are working from home. Despite these efforts to slow the spread of the coronavirus, there are still many Americans who are at high risk of exposure such as those without paid sick leave, without homes or those in prisons. Will the United States response be enough? Dr. Carome will give us the latest on what we should be doing and how we should be doing it from one of the most trusted sources of health information in the country, Public Citizen.

And as always, in between, we'll take a short break to check in with our corporate crime reporter Russell Mohkiber, and if we have some time leftover, we'll try to answer listener questions too. But first, let's talk about how thousands of lawsuits create yet another disturbing profile of the current president or the United States. David?

David Feldman: James Zirin is host and producer of the nationally syndicated TV talk show, “Conversations with Jim Zirin”, which discusses politics, foreign relations, national security, the arts, and particularly how the internet has transformed contemporary life and culture. Mr. Zirin is a leading litigator, having served as an Assistant United States Attorney for the Southern District of New York in the criminal division, has written multiple books including *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. Welcome to the *Ralph Nader Radio Hour*, James Zirin.

James Zirin: Well, David, I'm delighted to be here.

Ralph Nader: Welcome indeed, James. Now, you say, and I'm quoting, that your “goal is not to tally the wins and losses of lawsuits, but rather to show that Trump's approach to business and government has been strongly shaped by his obsession with taking his opponents to court. Indeed, Trump brought his lawsuit culture with him to the White House. His manipulation of the legal system throughout his business career reveals much about his internal motivations.” What are his tactics and how does he get away with it?

James Zirin: Well, he learned his tactics at the feet of the master, a lawyer who was quite unscrupulous who was eventually disbarred, named Roy Cohn. Roy Cohn was one of the prosecutors in the Rosenberg case and he was chief counsel to Senator McCarthy. And Roy Cohn was someone who knew how to beat the system. In fact, he was indicted three times by the legendary prosecutor Robert M. Morgenthau, and he was acquitted three times. He met Donald Trump in 1973 in a bar called Le Club. And Trump had been sued by Nixon's Department of Justice for discrimination based on race in housing. Both Trump and his father were defendants in that case. I call my book *Plaintiff in Chief*; Trump was slightly more plaintiff than he was a defendant, but I also write about the many lawsuits and investigations in which he was on the receiving end.

So they met in a bar and Trump had taken this case to a number of prominent lawyers in New York and they had advised him to settle the case. It was really a cracker barrel kind of settlement in those days. You'd neither admit nor deny the charges and you'd agree not to discriminate in the

future. And that's all the Justice Department wanted out of them. The Justice Department had an airtight case. They sent testers to the Trump properties. Some of the testers, they were probably all FBI agents. Some of them were white and some of them were black. And the white testers asked about the availability of apartments and they were shown apartments and they were told the apartments are available. The black testers went to the apartments and were told there were no apartments available. And when the Justice Department subpoenaed the records, next to the black applicants was the initial "c" to indicate that they were colored applicants. Well, Cohn's advice was not to settle the case because that's Cohn-Trump precept number one. Never settle, or if you settle, never admit you've settled.

So what Cohn advised him to do was to fight. And the way to fight was to counterattack. They filed a \$100 million counterclaim against the government, which was preposterous and the judge dismissed it after two weeks. But meanwhile, they called a press conference, which was Cohn-Trump rule number two, which was work the media. And at the press conference, they talked about this suit against the government and they said that this was persecution, prosecution and it was unconscionable; of course all that was nonsense. The third thing that you try to do is undermine the adversary, which we see Trump doing all the time. I call it asymmetrical warfare. And what Trump did was he attacked the Justice Department attorneys who were in charge of the investigation and prosecution of the case, accused them of Gestapo-like tactics and storm trooper-like tactics. He said and told the press this, that it was a witch hunt; where have we heard that before; and that it was a hoax; where have we heard that before. And that's how he got started in his, what I call his anti-legal, asymmetrical career, and he sat at the feet of the master Roy Cohn for 13 years.

Their relationship was remarkably close. Cohn was not only his lawyer, but as political confidant, his advisor, and he schooled him in the ways of asymmetrical warfare. The bottom line is no matter what happens to you at the end of the suit, you claim you had great victory and you go home. We see the parallel in the coronavirus situation where at the beginning, Trump refused to admit that there was a pandemic and his most recent statement was two months later that he knew it was a pandemic all along. So proclaim victory at the end of the terrible defeat and move on to the next case, the next encounter.

Ralph Nader: Okay, let's get to the core of how he gets away with it. We're talking with James Zirin, author of the book, *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. Either he brought them or others in his business dealings brought them against him. He even ripped off his own dentist and causing the dentist to sue him to pay the dentist bills. Let's go with the core fragility of the legal system, James. Looking through your book, I have four categories of how he got away with it when he shouldn't have. One is that he files frivolous suits and doesn't get malicious prosecution, tort suits back, which is the way the tort system tries to deter egregiously frivolous suits. The second is usually someone trips up in a deposition and gets caught for perjury,

and the third is that the tort lawyers usually would sue if he committed a tort, like defamation or physical violence against so many women who have now complained about him. And some of them have filed tort lawsuits which are pending against him. And fourth is fear and intimidation, which can reduce itself to either a criminal violation or a civil tort violation. Now in all these cases, what happened to the legal system here? What happened to the plaintiffs or the defendants against Trump? What could possibly, in a career of over 40 years, have had Donald J. Trump escape the law?

