

RALPH NADER RADIO HOUR EP 333 TRANSCRIPT

Steve Skrovan: It's the *Ralph Nader Rader Hour*. Welcome to the *Ralph Nader Rader Hour*. My name is Steve Skrovan along with my co-host, David Feldman. Hello, David.

David Feldman: Good morning.

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

Ralph Nader: Hello, everybody.

Steve Skrovan: We've got a very exciting show coming up, I have to tell you. A month ago, we spoke with legendary ad guru Bill Hillsman about political advertising. As you may recall, it was Mr. Hillsman's firm that conceived the MasterCard parody ad for Ralph's presidential run in 2000. They used the catchphrase "priceless" and that became the most memorable ad of the entire campaign. It was such a dead-on parody that MasterCard, in their corporate arrogance, sued the Nader campaign, which forced the news media to play it over and over again free of charge. The campaign got a lot of bang for their buck on that day. Today, Mr. Hillsman is back to help us deconstruct some of the ads the Democrats are running in support of Joe Biden, and we may throw a Trump ad in there too. At this moment, Biden has built a double-digit lead in national polls, but it's still very early, and the pandemic makes it more difficult than ever to get a clear message out. When you can't have rallies that get covered in the news media, television ads have to carry an even heavier load. So that's what we're going to do in the first part of the show. We're going to listen to some recent political ads; [you've] probably seen some of them already on television--which ones are good; which one should they put on a shelf? Trump is a master at media manipulation. How does Biden set himself apart? Especially, since as Bill told us last month, Biden is "just not a very dynamic candidate." So this should be fun.

In the second half of the program, we're going to talk about Facebook, which has put out a lot of fake news. And when you see a post on Facebook, it's hard to tell if it came from a Russian bot, Donald Trump's campaign or your uncle, but it seems like we have the right to know. Our second guest, Robert Fellmeth, certainly thinks so. He's particularly worried about Facebook's policy on anonymity because of how it affects children. With the prevalence of cyber bullying, bullies can hide behind fake profiles. And along with that, Facebook's lack of privacy protection means that a photo of a child can be reposted on Facebook a million times without their consent. We talked to Mr. Fellmeth about this last time he was on the show, but we want to continue that discussion

today. Considering how school has gone online and looks like it will continue to be for most children in the fall, these questions of internet privacy and protection are becoming increasingly important. In between, we'll take a short break and check in with our corporate crime reporter, Russell Mohkiber. And if we have some time left over, we'll try to answer some listener questions, but first let's break down some 2020 political ads. David?

David Feldman: Bill Hillsman is back. He's a writer and an expert on independent voters. He's the founder and CEO of Northwoods Advertising in Minneapolis, Minnesota. He ran award-winning political advertising campaigns for Senator Paul Wellstone, Governor Jesse Ventura, and our very own, Ralph Nader's presidential campaign. Northwoods Advertising has won numerous awards for creativity in advertising, including an EMMY and multiple POLLIE awards. Mr. Hillsman authored the book, *Run The Other Way: Fixing the Two-Party System, One Campaign at a Time*. Welcome back to the *Ralph Nader Radio Hour*, Bill Hillsman.

Bill Hillsman: Thanks, David.

Ralph Nader: Welcome indeed, Bill. This is going to be interesting, listeners, because you're going to get a granular review of some of these ads that you're seeing on television. But I'd like to point out that in my experience, the Democrats use about two arrows for every 12 they have in their quiver against the worst Republican Party in history. And I don't think their ads have emphasized corruption of the Trump administration, which is setting all-time records, day after day, with contracts and favoritism and crony capitalism and waivers from laws. You name it. And I don't think they've focused on something they focused on three, four years ago, which is what about this savage sexual predator and his abuse of women and bragging about it, and never apologizing, and calling his accusers all liars as they sue in court and provide credible evidence of what he did to them. So with that background, Bill, you've commented that the Democrats' lead may not be as persuasive, because it's based on a national poll rather than the swing states' poll. Can you elaborate that?

Bill Hillsman: Sure. All this unguarded optimism about Biden being able to beat Trump in the fall is based upon these national poll numbers that show these wide leads. But James Hohmann in particular, *The Washington Post*, did a really good article on this a day or so ago, where when you start to break down these national poll numbers into more likely voters and different types of voter cohorts, you find out that the lead is not that big at all. And in fact, it doesn't really matter what the lead is on a national scale. Because as we saw in the last election, whoever wins the most national votes, the popular vote, doesn't necessarily win the presidency. So what people should be paying attention to, Democrats in particular, are polls in particular swing states that are going to decide the Electoral College margin and who becomes the next president.

