

RALPH NADER RADIO HOUR EP 317 TRANSCRIPT

Steve Skrovan: It's the *Ralph Nader Radio Hour*.

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

David Feldman: Good morning.

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

Ralph Nader: Hi. Today listeners will realize why they get information first on this radio hour.

Steve Skrovan: That is correct, and we want to open a little differently here today. David, I want you to—we've collected some of Donald Trump's statements about coronavirus - and I want you to read them, and we're going to discuss that a little bit. And we'll see what the truth really is here. These are statements that Donald Trump has made throughout the pandemic so far that have proven not to be true.

David Feldman: Right. NPR in Seattle has decided to stop airing Trump's briefings because they're worried about the consequences of his false information. And some of the things Trump has said are: "Over an eight-day span, the United States now does more testing than what South Korea does over an eight-week span. Great job." He's also said, "Anybody that wants a test can get a test." That's what the bottom line is." He's also said, "Anybody right now and yesterday, anybody that needs a test gets a test. They're there. They have the tests and the tests are beautiful." I'm sorry for laughing. "Anybody that needs a test gets a test and we have very low numbers compared to major countries throughout the world. Our numbers are lower than just about anybody." And finally, "I would love to have the country opened up and just raring to go by Easter."

Ralph Nader: Those are all quotes, listeners, of Donald Trump, and David was very kind because he didn't quote the early quotes of Donald Trump when he said, "Oh, it's just like a flu. It'll go away; be calm." And other dismissive-type remarks that cost us critical weeks when we could've

gotten on top of the curve here and reduced the mortality and morbidity enormously. He ridiculed it in January and February and now, he knows how serious it is and so he's moved from fabrication to deception.

Steve Skrovan: I think he called it a hoax, right?

Ralph Nader: He calls it a Democratic Party hoax back in January. And he repeated a lot of what was on *Fox News*. The medical correspondent for *Fox News* dismissed it--the medical correspondent on *Fox News*. And of course, he was on *Fox News* all the time saying even more egregiously false things on [the] Sean Hannity Show and others.

Steve Skrovan: And yet in his latest press conference where he did give numbers that his CDC [Centers for Disease Control] team told him to tell people, he's now being given credit for changing his tone and being presidential.

Ralph Nader: You know, when liars are associated with power, powerful liars, they get credit for being less outrageous or less fabricating than ordinary mortals. And here he was, very recently at his news conference saying, you know, "A while back, a lot of people thought that there was nothing to this, that we didn't have to be concerned about it." Of course that was him. [laughter] And then he separates himself from those people who dismissed it and creates a new Donald Trump--stage two Donald Trump--where he's recognizing that 100,000 to 200,000 people could die before the epidemic is curbed.

Steve Skrovan: And you were telling me earlier, Ralph, that this is actually more than Joseph Goebbels would do.

Ralph Nader: Yeah. This is much more sophisticated. So for several weeks, he tells millions of people that it's a hoax. You don't have to worry about it. It'll go away; be calm. It's just like a flu. And a lot of people believed him. And then just recently at his news conference, he dumped on those people by saying, "Look, there were a lot of people who didn't think it was worth bothering with, that it wasn't serious." And now he's attached himself to Dr. Fauci and Dr. Birx and is coming around to a more realistic narrative on what's going on. That's an advanced stage for the big lie. When you did a big lie and then you distance yourself from the big lie and all the millions that

you've persuaded to believe the big lie and you're distancing yourself and you correct yourself in so far as he can correct himself, to take this coronavirus pandemic seriously.

Steve Skrovan: Before the show started, we were talking about how there aren't any protests outside the Oval Office. After 9/11, it was pretty evident that George W. Bush let his guard down. We knew that they were going to attack us. There were memos, warning and he did nothing. But we still rallied around George W. Bush after the attack and that gave him license to overcorrect and take away so many of our civil liberties and invade the wrong country. What do you see happening here? We see the American people forgiving Trump the same way they forgave Bush.

Ralph Nader: Look, there's only one president; that's the answer. And so, I mean, people would rally around a totem pole if it was only the totem pole in charge. So that's quite understandable. There's just no one else to rally but he drives it in, you know, an hour and a half news conference every day. I mean, vastly more exposure than any other president has ever had, day after day. And he praises different categories of workers, you know, he knows the demographics for his election campaign. And then he billboards corporate executives who come on for a minute or so and give assurances without commitments. And you don't think that these companies are going to tell their executives to max out in terms of campaign contributions to Donald Trump's re-election campaign. The whole thing is seedy, rancid. And he's wrapping the scientists around him now to give him credibility after threatening to fire Dr. Fauci, because he dared correct him scientifically in front of millions of people when Trump was actually encouraging people to do the wrong thing in terms of the virus.

Steve Skrovan: Well, on this show, we're going to throw some truth at you as it becomes clear that we don't in fact have lower number coronavirus cases than other major countries and that the United States should really not be opened up by Easter, or probably not even by the end of April, which is where we are now. It makes it increasingly unclear what we can expect in the coming months and what we can expect come the November elections. Trump has hindered Democratic-led pushes for voting reforms. These would potentially make it easier to vote while avoiding coronavirus. Some of these have been vote by mail, same day registration and early voting and this is—listen to what Trump said on *Fox & Friends* just recently about the Democrats and the recently signed stimulus bill:

Donald Trump on Fox and Friends: “I will tell you this, if you look at before and after, the things they had in there were crazy. They had things, levels of voting that if you ever agreed to it, you'd never have a Republican elected in this country again.”