James Zirin: I think that you put your finger on it, Ralph. It's a weakness of our legal system. There are limitations to our legal system and one of the great problems, which we haven't really resolved in our country, is how do we deal with the problem of someone who has limited resources and needs to sue someone who has virtually unlimited resources. In England, they handle this with something called "loser pays," where if you bring a frivolous lawsuit and you lose, you have to pay the other side's legal fees. We have addressed it through the contingency fee with the parties bearing their own legal expense. So in the case of the dentist, for example, which is not a bad example, the dentist performed services for Trump; Trump refused to pay his bill. Had the dentist sued, he would have had to hire a lawyer and it probably would have cost five times as much to bring the case as the amount at issue, which was the dentist bill, number one. Number two, Trump would always counterattack and operate through fear. You said it: it was spot on what you said. And Trump would counterclaim against the dentist and charge him with malpractice. Well, the dentist would think, gosh, I don't want to be charged with malpractice; it will hurt my business and my profession and life is too short and we move on. So there's an example of a legal conflict in society where the legal system fails to justly resolve the grievance.

Ralph Nader: James, that argues in the business world that he operated in that people he stiffed [like] creditors [and] workers [that] it costs too much for them to sue because they had to pay by the hour. But the other examples I gave involve contingent fees like tort lawsuits. It involves criminal prosecution for perjury. It involves criminal prosecution for serious threats against people who he has fleeced or who stood up to him. So the legal expense doesn't wash in these areas. What keeps people from not fighting back against Donald Trump? Now, he did hire 500 Polish undocumented workers for one of his construction sites in New York, and he didn't--

James Zirin: The main one, Trump Tower

Ralph Nader: And they sued, and they recovered something. He fleeced students at so-called Trump University, which you describe in a chapter in your book. And they sued in a class action and he settled for \$25 million after he was elected or selected as president. So I don't understand the lack of the use of the tort system and the lack of criminal prosecution. You have a chapter devoted to his contacts with the underworld, multiple contacts. In fact, he admitted that he had to deal with these people in his construction business. So just go to the core of the failure of the legal system and the failure of plaintiffs and defendants who had cases, but decided the fear that he generated and the press that he could generate against the named victims of his fear assailing. Is

that what it is? Is the press involved here? They gave him too much publicity against his adversaries. Go to the core of the failure here as if you were, as if you were running a seminar at a law school entitled Donald J. Trump escaped from the law and what we need to learn about the law.

James Zirin: Well, I think one thing we have to learn, Ralph, is that the contingency fee is a very good system, but certain types of claims are not taken on contingency. The example of the dentist or the contractor, who has a contractual dispute with Trump, no lawyer is going to take that on a contingency basis.

Ralph Nader: And we understand that.

James Zirin: In most of the cases that he was involved in, it did not involve a personal injury. In the Trump University example, he was charged with fraud. And it's true, there were class action lawyers who were willing to bring the case pro bono. And you see Trump's reaction to the case. He absolutely trashed the class plaintiff and sought to have her removed. She eventually resigned. His complaints against her were absolutely baseless, and she resigned because she just couldn't take it anymore emotionally. So there was another class representative appointed, and the case went on. But all the while, Trump was making speeches attacking the judge as a Mexican judge. Even though the judge hadn't really made any rulings adverse to Trump, [he] was creating a lot of fanfare about the suit. [He] kept saying in the presidential debates in 2016 that the case was groundless, [that] the case was meritless [and] said he would never settle. He was going to go to trial even though the evidence was overwhelming. And at the end of the day, what did he do? He settled the case. He settled the case because he said he had to because the spectacle of a sitting president defending a fraud case would not be palatable to the American people. The fact of the matter is, eventually, because of the pressure of his being the president, the class members received some compensation for what they were defrauded. So that's an example, I guess, where the system prevailed because Trump, the defendant, caved at the end and settled the case. Other cases he brought [like] he'd bring libel cases against journalists; most of them were quite frivolous. The courts are reluctant to impose sanctions against people bringing frivolous lawsuits, although they're empowered to do so.

Ralph Nader: We're talking with James Zirin, the author of *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits* and counting. Just for our listeners, there are a couple chapters here that are interesting. You have chapter three.

James Zirin: The whole book is interesting, not just the chapter three.