Ralph Nader: And you don't think they're doing that? Or you think it's a little too early and they're going to do it, say right after Labor Day.

Bill Hillsman: I think they may be doing it. But the overall impression that people are getting is based on these national polls. So I feel like it's 2016 all over again. Because a lot of Democrats are sitting there thinking we got this thing in the bag and all this positive press that they hear about how far behind Trump is in the national polling. And it's just not factual. I mean, it's not relevant to what is really going to happen in the election.

Ralph Nader: Bill, tell us who these advertising agencies for the Democrats are. Who are these consultants? You know, they sort of crave anonymity, but they are tremendously influential and sometimes not very smart at all. They have counseled the Democrats into one defeat after another at the national, state, and local level against this terrible Republican party. Who are these agencies?

Bill Hillsman: Mostly they're the same democratic political consultants that have been working for generations on democratic races. In a presidential year, if you do not have a single candidate, for instance, you don't have an incumbent or the primary hasn't been settled yet, you have a number of these different firms working for different candidates in the primary. What happens once the party settles on the candidate, is that presidential campaign has to figure out a way to keep all of these consultants employed. So they all basically get a piece of the action post-primary in terms of trying to be a part of the overall national communications effort, for in this case, Joe Biden. That can lead to a lot of problems. And it definitely leads to a lot of wasted money in terms of constituting conflicting advice, conflicting opinions, and just money going in pockets of people that aren't really doing anything except getting paid to be a part of the process.

Ralph Nader: Well, they get a 15% cut of all television ads. So they want more of the money of the candidates spent on TV than on the ground, get out to vote. That's always been a bias. But who are some of these groups? Is it one of the Grunwald Consulting Firm that worked with Hillary Clinton and actually was working with Elizabeth Warren's first senate race? Who are the names?

Bill Hillsman: You could go on Google and basically search democratic pollsters, democratic media consultants, democratic general strategic consultants and you're going to come up with a

bunch of firms, almost all based in Washington, D.C. I don't know if Mandy's [Grunwald] firm is actually involved in Biden's campaign or not. I suspect she's doing something for the party as part of the presidential race. Stan Greenberg's firm is another one. Greer Margolis is another one. I don't know; I'd have to go Google [it] to remind myself of who all these firms are.

Ralph Nader: Yeah. Okay. I got to tell you a conversation I had with Elizabeth Moynihan, who was so disgusted with the campaign consultants for the Democratic Party that she threw them out and became Daniel Patrick Moynihan's ads manager for repeated reelection to the US Senate from the state of New York. And she thought these consultants were in the category of 'who needs enemies when you got friends like these'? What's your overview of their competence here given their record of losing elections?

Bill Hillsman: Well, they're very good at making excuses. I mean, they've become very skilled professionals in that regard. In the last election, most of the democratic pollsters blame their failings on "magical thinking", which I've always believed is a good way to describe political polling. Ever since the Al Gore's race, they've become very, very good. And it's the way, why they lose elections that should be absolute ironclad victories. So there's a great deal of incompetence on the democratic side. I think it's a little bit more worrisome what's taken place recently on the Republican side.

Ralph Nader: Yeah. Tell us.

Bill Hillsman: Where Donald Trump replaced Brad Parscale. Basically, he was his media consultant in the 2016 race. And Democrats were in decent shape as long as Brad was in charge of the overall campaign. Because he's not a political person, he doesn't really understand political strategy, Facebook held his hand through the entire 2016 campaign. And that's how Donald Trump won. It was basically Facebook's help with a digital ad campaign with Brad Parscale that won the election. Remember, none of the Trump people thought they were actually going to win, including Brad. And Brad's basically a guy who understands metrics like impressions, which are digital measurements that Facebook tries to tell all its advertisers is important.

In the grand scheme of things, it's a vapor measurement. You don't really know what it means. It's just something that Facebook tells you is important, so you should feel good about it and you should try to get as many of them as possible. But he's been replaced, and he's been replaced by a guy, Bill Stepien, I think is his name, who actually counts votes. He comes from a field organizing background and is going to be looking at the swing states with a very close eye and trying to count actual votes. That's what you want in a campaign manager. And that's going to make it a lot harder for Democrats to win in the key swing states this time.

Ralph Nader: And what do you think the principal vulnerabilities of Trump are in terms of the way the Democrats could shape their ads before we get to specific ads?