Steve Skrovan: That's why on the show today we have invited back constitutional law scholar, Professor Alan Hirsch. A few months back, he and Ralph had a spirited debate about impeachment and Professor Hirsch has already been talking about the potential for hacking in this upcoming election, but he's here to talk with us about how the chaos of the coronavirus pandemic might affect the legitimacy of our election. His new book is *A Short History of Presidential Election Crises: (And How to Prevent the Next One)*, which we may be a few short months away from.

That's just the first half of the show. In the second half of the show we welcome back labor writer Steven Greenhouse who recently wrote an op-ed in the *New York Times* entitled, "Is Your Grocery Delivery Worth a Worker's Life?" I know that I personally am officially classified as "non-essential", but there are "essential" people out there in the world helping keep people like me fat and happy. Apparently, workers around the country are walking off the job to protest a lack of protective equipment and other sanitary safety measures at companies like Instacart and Amazon. In his piece, Mr. Greenhouse argues, "Many workers feel they're putting their lives on the line each day by interacting with customers who might be infected and by working in places they're convinced have not been adequately sanitized against the virus." Question is, will businesses and government do enough to protect this category of essential workers? And as always, in between those two great interviews, we will take a short break to check in with our corporate crime reporter, Russell Mokhiber. Well, let's start by talking about what tools, if any, the Constitution gives us to undo an illegitimate presidential election. David?

David Feldman: Alan Hirsch is a constitutional scholar and Chair of the Justice and Law program at Williams College. Professor Hirsch is the author of numerous works of legal scholarship and many books, including *For the People: What the Constitution Really Says About Your Rights*, *A Citizen's Guide to Impeachment*, and his latest book, *A Short History of Presidential Election Crises: (And How to Prevent the Next One)*. It's published by City Lights Books. Welcome back to the *Ralph Nader Radio Hour*, Alan Hirsch.

Alan Hirsch: Thank you so much for having me.

Ralph Nader: Well, thank you, Alan. You have a sense of timing. People may say, What, a presidential election crisis? We're into the coronavirus crisis. What's one got to do with the other? Well, just about everything, because if this coronavirus crisis continues--they've already postponed presidential primaries--it may affect whether the November election actually gets underway, whether it's going to be heavily absentee voted and we have a president who thinks he can do whatever he wants under Article II; that was his words. And he's mused about having the authority to pardon himself. So if there's a close election, he may challenge it and the days go by, and are they going to recount and what state and litigation? And to make some sense of all this, we have

you, Alan, because you've written this very readable paperback; it just came out--*A Short History of Presidential Election Crises: (And How to Prevent the Next One)*. You go to about a half a dozen prior elections in our history and then you recommend the abolition of the Electoral College as one remedy and the establishment of a Presidential Election Review Board. So this is going to be really interesting, listeners, because it's not theoretical; it's not speculative. Can you just give us a few highlights from past elections in order to frame what your proposed remedies are, Alan Hirsch?

Alan Hirsch: Sure, Ralph. So the first crisis election in American history was 1800, which produced a tie between Thomas Jefferson and his running mate, Aaron Burr. And that was because of the archaic Electoral College provisions in the Constitution. So immediately they amended the Constitution to prevent that sort of thing from happening again because it took 36 ballots and a lot of backroom dealing to make sure that Jefferson became president. Aaron Burr probably would have been the second worst president in American history. And you know who we think is the first. But in any case, the Constitution was amended, and they fixed that particular problem, but many other problems remained. And in 1824, Andrew Jackson received the most electoral votes [and] the most popular votes, but John Quincy Adams became president thanks to what most historians regard as the so-called corrupt bargain between him and Henry Clay, who threw his support to Adams in the House in exchange for being made secretary of state. This time, and this has been the pattern ever since, nothing meaningful was done to prevent another crisis. We got lucky and there wasn't one for another half century. The election of 1876, where Rutherford B. Hayes became president, in large part thanks to a partisan commission that was appointed ad hoc after the election and probably in exchange for agreeing not to pursue aggressive reconstruction policies. Then of course, the 2000 election, which were more apt to remember when the Supreme Court effectively made George Bush president. And what that points to, all of these crises, is we wake up the day after the election [and] we don't know who is president. That's bad enough, but we then don't have a fair and reliable process for determining who becomes president. And we got kind of lucky in a few elections after that if you call Donald Trump's election lucky. But the lucky part is there wasn't a crisis. He at least fairly clearly won the Electoral College. But we know there were hackers trying to influence the election. Imagine if they had done so. They did influence the election in terms of spreading misinformation and hacking the email accounts and so forth. But imagine if they had changed votes from candidate Clinton to candidate Trump, and there was a plausible case to be made that they changed enough votes to determine the outcome. Now, that could happen six months from now because we know there are hackers that have that capability and we know that they have that motivation. And so what have we done to prevent that sort of thing? What would we do if we don't know whether hacking changed the election? And the answer is A, we've done nothing and B, we would deal with it in an ad hoc way just as we have past presidential election crises.

Ralph Nader: Well, it even gets worse than that, because you've got software for these automatic voting machines in some states without paper ballots. The software is owned by the company that sells the software to the state government. And the hacking can come from anywhere. It doesn't

just have to come from overseas. And it's just mind boggling that we don't have a simple system that Canada has, which is a paper ballot. By 11 o'clock at night in this huge country, they know who won and who didn't win. So before we get into your proposed remedies, Alan, what would you think we should do in terms of more traditional ways of collecting votes, not suppressing votes and counting them accurately and not over automating their counting?