Ralph Nader: Yeah. But I mean, in terms, in terms of what we're talking about right now. Chapter three is "How Trump Bankrupted His Casino Empire and Emerged with Millions." Okay? That's an example of escaping from legal accountability. Then you have chapter four, "Litigation for Lunch: How Trump Used the Lawsuit to Preserve and Protect His Brand" like Trump Hotels and so on. Anyone who opens a little business, according to your book, [for example in] Tuscaloosa, Alabama and calls it Trump Sandwiches--he has his lawyers scanning to protect his brand. Then you have chapter five, "Empty Threats: How Trump Used the Threat of Litigation to Intimidate His Foes." Then you have "Trump and His Women: Trump's Misogyny." So let me ask this question. What about the criminal law? What about federal and state prosecutors? Why haven't they gone after him, when according to David Cay Johnston, which you cite in your book, investigative reporter, Pulitzer Prize winner and others, they have described situations where Trump should have been vulnerable to criminal prosecution. Now, certainly prosecutors are not intimidated by public press conferences attacking them. Where was the failure there?

James Zirin: Well, you alluded to the construction of Trump Tower where Trump was involved with mobsters and paid them exorbitant sums of money to build Trump Tower in New York out of poured concrete. And there was a citywide Teamster strike during the construction of Trump Tower and all access to buildings under construction were barred by Teamster picket lines and by Teamster heavies who would not allow anyone to cross the picket line. In the case of Trump Tower, the poured concrete trucks, which had to be poured immediately in the construction site or else it would harden prematurely, pour the concrete trucks had ready access to Trump Tower and the construction went forward.

Now, there was a criminal investigation brought by a federal grand jury. The prosecutor was John Martin, who later became a federal judge and an exceptionally gifted prosecutor. And they went into his relationship with the Teamsters Union, John Cody. And there was no proof that Trump had paid off the president of the Teamsters. But there was proof that a girlfriend of the president of the Teamsters - I have it in the book - received I think three condominium units at Trump Tower free of charge when she had no visible means of support. So, there *was* a payoff involved. Why the prosecutors didn't address that, I don't know. Others who were involved in the concrete cartel like 'Fat Tony' Salerno, Paul Castellano, who was murdered in a mafia hit by John Gotti before he could come to trial. And Salerno was sentenced to, I think at first 99 years in jail. But Trump, either because he gave information to the Feds, or because they had no evidence against him, was not prosecuted criminally. In fact, while he was investigated by the FBI during his time in Atlantic City, they warned them not to have dealings with the mob. The FBI never-- Although mobsters went to his casinos where they gambled in private rooms and insisted that blacks and women could not be in attendance while they were gambling, and Trump went along with it and had a close relationship with a mobster who was convicted of drug dealing in Ohio.

Ralph Nader: What about other kinds of criminal law vulnerability that he had, and wasn't prosecuted from? For example, wasn't there potential perjury...

James Zirin: Well, he was, he was guilty, he was guilty of money laundering both at Trump Tower, which was ignored in Atlantic City, and a complaint was brought against him civilly by FinCEN [Financial Crimes Enforcement Network], the government financial agency that deals with money laundering and was fined heavily. But it was not the subject of a criminal prosecution. And he was just a guy who led his business life on the fringe, and he was able to get away with it. He pushed the limits of our legal system. It's really amazing. And even after he became president, he's been guilty of false filings with regard to his dealings with Michael Cohen, his payments, sub-rosa to women with whom he had alleged affairs. All of that, which is I guess is currently under investigation by District Attorney, Cyrus Vance in New York, further investigation beyond the Michael Cohen case. And Vance has been completely frustrated in his effort to get Trump's tax returns, which are relevant evidence in his investigation. And that's now before the Supreme Court. It was supposed to be argued in March and they just postponed the argument indefinitely because of the coronavirus attack. And who knows when that will be argued. Probably, it will be a dream come true for [conservative] Chief Justice Roberts who obviously doesn't want a case involving Trump argued and decided before the election.

Ralph Nader: Well, it's clear that his lawyers have figured out a way where they can delay any case, civil or criminal, for four years or more and that gets him past the election. What about the IRS? They annually audit him, according to Trump, and he has thousands of pages of entangled business activities in his IRS filings, according to him. Why hasn't there been any legal action by the IRS?

James Zirin: Like you tell me. He's led a charmed life, and of course theoretically, he's in charge of the IRS. The problem is you have this building conflict of interest in the executive branch where no agency in the government can credibly investigate the president. If the Justice Department can't do it, if local district attorneys can't do it, if the IRS doesn't do it, where are we left? We're left with the court of public opinion and we'll see what happens in November, which was the approach of the United States Senate.

Ralph Nader: I've always said that Trump has taught us a lot about ourselves as a people. He's taught us, for example, that tens of millions of voters can do no homework for who they vote for senator, representative, governor, president. That's become very clear. He's taught us that we don't rise to defend the violations of our Constitution. There are at least 12 major impeachable offenses,

which Bruce Fein and other constitutional experts have gotten printed in the *Congressional Record* by Congressman John Larson in December 18th when the House voted to impeach him on ~~under~~ the Ukraine affair, and nothing has happened there. He has taught that he can violate our civil liberties and civil rights and use the police power impermissibly and he's gotten away with it. He's taught us that he can send drones and other armed forces anywhere he wants in the world without congressional authorization even for budgets, not to mention the absence of the congressional power to declare war, exclusive to the Congress; and he's gotten away with it. He has enriched himself in violation of the Emoluments Clause of the Constitution as president. Trump Hotel next door to the White House being the case in point, widely reported, and he's gotten away with it.