Bill Hillsman: Well, I think the vulnerabilities of the campaign are legion. Let's looking at what the Trump campaign is really trying to do. Another switch that was made by the Trump campaign was elevating Jason Miller. Jason Miller is a strategist that comes from the Swift boat school of Republican attacks. He and the type of people that worked against John Kerry in Kerry's presidential election year, will stop at nothing. There is no bottom to how low they will go. And in the Trump campaign itself, there is no bottom to how low they will go. So I think the Democrats have to be ready for possibly the types of campaign tactics that we've never seen before in this country in terms of lying, in terms of misinformation, disinformation. And as we saw over the weekend, even to the point of not accepting the results of the election. So we're entering into a very dangerous time and Democrats have to realize, not only are they going to have to win in swing states, they're going to have to win by fairly large margins if they're going to be able to avoid Trump saying, he's just not going to abide by the results of the election.

Ralph Nader: You think they're up to it? Before we get to the ads, I mean, they just don't seem to be tough enough. As we've said on this program several times, Kevin Phillips, the former Republican strategist and author, once described the difference between Republicans and Democrats this way. He said, "The Republicans go for the jugular and the Democrats go for the capillaries." Are they up to it? Do they have the people in charge who really know how to work the situation in Pennsylvania, Ohio, North Carolina, Wisconsin, Minnesota, Michigan?

Bill Hillsman: I think it's almost less of do they have the right people in place to do this as do they know the right people to talk to. So to answer your question briefly, I don't know that Democrats are tough enough and they do have the right people. I do know that the Democrats don't have a very good understanding of the swing voters that they're going to have to talk to in these swing states in order to move the votes that are going to need to move. For instance, all Trump really needs to do to get reelected is to concentrate on independent voters, self-identified independent voters in swing states and suburban voters in swing states. And if you think about the mentality of swing voters in these, in many of these swing states, especially suburban voters, it comes down to a sense of who can do a good job on the economy and who can do a good job in terms of keeping us safe. And the Trump campaign has figured that out. And you've seen it in their most recent advertising. So, the only route to reelection for Trump right now is this. One, blame the coronavirus response on anybody and everybody but the federal government. So he's blaming China. He's going to blame the governors. He's going to blame mayors. He's gonna blame whoever he can for all of this. And then the recent political unrest over race is also playing into this as far as suburban voters go. And the Democrats have kind of given the Trump

campaign an opening with their calls to defund the police in many of these areas. So what's happening in the minds, I believe, of suburban voters is they're looking at this from the standpoint of they're pretty bad, but what's going on in the city that I'm living by. You know, there's crime is up, the police are down. The police are not responding. The police are now filing disability claims, so they're not showing up for work. And all this stuff makes me scared. And you know what? The economy was doing pretty good before this coronavirus thing. So if the Trump campaign can get these voters to think about anything but the coronavirus; if they can speak to the safety of people in the cities and the lack of police protection... And you've seen steps that he's tried to do to take action on this. In Portland, possibly in Chicago and other places, he's sending in federal forces that are uninvited. This is a campaign move. This is not necessarily a safety move; this is a campaign move.

Ralph Nader: But, you know, it seems to be boomeranging. The mayors, the governors, no matter what party they're attached to, they don't like the feds coming in, especially in the South, you know, states' rights. It's boomeranging in Oregon. But anyway, let's get into the specific ads. Steve, you want to take up this?

Steve Skrovan: Yeah. We're going to start with Biden ad. This is a short one. It's about 15 seconds. And it's called "That's a President." [Let's listen]

Voice Over Narration: "This job is about protecting Americans, not tear-gassing them for a photo op. It takes strength, courage, compassion, resilience. That's a president!"

Steve Skrovan: So, what do you think of that one, Bill?

Bill Hillsman: I thought there was something interesting about it. In the grand scheme of things, it's the usual type of political ad. But what was interesting to me about this particular 15-second ad was that it was kind of cut and used like it was a military recruitment ad. If you see ads for the armed forces, mostly on sports shows, a lot of the ads are similar in tone and style to this particular ad. The problem with the ad, which is called, "That's a President," is that it falls flat in its logic. I mean, Donald Trump is the president. We all know that. Joe Biden isn't president; he was a vice president. Everybody knows that. And what the ad does, and it attempts to use photos of the vice president in presidential style positions and it doesn't obviate the obvious. I mean, most voters' impressions of the current Joe Biden, as opposed to the Biden that's shown in this particular commercial, is that he's a shaky candidate that's hold up in the basement someplace. And so I don't think that this is really a good ad in that it doesn't—it tries too hard to make Biden

into something that everybody doesn't believe he is at this point. We talked about this last time. Like it or not, Trump is the dynamic candidate; Biden is not. And an ad like this doesn't change that.