Alan Hirsch: And while we're at it having a uniform method so you don't have different states doing different things with varying degree of reliability. Yeah. You know, in Athens, I was once at this museum they have in the Agora and they showed way they counted votes in ancient Athens and it actually made more sense than what we do today. And as much progress has been made technologically, isn't it astounding that we don't have a reliable way of simply counting votes? But I don't think any way we would come up with would be completely immune from fraud, cheating, voter suppression, all these other things that can happen. And while we're at it, what about a terrorist attack on the day before or [day] of the election that destroys election infrastructure in some states? So there are all sorts of things that can go wrong, not just the coronavirus and not just outright fraud. There are just all sorts of things and that's why it seems to be important that we have a remedy that doesn't just address one of those things, but that is available for all of them.

Ralph Nader: What about Oregon, which led the way. All voters in Oregon vote by mail. How about that?

Alan Hirsch: So I think the only clear problem with—I mean, first of all, mail is not immune from fraud and you get into all sorts of issues [like] what if the signature on the ballot differs from the signature that's already on file for that voter? And what if the voter doesn't make the mark clear? There's no panacea. I like voting by mail, but the one structural problem with it that we have to think about is some voters then they vote one or two or three weeks before the election and then a candidate commits a terrible gaffe or has some important health event and that voter wants his or her vote back. So there's something to be said for everyone voting at the same time and closer to the election date. Having said that, I would favor booking towards the voting by mail. I think the advantages outweigh its disadvantages, but again, there is no panacea.

Ralph Nader: You know, one thing Canada does, it restricts the precincts to 500 voters, so that they're all close to where people live and work. And some techniques our southern states have been employing now is to shut down a lot of the precincts on grounds that save money. They happen to often be in minority voter areas in the south. So people have to go further and further. I read where it took someone 30 minutes by car to go there and the voting precinct addresses change. It's just amazing. You know, years ago, Alan, the League of Women Voters would list all the ways voters were obstructed and candidates were obstructed from getting on the ballot. And after the

civil rights laws are passed in 1960s, we thought that it was pretty much remedied. And now comes an incredible number of ways, and they keep getting new ways, to obstruct people from voting, obstruct third-party candidates from getting on the ballot more than any other democratic society in the world! I mean it isn't even close. It's harder to vote and harder to run for office in the US than in any of these societies and some non-democratic societies. You make a very unique argument to abolish the Electoral College. There are a lot of arguments abolishing it, and we'll talk about the state-by-state compact that is emerging. What are your major arguments to abolish the Electoral College in the context of having an accurate, safe electoral process?

Alan Hirsch: Yeah. So history teaches us what math actually establishes, which is having these 51 separate elections and then just aggregating them, these winner-take-all elections in every state and the District of Columbia, is an invitation to number one, a squeaker election--a very close election, which turns on a few hundred votes in one or two states. And number two, because of that, it is an invitation to hackers or any other fraudsters. So here's a way of thinking about it: in 2000, we know that the election came down to essentially a tie in Florida. So if you were a hacker, if you knew that was going to be the case, all you would have to do is find one precinct in Florida and change a few hundred votes from one candidate to the other and you could determine the election outcome. If the election had been by popular vote, Gore wins by 500,000 votes. And history teaches, this is not a fluke. Election after election, it is within the margin of fraud, one might say, in the Electoral College, whereas the popular vote is fairly clear. And you look at last election, 2016, Clinton won by almost 3 million votes. That's outside the margin of hacking, one might say, outside the margin of fraud, whereas several thousand votes in a few swing states could determine the Electoral College.

Ralph Nader: Yeah, it was about 75,000 votes in three swing states like Wisconsin, Michigan, Pennsylvania.

Alan Hirsch: Right. Now someone would say as a counter-argument, yeah, but the hacker or fraudster wouldn't know which states those are going to be in any given election. But that's just empirically silly. Everyone knows what the swing states are. And on top of that, they tend to be the same election after election. So this is a hacker's dream, the Electoral College. It just makes their life so much easier to know they just have to change a few hundred votes and they have a decent chance of getting their candidate. And in the popular vote, they would have to swing hundreds of thousands of votes.

Ralph Nader: Okay. So without the Electoral College, this wouldn't happen. And there is a point in your history here where you show that one of the reasons for the Electoral College was a pro-slavery leverage by some southern states.

Alan Hirsch: Yeah. So a couple of things. Just on that first point, it's absolutely the case. Every presidential election crisis, and I define that as we wake up the day after the election [and] we don't know who is president. Every one of those, if we did not have the Electoral College, there would not have been a problem. So let's just establish that. And yeah, the history of the Electoral College, did serve the benefit of the slave states beyond doubt. Of course nowadays its supporters will say, forget that; it serves the interest of the small states. But that is really a bogus argument. You know, that's based largely on the idea that candidates would ignore the Wyoming, Montanas and Rhode Islands of the world because they're so small; they have so few voters. But giving them the extra two electoral votes makes it worth their while. So I remember this argument being made in 2000 when I lived in New York, and I thought, isn't it wonderful that candidates might visit Wyoming or Nebraska, which they wouldn't do without the Electoral College. They're not going to set foot in New York except maybe for a fundraiser. They're not going to campaign in California or Texas. Why is it better that they're visiting small states instead of states with millions and millions of people? But on top of that, it turns out to be empirically false—this idea that candidates do visit small states because of the Electoral College. No, they visit large swing states and they will do the bulk of their campaigning in 10 states and 80% of America will be ignored.