James Zirin: That issue, Ralph, is in litigation.

Ralph Nader: Yeah. That's in litigation. But, again, the four-year delay. Okay. Now, let's go to the fundamental question I want to ask you. We're talking with James Zirin, author of the new book, *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. Nobody has ever written a book like this! He knows what he's talking about. He's a former Assistant US Attorney for the Southern District of New York where he served in the criminal division under the legendary, Robert Morgenthau. So here's the question. Let's say you can wave the magic wand. How would you reconfigure our legal system, civilly, criminally? And what advice would you give to the aggrieved from Trump's outrages in terms of how they should assert themselves under both rubrics? How would you design a system in our country where a recidivist like Trump cannot get away with what he's been getting away with in the last 40 years?

James Zirin: Well, I think in many cases, the legal tools are available to have done something about this, but no one woke up in time. This is England sleeping between the two world wars. The judges have been very lax in enforcing suits for malicious prosecution and imposing sanctions on lawyers and litigants who make frivolous claims. They took a lot of what Trump said at face value as have the American people. So, would be lie after lie. In the Polish Brigade case, which you mentioned, the judge said he's completely lacking in credibility. And at the end of the day, Trump settled for 100 cents on the dollar. The settlement was sealed, and it wasn't for 15 years until the settlement papers were open and we learned he'd paid 100 cents on the dollar, which he probably did in many of these cases, which he claims he won.

Now, part of it is we are living in a period--it's not just the courts, it's our fellow Americans who are willing to buy into these myths that Trump utters. The Rand Corporation said, "We're living in a political era of truth decay and Trump feeds us." And we've seen this with a coronavirus, a lie after lie after lie and his supporters are unshakeable. Their faith in him is unshaken and they swallow it; they believe it. And the fault, Dear Brutus, is not in the legal system. The fault is in

really, the psyche of the American people, that they're willing to accept fantasy land. They've done it since actually, they've done it since the dawn of the republic. Cotton Mather, a graduate of Harvard became the president of Harvard, used to get up on the pulpit and proclaim that the world was coming to an end and he gave a day certain. The day would come and go, and he'd get up on the pulpit and he postpone it. He said it's going to be in another year. He was one of the people who sponsored the Salem witch trials. We love people like P.T. Barnum who claimed that you could pay money to see a 150-year old black woman who he said had suckled George Washington. We love Buffalo Bill, many of whose exploits, were a work of total fiction.

Ralph Nader: James, you're dropping your magic wand. How would you reconfigure the public use of an improved criminal- and civil-legal system so people like Trump, and there are a lot of corporate criminals going to fancy places around the world enjoying themselves with their ill-gotten gains and not having been held accountable. How would you do it? You're a professor with a magic wand, law professor.

James Zirin: Well, I think we give two issues. First, before Trump became president, in the first place, I would have loser pays. So Trump would have to pay for a lot of these frivolous lawsuits that he brought. They have that in England. Secondly, I would have rigid, vigorous enforcement of malicious prosecution doctrines and of sanctions against people bringing frivolous lawsuits and hoping to drive middle-income bad for human people and small businesspeople into the dust, which he did in the case of Trump Travel. Thirdly, I would have judges and prosecutors crackdown on perjurious testimony given by people like Trump on depositions, which he did in the Timothy O'Brien libel case where on deposition, he committed demonstrably at least 30 lies under oath. He did it under oath in the Trump University case where he said he didn't hire the teachers and he didn't design the programs, which was, he said he did design the programs, he's advertising he designed the programs and hired the teachers. And then at first, he admitted they had no contact with the teachers and no contact with the programs and he denied it. He was all over the lot. And I think that when litigants give perjurious testimony, because the bedrock of our legal system is the truth. there has to be the truth in testimony. That's why we have perjury laws. And you're right, Ralph, he should have been prosecuted for perjury.

Ralph Nader: Just for our listeners' understanding, James, he could settle these cases with the private litigants like the students at Trump University, and in effect have a gag order or a stipulation that they would file no longer any other suits. But that, as you implied, doesn't keep the prosecutors... The prosecutors can look at a private lawsuit like Trump's involved in, and if he repeatedly lies in deposition under oath, they can bring the suit, can't they?

James Zirin: They could, and for some reason, they didn't, because he was, by that time, a powerful political figure and there was no appetite for it. I mean, suppose Obama's Justice Department had gone after Trump. I mean, what would he have said? He would've said it's a witch hunt. It's partisan. It's a lie. And what he's done is he's succeeded in politicizing our legal system. You know, his mentor, Roy Cohn, used to say, screw the law, who's the judge? And the idea was to either undermine the judge if he was against you or try to reach the judge if he was inclined in your favor. And so Trump really corrupted our legal system. And as president, he's corrupted our legal system by completely destroying our system of checks and balances. Justice Scalia, whom I know, Ralph, you did not admire, said that the guarantee of our liberty is not the Bill of Rights. The guarantee of our liberty is the separation of powers in our system of checks and balances. That's how we stop having a rogue president. That's how we stopped having a despot come to power. Well, the fact is our system of checks and balances has completely collapsed. The Supreme Court doesn't act, or if they act, they act irrationally, or they act on the basis of preferred policy choices rather than the Constitution. And our Congress hasn't acted. You saw that in the impeachment and then you have another element, which is very important. It's existed since Hamlet, who decried the law's delay--that it takes so long for these cases to be decided--the more he can get away with it. The more it contemporizes, the more he can get away with it.