Steve Skrovan: Okay. Very good, very interesting. This next one is called “4 Hours”. This one is a minute long.

Voice Over Narration: He took the train four hours every day, so he could have breakfast with his boys in the morning and tuck them in at night. People in Washington didn't get why Joe Biden would travel all that way. But in neighborhoods all over this country, there's no distance parents won't go for their kids. Never underestimate the power of family or the sacrifices people will make for their children. That love and hope, that determination, that's what fuels the American dream. It's why you stay up paying bills, sign up for that extra shift, worry about schools and healthcare. When Joe Biden traveled those four hours, he wasn't just going home for his kids; he was going to work for them too--just like he will for yours.

Steve Skrovan: All right. That one is called “4 Hours”. What about that one, Bill?

Bill Hillsman: It's a pretty long ad. I'd be surprised if it's appearing on air very much on TV because of its length. I think it's probably being used more as a digital ad. I didn't think there was anything really remarkable about the ad. It's basically portraying Biden as a family man and as a parent and it's aimed at working families. I think it's potentially effective depending on where they're using it. It's softer. It's a little more emotional. Again, I think it could be useful if it's used in the right place and certain states.

Steve Skrovan: And a lot of references to working people.

Bill Hillsman: Yes. A lot of references to working people as is this ad that I think you're going to go to now, which is called, “This Is How” and [if] we can play that one, I can talk about the contrast between these two ads a little bit.

Ralph Nader: Before you do that, Bill, comment on sound. Sometimes the music is not just in the background. It's too loud. You're known not to use loud music in your ads. You let visuals and the words that are used dominate the ad. Don't you think there's too much music?

Bill Hillsman: It's difficult to judge how the music is going to play in the final analysis. But technically, when you're mixing these things, it depends a lot on what studio you're using. It depends on what you're doing the playback on. The problem these days is it's not like the old days where everybody had a TV that was made by one of four manufacturers. The playback of an ad might be taking place on a phone. It might be taking place on a computer. It might be taking place on a monitor. It might be taking place on a big screen TV. So it's very difficult to know how the final mix is going to come across to the consumer. And the consumer has a great deal of control over how the sound comes coming out of the speakers. So at least in the audio that we just heard, you're right. The music was overpowering. Whether that's the case for everybody that hears this, I don't know. But you're absolutely correct when you say TV is predominantly a visual medium. The visuals have to tell the story; the words have to support the visual story. And if it doesn't do that, it's a failure.

Ralph Nader: Okay, good.

Bill Hillsman: Any distraction from that, is also a failure.

Steve Skrovan: All right. Now let's move to the ad that Bill just referred to. This one is called "This is How". It's another minute-long ad.

Voice Over Narration: Every day that Donald Trump fails to get this virus under control is another day our economy falls further and further behind. We not only need to turn things around; we need to rebuild this economy better than it was before. It's why Joe Biden is running for president to help working families, not the wealthier big corporations. The plan is simple. If you spend taxpayer dollars, you should buy American products and support American jobs. Joe Biden has a plan to bring small businesses and manufacturing back. That's because Joe Biden believes the future should be made in America by all of America. He'll bring back critical supply chains and create millions of jobs. He'll lower health-care costs, close tax loopholes for corporations and make historic investments in our schools. This is a plan for working families. This is Joe Biden's plan for the future, and this is how we will build a better America.

Steve Skrovan: All right. What about that one, Bill?

Bill Hillsman: Well, in contrast to the previous ad that we were discussing, this is less of an emotional appeal, and it's basically all promises. It's the same type of what I would call political claptrap that viewers have built up defenses against for decades. What it really is, is a litany of promises. It's got no details other than "Joe Biden has a plan." The visuals also, it's an attempt to co-opt the "Buy American" trope that the Republicans used very well for very long and claim that for Biden's campaign. But Trump has actually taken action in that regard. I mean, he hasn't been strong on very many things, but he does have a record that Joe Biden doesn't really have on this. So I'm not quite sure where they were going with this. I just think this is the type of commercial that Americans have learned to ignore, as opposed to the previous ad, which at least had some sense of emotion to it as opposed to just a litany of promises.

Steve Skrovan: Bill, how much do people respond to policy? Because it seems like your average voter, at least in my experience, they're always assessing character and personality, kind of ignoring the fact that these are very filtered personalities that are being presented to them.