Ralph Nader: How well do I know that? [Alan laughs] I made a point of visiting all 50 states in every presidential campaign out of respect for the voter and not to be tactically and geographically determined by this Electoral College. And it's amazing, Alan. None of the press ever asks the presidential candidates, including this current campaign, are you going to campaign in all 50 states and are you going to make the Electoral College an issue? And they don't. Okay. So there is a movement now, and I wished you had been a little more specific and give credit that this movement started by Steve Silberstein in San Francisco who is a philanthropist. He hired seven lobbyists and you went to one state after another and he got them to pass laws--like California, Illinois, New York, Maryland, Connecticut--that said that whoever wins the presidential popular vote, we, the sign-on states, will give the Electoral College votes to that candidate. So that's a way to neutralize the Electoral College without having a constitutional amendment. And what's interesting is they've already reached about 193 electoral-vote s states so that all they gotta do is go to 270 and do you think this is constitutional and what do you think of that?

Alan Hirsch: Yeah. So, I addressed it a little bit in the book and I think it probably is constitutional, although there are complicated arguments for and against. I think it's a great idea. I think it's going to get hard to get from 193 to 270 for a couple of reasons. One is, it's mostly blue states or maybe exclusively blue states that are onboard because Republicans who have taken note of two of the last five elections where they won despite losing the popular vote, don't want to sign on, because they right now have this advantage in the Electoral College. I think it's shortsighted for them to protect the Electoral College at all costs and not realize that that's a transient thing. By four years from now, eight years from now, even possibly this election, it will go the other way where the Republican wins the popular vote and loses the Electoral College.

Ralph Nader: Yeah. But on their behalf, they've got two in their bag already. 2000 and 2016, the Democrats won decisively the popular vote and George W. Bush and Donald Trump became president with minority vote totals. I think though, you know, if there is a wave election this time, Alan, and some of the big states turn blue and Democrat, you might be able to get the rest of those Electoral College votes. And they don't go away. You know, they have 193 and they don't say, well, if you don't get 270 in two years, you're going to lose 193. So I think there is a possibility.

Alan Hirsch: Oh, I agree. I just meant not—it certainly won't happen before this November.

Ralph Nader: No, certainly. Certainly.

Alan Hirsch: Right. I agree. It could pick up steam and obviously, all it would take is one time the Republicans being on the wrong end of the Electoral College.

Ralph Nader: It's true.

Alan Hirsch: I should add just one thing. The other thing that gets talked about very little is the winner-take-all quality of the Electoral College. And that's not constitutionally required. That's up to each state. But is it not insane that if you win California by 100 votes, you get all 55 electoral votes?

Ralph Nader: That's why people want proportional representation.

Alan Hirsch: Absolutely. And that's another invitation to fraud, the winner-take-all quality of the election.

Ralph Nader: It's a crapshoot.

Alan Hirsch: Yup. Yeah.

Ralph Nader: Well, now, your other proposal is a Presidential Election Review Board so that when there is an unsettled election, like in 2000 or other elections, you have in this wonderful clear written book, *A Short History of Presidential Election Crises: (And How to Prevent the Next One)* by Alan Hirsch. Tell us about that. Who appoints the board? What does it do?

Alan Hirsch: Right, So Ralph, you've read the book. Is this something any rational person should oppose? Isn't this one of these ideas everyone should be able to get behind?

Ralph Nader: I would say, and Minnesota has some version of it already.

Alan Hirsch: And as a result, when Al Franken and Norm Coleman had their virtual tie in 2008, it got resolved in a way that satisfied everyone. The Republican newspapers editorialized after the fact that this worked well. This is a good process. Anyway, in a nutshell, we saw what happened in 1876, in this creation of an ad hoc commission to decide the election. In 2000, the Supreme Court, in what most people regard as a partisan decision deciding the election, doesn't it make sense to have a permanent board, in advance, empowered to and given the responsibility for resolving any election controversies, a board which is bipartisan, actually tripartisan; it should have not only Democrats and Republicans but someone or some people who are not affiliated with either party who would be empowered and responsible for resolving all election crises. They would be given subpoena power, investigatory power and the authority to do, for example, in a last resort, call for a revote; in a last resort, change the date of the election; and also hold hearings into allegations of fraud and so forth. And it just seems to me this is an idea that no one can oppose unless they like cheating, unless they like illegitimate outcomes.

Ralph Nader: I can hear some of our listeners saying, yeah, who appoints to the board? And can't the board be corrupted? So you took very special safeguards for that. Why don't you tell us?

Alan Hirsch: Yeah, so the board has to be, you know, it would have to be appointed by Congress and what did I propose--a two-thirds majority of both houses [of Congress]. And the kind of people you would want on the board are people like Colin Powell or Sam Nunn, people who have

reputations that are just as good on the other side of the aisle. And then again, you would also need someone who did not belong to either party, partly so you would have an odd number because otherwise you get these standoffs or at least theoretically. So I'd like to see this done by constitutional amendment because then it couldn't be defunded whenever anyone got some crazy ideas in their head.

Ralph Nader: Right.

Alan Hirsch: But it could be done by statute. There were certain things which that board would not have the power to do, like the inauguration date is in the Constitution; they couldn't change that. But most of the things they could do by statute and we actually, you know, it could happen, right? This theoretically could happen between now and November.

Ralph Nader: And how long are the terms and to what extent can they be held accountable to the electorate if they go rogue on us, this presidential board?