Ralph Nader: His bad example radiates throughout our political economy. You have corporate crooks who think they can get away with it just the way he does. And you have tens of millions of people who are dismayed and discouraged--like the big boys always get away with it--and it destroys their faith in the rule of law. And it also increases their anxiety, dread and fear. Because when they're exploited and ripped-off, they don't feel like they can resort to the law to protect themselves and to hold their oppressors or harm doers, wrongdoers accountable. So prediction: Is Donald J. Trump, including the suits by the women who he's violated, is Donald J. Trump going to get away with it before the election in November?

James Zirin: Well, I don't think, I think he's going to get away with it until and including the election in November. If he's turned out of office, there is a very good chance he will be prosecuted. There's a very good chance that a lot of these suits will come to court.

Ralph Nader: It's even worse. He's trying to stack the courts now with judges that are so pro-Trump ideologically that he's protected if someone goes to the court to charge him with a civil or criminal violation. And he's bragged about his five-four judges on the Supreme Court, ready to protect no limits to his executive power. You know, we're almost out of time. James Zirin, author of *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. Beyond reading Mark Green in my book on *Fake President*, I urge you to pick up both books and read them because you've gotta be very informed in the coming months up to the national election.

James Zirin: Ralph, there's no better way to be informed than to listen to you or to read something you've written. And you were willing, 60 years ago, to take on the corporate establishment and teach them a lesson. And apparently, the memory of that has grown thin in the minds of unfortunately too many.

Ralph Nader: Thank you very much. We've been talking with James Dean Zirin, former Assistant US Attorney in the Southern District of New York and an accomplished lawyer on other matters. He is the author of the new book, *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. It's written in a very, very readable fashion. This is not dry-as-dust legalese. We advise you to read it. Thank you very much, James.

James Zirin: Thanks so much, Ralph.

Steve Skrovan: We've been speaking with James Zirin, author of *Plaintiff in Chief: A Portrait of Donald Trump in 3,500 Lawsuits*. We will link to that at ralphnaderradio.com. Now we're about to take short break. When we come back, we'll hear from Dr. Michael Carome of Public Citizen about how we should be dealing with the coronavirus. But first, let's check in with our corporate crime reporter, Russell Mohkiber.

Russell Mohkiber: From the National Press building in Washington, DC, this is your Corporate Crime Reporter, Morning Minute for Friday, March 20, 2020. I'm Russell Mohkiber. The latest available case-by-case records from the Department of Justice show that the prosecution of white-collar offenders in January 2020, reached an all-time low since tracking began during the Reagan Administration. Only 359 defendants were prosecuted. Almost all of those were individuals rather than corporations. January 2020's prosecutions continued a downward slide, dropping 8 percent from a year ago, and were down 25 percent from just five years ago. If prosecutions continue at the same pace for the remainder of Fiscal Year 2020, they are projected to fall to 5,175 prosecutions, about half the level of their Obama-era peak. For the Corporate Crime Reporter, I'm Russell Mohkiber.

Steve Skrovan: Thank you, Russell. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan, along with David Feldman and Ralph. And just to let everybody know is be entered this next topic, we are recording this on a Wednesday morning. A lot of things changed in between now and then, but just keep that in mind as we speak about the coronavirus. And as with regard to the coronavirus, there are some scary estimates out there like the *LA Times* reporting, just today

on Wednesday, the possibility of 2.2 million deaths in this country if it's left uncontrolled. So let's hear what advice Dr. Michael Carome from Public Citizen can give us about this pandemic. David?

David Feldman: Dr. Michael Carome is the Director of the Health Research Group at Public Citizen, which is a nonprofit consumer advocacy organization that stands up to corporate power and holds government accountable. Dr. Carome is an expert on issues of drug and medical device safety, pharmacy compounding, food and drug administration oversight, healthcare policy, and the protection of human research subjects. Welcome to the *Ralph Nader Radio Hour*, Dr. Michael Carome.

Dr. Michael Carome: Thank you for having me.

Ralph Nader: Michael, we're listening to all kinds of dire predictions here, but I want to start with your take on the following situation in Asia. It seems like that in China, the announced cases every day have declined precipitously. They have declined in Hong Kong, which some people believe is still under lockdown, but things are returning to normal. They have declined in South Korea and in Taiwan, apparently, where they learned how to deal with these pandemics during the SARS outbreak, they put the whole framework in top gear, and they had less than a hundred cases and one fatality. Does that provide any optimism for what you think is going to happen in the United States?