Bill Hillsman: Yeah. And I think that's particularly true in a presidential race too. But Biden has already won on that, or he should be able to win on that. So if that's the case, why are you doing ads like this? If what you say is true, if policy matters far less in this than a contrast of character, then if I were the Biden campaign, I'd be concentrating on contrast of character.

Steve Skrovan: But do you think that's true?

Bill Hillsman: Yeah. I do think it's true. Particularly in presidential races and particularly in races like this, where it's not like there aren't clear lines of demarcation between the candidates. There are. It's not like to say Tweedledum and Tweedledee. This is the big contrast in terms of the people that we're choosing to run the country for the next four years. And I think the more the Democrats can concentrate on that, the better. I don't know why you would do an ad that's similar to every other type of political ad that we've seen for decades and that people know are just political claptrap basically.

Steve Skrovan: Okay. Thanks, Bill. This next one is another one-minute-long ad. It's called "Tough".

Voice of Joe Biden: I'm thinking of all of you today and though the rise in case numbers is causing fear and apprehension--People are frightened--they're especially worried about their parents, their grandparents, loved ones who are most at-risk. This virus is tough. But we ~~you~~ can stop the spread and it's up to all of us to do it. We have to step up and do both the simple things and the hard things to keep our families and our neighbors safe--wear a mask, wash your hands, stay home if you can, and socially distance when you go out. I want every single American to know--if you're sick, if you're struggling, if you're worried about how you're going to get through the day--I will not abandon you. We're all in this together. We'll fight this together. And together, we'll emerge from this stronger than we were before we began. I'm Joe Biden. And I approve this message.

Steve Skrovan: All right. What about that?

Bill Hillsman: I thought it was kind of simpleminded. I mean, it's basically what I call a "checkers ad." You know, you're red, and I'm black, and I'm going to jump you. You say, I'm not going to wear a mask. I'm going to say, yeah, let's all wear a mask. I didn't think it was particularly moving the ball forward, especially since, you know, Biden says that he's with us, but even in this particular ad, the visuals are basically Biden in his basement. Any of the more recent footage, it was obvious was either green screened or shot with Biden in his basement. So I think the campaign has to figure out how to make Biden look a little bit more dynamic. The spot itself just says. "I'm with you; I know everything is tough out there right now. And it's your fault this guy says, don't do any of this stuff; I say, do it." Again, I don't know really how effective an ad that is.

Steve Skrovan: That's our Biden ads. This next one is a Trump ad and it kind of speaks to what you were talking about before about the suburbs. I'll just tell you the visual on this. This is a 30-second-ad. It's an elderly woman, looks like in the suburbs, watching television. And as the ad goes on, you see a shadowy figure in the background with a crowbar attempting to break into the house.

Voice of "Newscaster": Seattle's pledge to defund its police department by 50%, even including a proposal to remove 911 dispatchers from police control.

Voice of Sean Hannity: Joe Biden said he's absolutely on board with defunding the police. Listen closely.

Joe Biden: Yes, absolutely.

Voice of 911 Dispatcher: Hello. You've reached 911. I'm sorry that there is no one here to answer your emergency call. But leave a message, and we'll get back to you as soon as we can.

Voice of Cable News Commentator: Crime will rise significantly...

Voice of Donald Trump: I'm Donald J. Trump and I approve this message.

Steve Skrovan: Yeah. So with that visual in mind, that was the copy.

Bill Hillsman: And this is like a college student's version of a political ad with slightly better-done audio, but it does showcase the strategy. I mean, there's an outright lie in there in terms of Biden calling to defund the police, which we found out over the weekend is definitely not true. But it shows the strategy. I mean, the strategy is very obvious. If you're a senior, a group that we know absolutely is going to vote, and you feel threatened by civic unrest and everything that is going on in the cities, well, Donald Trump is here to save you. It's a strategy all encapsulated in one ad--not a very particularly well-done ad, but it puts it all out there pretty clearly.

Ralph Nader: Let me just ask you a few quick questions, Bill.

Bill Hillsman: Sure.

Ralph Nader: One is how would you do an ad that addresses the outright lies that are gonna fill the airways by the Trumpsters against Biden?