Alan Hirsch: Their findings could be reversed by a super majority of both [congressional] houses and I believe they don't have to have terms. I think they can be permanent with provision for their replacement upon death or disability, all of this stuff. But I do provide a sample amendment in the book. But all of that stuff, obviously, you could tweak. The details are less important than the concept. And the concept of a permanent tripartisan board, empowered to resolve presidential election crises; as I say, it seems to me there's no good counterargument.

Ralph Nader: If this board gets into a real difficult situation and weeks turn into months, you would have the incumbent president stay on beyond January 20th.

Alan Hirsch: Right. Which is what's happened in Minnesota when they had a crazy situation with the governor's race. Yeah, and again, none of this is perfect. But that's circumstances in this crazy world which create imperfect solutions. The question is, is the status quo better? Is it better than waking up after election day in 2000 and everyone is scratching their heads and saying, what do we do now? Let's try the state courts. No, let's try the federal courts. Well, how about the Florida legislature? How about the United States Congress? And then it just becomes a power play. So it's huge just to have the rules and the process established in advance! That alone is an enormous step forward from where we are.

Ralph Nader: Well, of course, underneath all your concerns, Alan, are all the ways different states obstruct voting, harass voting, invalidate voting, complicate voting; students where do they vote, college or where they have their home and on and on and on. Would you support a uniform federal voting law for federal offices?

Alan Hirsch: Yes. It might have to be done by constitutional amendment. I think the Constitution envisions that the states administer elections, but yes, I think I would. And by the way, as long as we're rewriting the election process, why isn't election day a national holiday, and ideally on a weekend? You want to talk about things that discourage people from voting; I think we have to mention those things as well.

Ralph Nader: The whole system is bent toward reducing voting totals. I mean, George Will has written several columns - the conservative syndicated columnist - saying, why should we encourage more people to vote if they don't vote on their own? You know, never mind all of the obstructions; there is a right wing bias to reduce the vote total and when they control most state legislatures and governors as they have recently and a good part of the Congress, you can see they get their predilections implemented. Thank you very much, Alan. We've been talking with Alan Hirsch, the author of the brand new book, *A Short History of Presidential Election Crises: (And How to Prevent the Next One)*. Alan is one of the clearest constitutional law writers ever and this book feels good in your hands and I hope it provokes you in your conscience to get active and do your part. Thank you very much, Alan.

Alan Hirsch: Thank you, Ralph.

Steve Skrovan: We've been speaking with constitutional scholar, Alan Hirsch about his book, *A Short History of Presidential Election Crises: (And How to Prevent the Next One)*. We will link to his book at ralphnaderradiohour.com. We're about to take short break. When we come back, we will hear from labor writer, Steven Greenhouse, who has written an op-ed in the *New York Times* entitled "Is Your Grocery Delivery Worth a Worker's Life?" But first, let's check in with our corporate crime reporter, Russell Mokhiber.

Russell Mokhiber: From the National Press Building in Washington, D.C., this is your Corporate Crime Reporter, Morning Minute for Friday, April 3, 2020. I'm Russell Mokhiber. Senators Bernie Sanders and Elizabeth Warren muzzled the progressives in Congress to make sure they would not

object to the corporate bailout that passed Congress last week. That's a take of Matt Stoller of the [nonprofit, nonpartisan] American Economic Liberties Project. Stoller said that the corporate bailout is the 4 trillion to 6 trillion to 8 trillion of basically no-cost or low-cost guaranteed credit that is going to be used by Citibank [and] J.P. Morgan and by any big monopolist or a large company that can get access to it to buy up their competitors and buy up small businesses who are obviously now in a really distressed state because they don't have any revenue. The easiest thing that anyone could have done [was] Nancy Pelosi could have called the House in and passed a giant unemployment benefit, a simple bill and said to the Senate, we need urgent relief now. 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. Many of us have been getting most of our groceries delivered since the lockdown, but what about the safety of those doing the delivering? Our next guest asked that very important question. David?

David Feldman: Steven Greenhouse is an award winning reporter who covered labor and workplace issues for 19 years at the *New York Times*. Mr. Greenhouse has written *Beaten Down, Worked Up: The Past, Present and Future of American Labor*. He has also served as a business and economics reporter as well as a diplomatic and foreign correspondent. His latest opinion piece in the *New York Times* is entitled "Is Your Grocery Delivery Worth a Worker's Life?" Welcome back to the *Ralph Nader Radio Hour*, Steven Greenhouse.

Steven Greenhouse: Good to be here in these difficult times.

Ralph Nader: Steven, when I read your op-ed, I immediately had the impression that what you described, the way workers on the front lines in this coronavirus epidemic are treated, it was like a third-world country under an authoritarian regime, if not worse. And listeners, if you're skeptical, just stick around for a few minutes and you'll see. Let's start with your paragraph s that described Scott Ryan.

Steven Greenhouse: Scott Ryan was a bus driver in Everett, Washington, an active member of the union. He was 41 years old and he sent a Facebook message to his friends saying, you know, we are high-risk ticking time bombs. We're being exposed to someone with it, with the coronavirus and he was trying to get the union and the bus authority to do something more to protect the drivers. Unfortunately, Scott Ryan, father of three, died of COVID-19 at the age of 41. And, you know, his story kind of shows that, you know, too many employers in United States haven't done nearly

enough to protect their workers against the dangers of the coronavirus. And you know, I wrote this whole book saying, you know, there's something wrong that far too many American employers don't treat workers with basic respect. And what we've seen with all these walkouts over the past week at Amazon, at Whole Foods, at Perdue Farms, at five or six McDonald's across the country, is workers who are usually scared of standing up, especially low-wage workers, are just so fed up with their employers not doing enough to protect them that they're actually walking out. And I think it shows that people are really scared, and people are really upset that their employers, far too often, take them and their safety for granted.