Dr. Michael Carome: It does provide some optimism. And the main problem, and it's still a problem, is that in this country we are still blind to the extent of the pandemic. Because of inadequate and really inept deployment of appropriate testing for the novel coronavirus, we don't know how many people are infected now. We don't know where they are. We don't know who they've had contact with and so we are behind the eight ball in comparison to all the other countries you just mentioned in terms of understanding the extent of the pandemic in the US. And this is really one of the greatest public-health debacles in the history of the United States. And so despite that, if it appears that more testing kits are now being made available, rules to get those out to the states and letting states actually take responsibility for deploying these tests...with those measures, we should be able to ramp up testing quickly. What that's initially going to do is dramatically demonstrate an increase in the number of people who are infected. Our case count is going to go way up because of the testing. Because we're detecting cases that are already out there. Hopefully, though, with that testing, we, like the countries you mentioned in Asia, with appropriate measures that are being implemented now--social distancing in particular; we hopefully should see a decline in new cases over a period of several weeks like we've seen in those other countries.

Ralph Nader: Well, it's true that this virus can come back after it has declined, right?

Dr. Michael Carome: Absolutely. You know, there was a good piece by an op ed in the *New York Times* by Ezekiel Emanuel and others noting that actually this is going to be a roller coaster and there's probably going to be, you know, multiple peaks or hills and valleys over time, because there is no natural immunity to the disease in our population around the world.

Ralph Nader: And of course our country is woefully unprepared for such a pandemic and it was made worse by Trump, who year after year after he became president, pushed for cuts in the Center for Disease Control budget, the NIH [National Institutes of Health] budget, and even the AID budget [US Agency for International Development] that dealt with a program flagging the rise of infectious disease pandemics abroad. Can you imagine that? And also, we've been disinvesting in our public health system for years. We have 2.8 beds per thousand people in the US. In Italy, it's about twice that and in South Korea, it's 10 beds per thousand people. So give us your idea of how serious the lack of facilities--hospital beds, equipment--ventilators, and testing kits, and healthcare workers—doctors. And what you think should be done during this declared national emergency in terms of bringing back retired people or involving the military resources here.

Dr. Michael Carome: As you accurately described, you know, our public health system has been in decline for some time; it certainly continued to deteriorate during the Trump administration, because of inadequate funding and attempts to make that funding worse. We have a fragmented healthcare system that's been driven by greed through the hospitals, the for-profit hospitals, the for-profit insurance companies. And so, as you correctly describe, we're woefully unprepared for pandemic despite warnings for years that we're going to have another pandemic and it could happen at any time. And so we ignored those warnings and we entered this pandemic wholly unprepared to deal with it at multiple levels.

Ralph Nader: And what Trump wanted to cut in terms of hundreds of millions of dollars is only a fraction of the hundreds of billions of dollars he has given more to the Pentagon over the last three years. And we just cannot avoid talking about returning the budgets for empire abroad, destroying all kinds of societies, boomeranging against us, slaughtering all kinds of people abroad who are innocent, bringing that money back to domestic necessities--most particularly right now, the coronavirus pandemic. I just wrote an open letter to Secretary of Defense Esper saying, "You've got to now rearrange the budgets and you can do it under your own declared mission to protect the domestic security of the United States; if you need any additional authority, I'm sure Congress will give it to you." Because as you know, Michael, the Pentagon has experience in developing new drugs, antimalarial drugs. It has plans about infection-disease programs abroad, because they have

soldiers in countries with minimal healthcare systems. What's your view on how to expand the facilities and the staffing fast?

Dr. Michael Carome: So in terms of facilities, we're going to need to do a number of things. Obviously, the Defense Department has the resources to deploy mobile hospitals. They've done that around the world in wartime for years. They have the resources to do that and so we need to deploy those resources in the United States, if and when our hospitals and healthcare system get overwhelmed domestically. And you know, the goal of the current social distancing which we are implementing extreme measures to do, which are absolutely necessary, the goal of that is actually to prevent that overwhelming from happening. Unfortunately, because of the testing debacle, it's likely our system is going to experience some degree of being overwhelmed and these types of resources that the Defense Department holds will need to be deployed.

We also need to ramp up industry to start making things like we used to do in prior wars where they made tanks and airplanes; we need to ramp up and start making in massive amounts, medical supplies like the masks and other protective gear that healthcare workers need to protect themselves, mechanical ventilators that people who are going to have this illness and get very sick are going to need to be treated in intensive care units. We're going to need more hospital beds. We're going to need just about everything that's used to treat the critically ill individuals and the only way to do that is to ramp up private industry to make those. And under the Defense Production Act, I think the Federal Government currently has authority to do those measures.