Bill Hillsman: I think that gets difficult to do. I mean, a person who—I think you have to find a credible spokesperson to do that, who people would actually believe. And when you're looking at swing voters, when you're looking at self-identified independents, it becomes really tough to find that voice of authority. It's not necessarily journalism because of the way that Trump and the Republicans and people on the right have discredited institutions like America's fourth estate [watchdog role of the press]. I think this is actually one place where Barack Obama could make a difference. I don't think it's Obama's style. I don't know that the Biden campaign could get him to do it. But I think you need somebody that most people in America hold in high regard and still trust to be able to deliver that message. It could even be somebody like an Oprah Winfrey. People are putting a lot of emphasis on the messenger as opposed to the message these days. So it's almost more incumbent to have the right messenger, in addition to the right message, than just the message itself.

Ralph Nader: Question two. 60% of women in a CNN poll in late November, said that Trump should be, not only impeached, but removed from office. That's November 2019. Would you have ads dealing with his cruel and vicious record against women?

Bill Hillsman: I think so. I mean, they may be waiting to see who they choose for vice-president before they go in that direction. But I think that's really insightful. I think that is important. The one group that could overcome entirely any sort of clawback Trump gets with independent voters, with some suburban voters, are women in general. I mean, particularly suburban women. Suburban women can really control this election, if they want to.

Ralph Nader: Next question is corruption. Polls all over the world, including the US, when you ask people what they're most concerned about concerning politicians, corruption is right up there again and again. This is a regime so corrupt; it's really staggering. I mean, it's almost so prevalent that it's been normalized and the press sort of takes it for granted and doesn't go after enough with the word corruption. They do investigative pieces, but the word corruption isn't used much. Would you have an ad on corruption? And if so, how?

Bill Hillsman: Well, I would definitely have an ad about corruption in the playbook. One of the funny parts about—one of the ironic parts about the coronavirus crisis is that it has actually worked to help Trump a little bit in this way. It's really, really difficult to get anything in front of the American people right now that does not have to do with the coronavirus crisis or with political unrest. Those are the two things that almost everybody is thinking about these days. And if you're a practitioner in this realm, you can only do so much in terms of getting things into people's attention. So, the Democrats could actually do a corruption ad; they could put \$60 million in ad buys behind it. And I'm not sure it would penetrate the consciousness of the

American people right now simply because these two issues are just so far in the front of everything [that] it's almost impossible to breakthrough with any other type of message.

Ralph Nader: Except Bill, the corruption insinuated itself all through all these trillions of dollars the government is handing out. It's handing out to political cronies to favor big business, to corporate law firms they're tied to—I mean, receivers who should never get corporate welfare at a time of the COVID. So the corruption is very much tied in with who gets the money, who doesn't get it--lots of small business, lots of workers. Isn't that correct?

Bill Hillsman: Yes, it's absolutely 100% correct, but I still maintain that there's not headspace for most people right now. Most people are not like people in Washington, D.C., or people who do politics full time. They have real, real problems living their daily lives right now. And it's just really difficult to get a message like that through to them. I would hope that later in the election there'd be the ability to do that. And I would definitely, as you said before, they've only used about two out of 12 arrows that are in the toolbox, in the quiver. And this is a good one. And it's an important one. It just has to be deployed at the right time, in the right places and towards the right target audiences--towards the right potential voting groups. But right now I just don't think it can break through on a large enough level until things change a little bit, and they may not change until very late in the election or potentially not at all.

Ralph Nader: Of course one thing that's very close to the heart of the American people is the fear of the COVID-19. And Trump's bungling, his dismissing it, his delays in February/March, scoffing at it, telling people to drink bleach, et cetera, has led to tens of thousands of preventable American deaths. And the Trump Death Clock at Times Square [in New York City] for about a month actually had a numbers count based on scientists who predicted the cost of this delay, by the federal government not heading it off the way some countries, like New Zealand, Taiwan and other countries have done. So that's another opportunity. I mean, he's got to pay a price.

Bill Hillsman: Absolutely, absolutely. And I think when you can tie corruption to the coronavirus scandal and the response, that becomes very much an issue that I can get traction. But remember, we've been talking about this through the whole segment. Trump is most vulnerable on the coronavirus response. His campaign strategy has to do anything that doesn't involve coronavirus or that shifts the blame. So absolutely, the Democrats should be hammering away on this, especially the bleach thing, especially all the errors that he has made, all the people who have died, died. We don't have very many political campaigns where death, actual death, is an issue. It is in this one. And there's nothing more important than that. The Trump campaign is trying its best to skate by it or to gloss over it. And the Democrats are guilty of malpractice if they aren't hammering that away every single day.

Ralph Nader: Steve, David, any input before we have to close?

David Feldman: Well, I wanted to ask you about advertising. Do we know for a fact that it actually works, or is it just a way to feather the nests of all these consultants, generally speaking?