Ralph Nader: The kind of examples you give are provoking of deep outrage that we, in this country over the years, long before the coronavirus came around, have subjected the workers [to] who produced the necessities of life. These are not paper pushers; these are not speculators on Wall Street. They produce our food and all the necessities of life, repairs, transportation and they're at the bottom of the pile and it gets worse. In your column you say, and I'm quoting you, "The ones that is here, they so tense they scared to touch the equipment," said, Maurice Wiggins, a Kroger forklift driver and father of two. He also said he is being forced to work a 97-hour, seven-day workweek. And you have one example after another. The Fiat Chrysler truck plant, a walkout; bus drivers in Birmingham, Alabama, a walkout; sanitation workers in Pittsburgh, a walkout. All about the coronavirus and also not being given hazard pay while their bosses are making \$10,000, 12,000 an hour like the CEO of Walmart, they're not getting hazard pay or they're not getting paid sick leave. You write in your column that every western country provides for paid sick leave along with paid vacations for everybody. Not true in the United States. So let me ask you, Steven, what is organized labor doing about this?

Steven Greenhouse: So, you know, the United Auto Workers, despite an unfortunate corruption scandal, the United Auto Workers got the big three automakers to close their plants for a while to do a thorough cleaning and to figure out protocols to help ensure that workers don't get sick. So that's good. And the grocery workers' union has been fighting to make sure some supermarkets provide safety protocols and do thorough cleaning. Bus drivers' unions in certain cities, here in New York and elsewhere, have been very active. What's really interesting, Ralph, is some of these kinds of eruptions of wildcat strikes involve nonunion workers and they're just like fed up and scared and alarmed. You know, it's kind of like we're not going to take this anymore. These workers at the huge Amazon warehouse of 5,000 workers in Staten Island, seven to ten workers there have COVID-19. And they just felt we're going to catch it from other workers [because] we touch the same equipment as the other workers; we touch the same boxes as other workers and many of them walked out because they're just scared, and they feel that the employers are not doing enough, and they've gotten a lot of support from unions and various worker groups. I think unions kind of see this as an opportunity in ways to maybe organize a lot of workers even know you'd think with all the social distancing, it might be very hard to organize workers because in theory, you can't even meet [in person].

Ralph Nader: Well, after this is over with the coronavirus, if it is over, there's going to be a great opportunity for union organizing for sure. And what you just said doesn't seem to deter Amazon's hiring over 150,000 workers and they've got them stacked together in large halls, processing them, stacked together. In your article in the *New York Times*, listen to this, listeners, and I'm quoting Steven. "Cooks and cashiers who walked out of a McDonald's restaurant in San Jose, Calif., said they didn't even have enough soap to clean their hands and were not provided with gloves, masks or hand sanitizers." I mean, it just gets worse and worse. And listeners should know when you get an op-ed in the *New York Times* on a certain topic, it's often a topic that isn't widely covered in the mass media. And if you've been watching Donald Trump's press conferences every day, you'll notice that they're getting into the weeds on modeling for projection of mortality, morbidity back and forth. But you know, Steve, I was struck by they're not asking the kind of questions that relate to tens of millions of workers that are up in arms and frightful and dreading as they go to work and produce and distribute the necessities. What's going on here?

Steven Greenhouse: This will not be the first time I say that Donald Trump is not a friend of American workers. He pretends to be. He campaigned as he was. You know, one great unfortunate example, Ralph, is Nancy Pelosi pushed for this new law that would extend paid sick leave to every American worker. But Donald Trump, the White House said, wait a second, wait a second; we need to put in a big fat exemption for all companies that have more than 500 employees. So we have this absurd thing where the great Business Round Table with CEOs from 180 leading companies saying, we're no longer gonna focus on profit maximization. We're no longer going to focus on just serving our shareholders. We're going to really take into account the concerns of stakeholders like workers and the communities. Yet corporate America pushes to exempt the largest, biggest, richest companies from a very basic protection--paid sick days--at a time when, probably more than any time in the last a hundred years, we need a [national] paid sick days law to protect not just workers but the community and customers. So, something is really broken. I think that what happened with the paid sick-days law shows that the Trump administration, that corporate America is very, very willing to give workers the shaft if it hurts their bottom line or if it's politically convenient.

Ralph Nader: It's actually worse that. The Trump administration as you just pointed out, they have, my interpretation, an affirmative pro-contagion policy. They're actually aiding and abetting with these things. If you have workers who don't have paid sick leave and they're working from paycheck to paycheck, they go the restaurant, they're sick, and they contaminate and infect the customers. This is a pro-contagion. And also, he will not allow any specific coverage for testing and coronavirus treatment for undocumented workers. You know, they may be undocumented, but they only grow our crops. They only serve our elderly's ailments. They only do all the things--cleaning up and repair--that most American workers don't want to do. And they are terrified of going for treatment if they're sick. And so they're mixing with other people because they don't want to be seen as the undocumented. Now...

Steven Greenhouse: He's trying to appeal to his base and hurt undocumented workers in a way that, as you say, Ralph, is gonna lead down in a very bad way and hurt many, many Americans who interact with undocumented people who aren't getting tested.

Ralph Nader: That's what I mean by a pro-contagion policy.