In terms of staffing, obviously we're going to need more healthcare workers and with healthcare workers being susceptible to the virus because of the direct interaction and because perhaps of inadequate supplies of protective gear, that may exacerbate the problems in terms of the health care workforce as doctors, nurses and others get sick. Hopefully, many of them will recover and then be able to return to the front lines, but there will be periods when our healthcare workforce contracts. And so we do need to invoke other measures to bring other health care workers, either bring some out of retirement, bring others/maybe accelerate the training of healthcare workers in various fields where they can still deliver the care in a reasonable level of quality and other things. You know, I'll tell you that we have the US Public Health Service Commission Corps, which I used to be a member of, and that certainly provides a foundation for such a response. But the Commission Corps only has about 6,000 people and we're going to need tens of thousands if not more people to respond to this crisis.

Ralph Nader: Do you think in the last few days--we're talking with Dr. Michael Carome, Director of the Public Citizen's Health Research Group. Do you think in the last few days the Federal Government has reflected your level of urgency? Do they get it now in terms of urgency and acceleration?

Dr. Michael Carome: Well, I think in the last 36 to 48 hours, we've seen the level of urgency and the messaging on that significantly improved. I think that the healthcare professionals, the public-health professionals who are working on this within the government, some of whom are on the White House [Coronavirus] Task Force fighting the coronavirus, clearly understood this weeks ago. Unfortunately, the senior leadership members of that task force--the president and vice-president--communicated inconsistent messages. They were nontransparent; there was disinformation; there were rosy projections about "we're going to get over this quickly." All of that undermined our public health response, promoted distrust in the government across the country, and hopefully, they've started to turn the corner on that in the last 36 hours. And hopefully, we'll start to see better messaging that will lead to a better public health response.

Ralph Nader: Well, the Trump-Pence debacle starting in December, I mean, Trump kept refusing to acknowledge it, called the virus "a Democratic Party hoax that will go away." And "It's just like the flu; don't worry about it." Those are some of the reasons that Public Citizen's President, Robert Weissman gave for, calling for Trump's resignation, outright resignation. He cannot captain the ship. He cannot captain the ship of America any more than Captains Queeg and Ahab could captain their ships in American fiction. So what we need to ask now is, I'm sure you're urging people to go and get the guidelines off the internet issued by the Centers for Disease Control, personal guidelines as to what people have to care for, what they have to do, what they have to avoid. And what is Public Citizen, in terms of this coronavirus situation, doing?

Dr. Michael Carome: You know, one thing that we are focused on is when vaccines and drugs to treat the coronavirus or to prevent the coronavirus, in the case of the vaccine is: In the case of drugs, when those products finally are ready to be marketed, it's critically important that those be made available to everyone in the United States and across the world at no cost. And so we must do away with our usual pharmaceutical company monopoly measures where profit is the sole goal of the companies. There must not be patenting of these products and they must be made available at a reasonable cost to governments so that they can be delivered to all citizens of the world for free. And so that's certainly something our access to medicine team is working on and pushing for heavily. And so that's probably, I think, one of the more important things we're focused on.

Ralph Nader: No more pay or die corporate monopolies is what you're saying. That's over with. Let's ask the other question, which nobody's talking about now. In the rush to get a vaccine or vaccines, they have to be both safe and effective and if there's too much of a rush, it could be a boomerang here. What's your view?

Dr. Michael Carome: Absolutely. The vaccines being developed, the drugs being developed, need to undergo appropriate clinical trials to ensure that they're safe and effective.

Ralph Nader: Dr. Anthony Fauci, who is on TV every day now, next to Donald Trump, is a very well credentialed, experienced scientist and head of the Infectious Disease Division of the National Institutes of Health [NIH] says it's going to take a year to a year and a half before people can get these vaccinations and be assured that they're effective and safe. Donald Trump, a few weeks ago said, "well, a vaccine is going to be ready very shortly." What's your view?

Dr. Michael Carome: I would listen to Dr. Fauci, who is a world renowned expert on this, and in my view, Trump just needs to shut up and let the experts talk and help and manage this crisis. But I know that's wishful thinking. You know, it's going to take at least a year to a year and a half to develop a vaccine and then to mass produce that vaccine, it's going to take even more time. And so there clearly will be pressure to rush this [and] to cut corners. And if that happens, that could endanger patients in a different way than the virus endangers them.

Ralph Nader: Do you see any other immunities, partial or otherwise, that can be encouraged among people here and around the world?

Dr. Michael Carome: Beyond the steps that the CDC is actively promoting, which is social distancing, and then in terms of your personal care and personal hygiene, washing your hands, not shaking hands, wiping down surfaces with appropriate disinfectants--those are our tools that we have right now. No one has immunity to this unless you've had it and recovered and even then we're not sure how long that immunity will last because this is a brand new disease and every disease is different. But really, the measures and the tools we have, are basic public health measures for new infections and everyone needs to follow them.

Ralph Nader: Any chance that it'll behave like the seasonal flu going down in the summer?

Dr. Michael Carome: We just don't know. We should assume that that's not going to happen. If it does happen, that will be a pleasant surprise, but we must move forward with the assumption that that's not going to happen.

Ralph Nader: Well, also, people who aren't insured, people who don't have paid sick leave, Public Citizen, I'm sure is recommending a tailored application of Medicare-for-All, right?