Bill Hillsman: Well, that's been a bone of contention for a long, long time. And the only thing, you cannot prove a causation between advertising and a particular action. You can prove a lot of high correlation. So, people have studied this for decades in the commercial marketplace. And the reason why companies basically advertise, ~~ing~~ and people advertise services, is because of that correlation. Do I know for sure that because a certain person saw a certain ad, that person voted for a certain candidate? No, but when you look at it over a broader group of people and a broader range of time, there seems to be a fairly high correlation between more levels of advertising, more effective advertising, advertising that people can play back to you, that can describe what they saw and buying actions or voting actions.

David Feldman: You know, our next guest taught us not to trust TV advertising. There was a period in the late 60s and the 70s where I would assume most Americans didn't trust what they saw on television. Are audiences more trusting of TV ads now?

Bill Hillsman: No, no. I mean, the problem, if you're an ad maker is that there is no more sophisticated person in the world in terms of defenses against advertising than an American consumer. I mean, they're experts. They watch hours upon hours upon hours of these.

David Feldman: We don't have an FTC [Federal Trade Commission] or an FCC [Federal Communications Commission] anymore saying this is a lie. Geritol is not telling the truth about this product. They used to do that. But we don't hear the FTC or the FCC cracking down on false advertising. So after a while, haven't the American people been acclimated to assume that everything they see on TV must be the truth, the ads must be true?

Bill Hillsman: No, I think it's the exact opposite. I think the default position for almost any American viewing a TV ad is that this is not true. This is somebody trying to sell me something. So you really have to be artful in the way that you go about trying to persuade somebody to do

something to get around those defenses. I mean, whether it's true or whether it's false, the default position for most viewers in the United States is if this is advertising, somebody is trying to sell me a bill of goods.

Ralph Nader: I can just hear some of our listeners saying what's all this emphasis on advertising. Just get some grassroots community get-out-to-vote movements underway; get people registered; get people to the polls and transportation; get them to overcome the various obstacles of photo ID, weeks before the election. Get them to learn how to do mail-in ballots. That's the way to get people out to vote and get them informed and to vote. What do you say about that? And is there any linkage to ads and getting people actually out to vote?

Bill Hillsman: One of the very first political campaigns we did was for Paul Wellstone. Paul Wellstone was a college professor in a small college in Minnesota. He decided to run for United States Senate. His name identification was not very high in the state of Minnesota. Nobody really knew anything about a small-town college professor in Minnesota. He was for organizing. He was convinced he was going to win this campaign on the basis of people getting out there, registering voters, and making the case directly to voters. When he came to my office to ask us to do advertising for him, I explained to him, Paul, you could spend the next 30 days, 12 hours a day, 14 hours a day, 20 hours a day if you want, going every place in the state, spending all that time trying to educate people, organize people, persuade people. And I can put one ad of 30 seconds on the 10 o'clock news tonight in Minneapolis and I will reach more people, more times than you will be able to do it in a month of organizing. Wellstone won in one of the biggest upsets in American political history. And it had to do with the ads. It was the ads that won that race and made Paul a US Senator. There was no other route to victory for an organizer like him in that situation.

Ralph Nader: But he did go all over Minnesota in a bus. So he did get himself a lot of personal exposure to get people to like him.

Bill Hillsman: He did. And the reason why the bus became such a symbol of the campaign was because we put it in the ads.

Ralph Nader: There's the connection.

Bill Hillsman: People went looking for the bus.

Ralph Nader: Tell me on our last program afterwards, did you get any feedback from any of the Democratic Party apparatchiks [blindly devoted followers] either in Minnesota or elsewhere?

Bill Hillsman: No, but that's been going on, you know, for decades.

Ralph Nader: And how would people reach you and get more information about your views on political advertising for the 2020 election?

Bill Hillsman: Probably the best way to contact me is through the Northwoods Advertising website, northwoodsadvertising.com or you can always email the firm at info@northwoodsadvertising.com.

Ralph Nader: Well, we're going to send this interview to the Democratic National Committee and the Republican National Committee and the Green Party and the Libertarian Party and anyone else who is interested, so we can get a healthy discussion about all of this--respect the voter, inform the voter, motivate the voter. Thank you very much, Bill Hillsman.

Bill Hillsman: Thank you, Ralph. And thank you for all the work you've done.

Ralph Nader: On that note, thank you very much, Bill. We'll see you shortly.

Bill Hillsman: Thank you, Ralph.