Steven Greenhouse: And then when he says there's no problem anymore with testing, that's all resolved, I mean, that's total bull. And we don't have nearly enough testing. There hasn't been nearly enough urgency since day one to produce test kits, to produce masks, to produce ventilators. And I'm very sorry to say that despite the hour, two-hour a day Donald Trump show on TV, I think Trump's being so slow to mobilize the nation, to prepare the nation, by telling the nation falsely for weeks and weeks that everything's okay; everything is going to be fine. I think tens of thousands of Americans are needlessly going to die because he has mishandled this so badly.

Ralph Nader: No doubt. He fibbed; he flailed; he faked. You remember it was just the flu. It will all be all right. The virus will go away. It's a Democratic Party hoax. And we lost 10 weeks at least. Although we should have been prepared back in prior administrations. You know, I've written articles saying, look, you gotta pay attention. You got to beef up the Centers for Disease Control on pandemic alert and prevention and get some tougher inspectors over there in China where some of these viruses occur, because of the proximity of Chinese farmers and domesticated animals like chickens and pigs. So when Trump tries to blame prior administrations, he has a point, but he's been in office for three years and two months poo-pooing all this while he spends 150 days playing golf. But what do you think of this? I don't know why the AFL-CIO, which is only a block or two from the White House, why aren't there more demonstrations by workers--six feet apart, focusing on Trump's dereliction on Congress's foot dragging, a little bit better recently. [But] the lack of demonstration--even in Putin's quasi-dictatorship, they come out to Red Square. You know, we're almost at a point of apathy and lassitude, Steven. You can almost make the argument that there's less overt resistance to what's going on in this country, similar to the degrading of worker rights in authoritarian countries, than in authoritarian countries, even though it's more risky in those countries to demonstrate and protest and close down workplaces.

Steven Greenhouse: That's a good question. I don't think you could get many workers now to rush out to Washington and get on the subway and get on buses and congregate even six feet apart, because people are scared. But what you say is very important, Ralph; we need more activism. And one of the interesting things for me as someone who has written about labor for a long time is we've had The Women's Movement got a million people down to Washington, ~~you know~~, right around inauguration day. Black Lives Matter has gotten many people in the streets. 350.org, the climate change group, has gotten hundreds of thousands of people into the streets. The Parkland

High School kids organized a nationwide effort that also got hundreds and hundreds of thousands of people into the streets. And I also wonder why hasn't labor done more to get people into the streets? The Fight for 15 has succeeded in many ways, but I often agree that the AFL-CIO probably could have done more. I often wondered why weren't there more people taking to the streets during impeachment to press that the Republicans do something more; probably people realized the Republicans would just ignore them and not do the right thing anyway. But I could see online that a lot of these workers who are worried about their safety at work, they're getting a lot of support from unions online and they're getting money, but it's really hard to really organize in the streets right now because people are so scared.

Ralph Nader: I was thinking that more of an impact would be silent vigils of maybe 20 people, six feet apart, with clear signs, day after day in front of the White House because he looks at that; he's sensitive to those things. But apart from that, all the workers you described, with a few exceptions, are displaying anxiety, dread and fear of getting contagions. And they're already walking out here and there. What's going to happen when their coworker dies? I think the protests are going to become more vigorous and furious, wouldn't you say?

Steven Greenhouse: I think so. I mean, so someone asked me the other day, ~~you know~~, will coronavirus spur more union organizing. And my initial reaction was, well, the social distancing with people unable to meet, with people so preoccupied about their unsafety that they're not gonna do much on unionizing. So, there's been this huge surprising wave of labor activism in the past few weeks because ~~you know~~ so many workers at so many companies, including ~~you know~~, some of the nation's most prestigious companies--McDonald's and Fiat Chrysler and Amazon and Whole Foods ~~you know~~, think that something's really broken; they're not being treated properly. So they're really, you know, workers are banding together as best they can under these tough circumstances. And I think there might be some huge movement of online unionization that we've never seen before because I think a lot of workers are ripe. They think something's broken. Their employers are not doing nearly enough to protect them and, and ~~you know~~, when so many people are at home [and] so many people are scared at work, they want to figure out a way to make things better.

Ralph Nader: And it brings down to earth the inequality—that's a euphemism, but it brings down to earth the exploitation when they're on the line today and tomorrow selling. As this virus is spreading, their bosses are in protective self-custody in nice places with nice servants making 400 times what they're making an hour. So it takes this inequality thing and exploitation down to anxiety, dread and fear. And the bosses are clicking cocktail glasses and enjoying themselves in faraway remote, protected places.

Steven Greenhouse: There's definitely a class aspect of it. You know, someone tweeted at me the other day saying one of the crazy things that all the workers the nation depends on now to keep them fed, to keep them safe, are the workers whom Trump and Republicans want to pay less than \$15 an hour. And these are—a lot of these workers kind of are invisible, ignored workers. People don't pay attention to them--the bus drivers, the grocery workers, the subway conductors, the warehouse workers. But now in this crisis, people realize, hey, these people really are essential. They are really the glue that holds the economy together. And fortunately, some people are really applauding them and respect them in here, and I know here in New York and I think in other cities, every day at seven o'clock, people open their windows and cheer these workers for bravely, heroically doing the work they do. I should add, Ralph, in the op-ed, I left out the issue of healthcare workers and they have been wonderful and amazing and risking their lives and sacrificing their lives. And I was just doing some research today that, you know, some hospitals have actually fired nurses for insisting on wearing masks. These are nurses who are working with non-coronavirus patients. But they thought, hey, I need to wear a mask because these people might not show their symptoms yet and I need a mask to protect myself. And a doctor in Bellingham, Washington gave a newspaper interview saying, "my hospital isn't prepared; There aren't enough masks; there isn't enough training." And he was really sounding alarm that we, that the state of Washington, that his hospital had to do more, and he got fired. So, I have such respect for the healthcare workers and what they're doing...