Dr. Michael Carome: Absolutely. We've been obviously long-term supporters of Medicare-for-All, of enhanced Medicare-for-All without any copays. And if we had that type of system now. No one would be worrying about whether they can get tested and not go bankrupt. Whether they can get intensive care, you know, hospital and even [ICU] intensive-care-unit care and not go bankrupt. But because up to a hundred million people still are either uninsured or under-insured, people are worrying about if they get sick, how are they going to cope? Because on top of that, you know, we have so many people losing their jobs and maybe losing what employer-based insurance they had or maybe not being able to afford their Affordable Care Act plans that they are enrolled or self-enrolled in. So this is really going to discourage people from seeking care when they might most need it and that will make the crisis worse.

Ralph Nader: Well, since Trump is bailing out business, the Congress--Republicans and Democrats--could pass legislation and he could sign it providing immediate, tailored Medicare social safety net regarding the coronavirus patients. Couldn't they do that quickly?

Dr. Michael Carome: Absolutely. Yeah. If he can transfer funds from one account to another to pay for a stupid wall [laughter], he should be able to do that.

Ralph Nader: Okay. Well, listeners want to get the rationale for Public Citizen's demand for Trump's resignation, so go to citizen.org. And where would they go to get into the wonderful website of the Health Research Group of Public Citizen?

Dr. Michael Carome: If people just go to citizen.org, there are links to our health programs and all of our programs that easily accessible.

Ralph Nader: Before we leave, Dr. Carome, any other advice you want to give people?

Dr. Michael Carome: I guess my overall advice is this is obviously, understandably, a very difficult time for everyone and it's causing great anxiety both because of concerns about one's health and concerns about the economic future that people have, at least the immediate future. We're going to, I believe we're going to get through this pandemic. Hopefully, we can limit the damage both in terms of lives lost and economic damage, and we will get through it, but it's

important that we, as a community, support one another, that we not panic, that we not go out and buy more than we need at any one time so that the resources available can be distributed evenly among all citizens over time. If we work together, we can get through this.

Ralph Nader: And give the CDC website for the guidelines.

Dr. Michael Carome: If people just use [coronavirus.gov](https://www.cdc.gov), they will come to the CDC page with all the advice on how to respond to this coronavirus pandemic as an individual in the community.

Ralph Nader: Thank you very much. We've been listening to Dr. Michael Carome, Director of Public Citizen's Health Research Group, and we'd like to have you on periodically during this coronavirus situation. Thank you, Michael.

Dr. Michael Carome: You're welcome. It's been my pleasure and happy to join again anytime.

Steve Skrovan: We've been speaking with Dr. Michael Carome, Director of the Health Research Group at Public Citizen. We will link to their work at [ralphnaderradiohour.com](https://www.ralphnaderradiohour.com). Alright, let's take a listener question, David.

David Feldman: This comes to us from Rich Korn. "I represent the Progressive Forum in Deerfield Beach, Florida for the past 42 years. From December through March, we've been presenting a weekly series of outside speakers who address the major issues of the day. I know you've been the inspiration and guiding force behind so many organizations that address these same issues. Could you possibly give us contact information for speakers who you believe would be of interest to us, especially speakers located in South Florida? We pay our speakers an honorarium, but because we are on a limited budget, it is difficult for us to attract speakers who are in high demand. I would appreciate any assistance you can offer.

Ralph Nader: Well, I think your best bet is to contact the ACLU, Common Cause, Public Citizen, People For the American Way. And if they're interested in things like climate disruption, the Sierra Club, Greenpeace. They have chapters in Florida and they have very, very well-credentialed, experienced speakers. So you can just tap into them at their national headquarters and they will lead you back to Florida so you can have your choice of speakers.

David Feldman: Thank you for that question, Rich. Yeah, so contact the organizations who will then funnel speakers to you. Very good.

Steve Skrovan: All right. Well, thank you for your question. Keep them coming on the *Ralph Nader Radio Hour* website. I want to thank our guests again, James Zirin and Dr. Michael Carome. For those of you listening on the radio, that's our show. For you podcast listeners, stay tuned for some bonus material we call the Wrap Up. A transcript of this show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

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

Steve Skrovan: And Ralph has got three books out, 1) the fable, *How the Rats Re-Formed the Congress*; to acquire a copy of that, go to ratsreformcongress.org. 2) *To the Ramparts: How Bush and Obama Paved the Way for the Trump Presidency and Why It Isn't Too Late to Reverse Course* and 3) *Fake President: Decoding Trump's Gaslighting, Corruption and General Bullsh*t*, co-written with Mark Green. We will link to that also.

David Feldman: The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky.

Steve Skrovan: Our theme music, "Stand Up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon; our intern is Michaela Squier.

David Feldman: Join us next week on the *Ralph Nader Radio Hour*. Thank you, Ralph.

Ralph Nader: Thank you, everybody. It's more important than ever for you to influence your senators and representatives. For that, I've written this book, *How the Rats Re-Formed the*

Congress. You can go to ratsreformcongress.org to see how you can get copies. People are ordering them five at a time. That's a good sign.