Ralph Nader: Oh, yes.

Alan Hirsch: And some of them are also facing terrible employers who are just acting arbitrarily, ~~you know~~, firing people who say, I need a mask; firing nurses who say I need a mask even when I'm in the cafeteria. And today I learned Office Depot is staying open, and some workers at Staples and Office Depot say these are not essential companies. These should not stay open. And there's a big petition that coworker.org is backing. And someone just wrote an article saying that a leaked memo came out from Office Depot saying that Office Depot wants to prohibit its employees from wearing masks when they're serving customers in the store.

Ralph Nader: This is criminal negligence. You know, Trump and prior presidents are very good stockpiling weapons of mass destruction, but they didn't stockpile face masks, ventilators and the proper skill and facilities to deal with something that the Centers for Disease Control and professors of medicine have been warning for decades. It's not a matter of if a pandemic comes, it's just a matter of when and they left us unprepared. Now you say in your article, this one really caught my attention, and I'm quoting, Steven Greenhouse is quoting a worker at the Perdue poultry processing plant in Kathleen, Georgia, "We're not getting nothing — no type of compensation, no nothing, not even no cleanliness, no extra pay. We're up here risking our life for chicken." I sometimes wonder about what it takes to get several million Americans indignant enough to break the routine and really tick up the cudgels against these plutocrats, these militarists who gouge our

budget and deprive us of our domestic necessities. Well, enough for this sermon. You do say in your article that people should demand that business and government do more to protect these essential workers. Why don't you give us your summary before we conclude?

Steven Greenhouse: So, I just wrote a whole book saying there's something very broken in our economy that many corporations, a whole political party doesn't treat workers with the respect that they deserve. And we're really seeing that in spades right now during the coronavirus crisis where all these employers say, "We can't let you wear a mask to protect yourself because that might scare our customers and they might get scared and they might think something is wrong." Well, the CEOs and the high-paid white-collar workers are all working at home in safety and comfort, many bus drivers and grocery store workers and pharmacy workers and warehouse workers have to go to work every day. And the crazy thing is, even though these workers are risking their lives both at work and when they take the subway or bus to work, a lot of companies are not paying them hazard pay. And it's crazy. These companies, I realize some of them face real challenges in stocking the shelves in the crisis, but it's so unfortunate they treat workers like the caboose. They don't think, hey, these workers are risking their lives to make our businesses work, so of course the first thing we should do is provide them with some bonuses, with some hazard pay. It doesn't even cross the mind of some companies because they just unfortunately treat workers with contempt as interchangeable parts that if workers don't like it, they could leave.

Ralph Nader: Imagine if there was a law requiring CEOs suspend one day a month down at the service counter or down at the local hospital with their workers. Things would change.

Steven Greenhouse: Or living on a minimum wage for a month or two. Yeah.

Ralph Nader: Yeah. Well, one last question occurred to me. Steve, you have impeccable media credentials. You've won prizes; you reported many articles for the *New York Times* on labor when there are very few full-time labor reporters in newspapers around the country. And you should be on the evening news, interviewed; you should be on PBS and NPR. And you've raised the issue here in your op-ed piece. Are you getting those kinds of opportunities? And if not, doesn't mass media bear some responsibility here?

Steven Greenhouse: No, I'm not getting asked to do many, many interviews. But you know, on the other hand, a lot of folks in the press are doing a good job covering how this crisis affects workers. And I'm really glad to see that--you know, articles about transportation workers, about warehouse workers, about grocery workers; so that's good. And I wrote this op-ed because I

thought this issue wasn't getting nearly enough attention about how the frontline workers were being treated and were being shortchanged. They're not getting hazard pay and some not getting a hand sanitizer and gloves and masks. And I wrote this piece to bring it to the nation's attention. And I'm glad to say, it really sounded alarm and a lot of people woke up and said, hey, we really got to do more.

Ralph Nader: Well, let's hope it would bring to the attention of Donald Trump at his news conferences and he really gets down to remedies. He praises different categories of workers on the frontline regularly, but he doesn't mention that they're being deprived of lifesaving protective equipment and a respected level of hazard pay and all the other things you pointed out in this great article in the *New York Times*. Well, thank you very much. We've been talking with Steven Greenhouse, formerly of the *New York Times*, now an author of books on labor who wrote this powerful op-ed in the *Times* a few days ago. Thank you, Steven.

Steven Greenhouse: Thank you, Ralph. Stay healthy. Keep up the fight.

Ralph Nader: Of course.

Steve Skrovan: That's our show. I want to thank our guests again, Alan Hirsch and Steven Greenhouse. For those of you listening on the radio, we're going to end it here. For you podcast, 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: Subscribe to us on our *Ralph Nader Radio Hour* YouTube channel, and for Ralph's weekly column, it's free. Go to nader.org. For more from Russell Mohkiber, go to corporatecrimereporter.com.

Steve Skrovan: 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* when we speak with Ramesh Srinivasan, author of *Beyond the Valley: How Innovators Around the World are Overcoming Inequality and Creating the Technologies of Tomorrow*. Thank you, Ralph.

Ralph Nader: Thank you, everybody. Listeners, be alert. This terrible coronavirus pandemic can provoke a lot of needed changes, long overdue changes in America, in its aftermath. Be alert, be part of it.