Steve Skrovan: We've been speaking with political ad creator, Bill Hillsman. We will link to his work at ralphnaderradiohour.com. Let's take a short break. When we return, we're going to talk about a few of the many ways Facebook infringes on our rights. But first, let's check in with our corporate crime reporter, Russell Mohkiber.

Russell Mohkiber: From the National Press Building in Washington, D.C., this is your Corporate Crime Reporter, Morning Minute for Friday, July 24, 2020. I'm Russell Mohkiber. New York Governor Andrew Cuomo's administration has yet to make public the names of dozens of nursing homes whose experiences could shed light on whether the administration's controversial policy of sending hospital patients sick with COVID-19 into the vulnerable homes contributed to the state's staggering loss of life. That's according to a report from ProPublica. Under the policy, more than 6,000 COVID-19 patients were sent from hospitals to nursing homes across the state, a move that scared and enraged many families worried about their loved ones being exposed to the deadly virus. To date, at least 6,500 nursing home residents have died of the virus, more than 6% of the state's entire nursing home population. 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 talk about our distrust of Facebook. Many of us contemplate deleting our accounts. But if we did, how would we know what our peripheral friends we never talked to are doing? How would we know what they were doing or what meals they were having or how their cats are doing? It's undeniable that many of us feel reliant on Facebook and Facebook off shoots like Instagram and WhatsApp. Is the only option to delete our accounts or can they be reformed? Can Facebook be held accountable for its choices? Our next guest is going to tell us more. David?

David Feldman: Robert Fellmeth has had a long and distinguished career as a public advocate. As a graduate student in the late 60s, he became the original Nader's Raider investigating the Federal Trade Commission. One of the first books he wrote while working with Ralph was *The Politics of Land: A Report on Land Use in California*. He then went on to work as an attorney in Ralph's office, the Center for Study of Responsive Law. In 1980, he founded the Center for Public Interest Law at the University of San Diego Law School and also founded the Children's Advocacy Institute, an organization that specializes in reforming the child protection and foster care systems and improving outcomes for youth aging out of foster care. Welcome back to the *Ralph Nader Radio Hour*, Robert Fellmeth.

Robert Fellmeth: Thank you, David. Appreciate it.

Ralph Nader: Well, welcome back, Robert. We're going to deal with a truly arrogant corporation, Facebook, that CEO, Mr. Zuckerberg has set all-time records for apologies before Congress and with the press. And he and his company set an all-time record of arrogance nullifying the meaning of those apologies. You wrote a letter months ago to Chairman Zuckerberg. Could you describe the letter and any response?

Robert Fellmeth: Well, the letter was an attempt to get Facebook to do its part to protect the First Amendment. Because the First Amendment isn't just the right to belch. It's not just the speaker; the audience has rights too. The audience needs to know ideally who is talking. If they don't know who is talking, they can't decide easily whether they want to listen or not or watch or not. And they want to be able to judge the credibility and bias of the speaker. And we have that, kind of in a sense, in the political ads where we require identification in political ads of the top three contributors, blah, blah, blah. But in the email world and in the Facebook world, where mass communications are free and anyone can engage in communication to a million people, and by the way, Facebook has over a billion subscribers. I don't think a lot of people know that. You can communicate and the reader will never know who is talking or what's their bias--are they from China? Are they from Russia? We don't know. And I think the First Amendment involves, not just the right to speak, but the right to have a system where the listener can gauge the truth of the speaker and decide whether or not he or she wants to listen to it. This is not Big Brother. And I wrote the letter to Facebook because they said, you know, all you have to do is require that anybody who posts on your vehicle, identify who they are. That's all you have to do. You don't have to censor. Right now he's involved in a certain amount of censoring, which puts him in an untenable position. Well, gee, you know, as Trump said X, well, there's a counter argument here, blah blah blah. That puts him in an untenable position to have to do that. It's much better if he just requires anybody who posts anything to say who they are. And then we can all—under the First Amendment, as the audience, decide whether we want to listen and gauge the knowledge and the bias of the speaker. So we asked him to do that. You know, he has the right to do it; he has the authority to do it. It's a private corporation. He can designate access conditions. He makes people pay; I mean, come on. He can do that. So we asked him to do it. And we wrote not only the Zuckerberg, we wrote every member of his board of directors.

Ralph Nader: And tell me this; so much of the slander, the nastiness, the lying, the libel, the cursing--all this could be reduced very significantly if we end anonymity.

Robert Fellmeth: Absolutely.

Ralph Nader: Anonymity is really the curse here. Now, is it true that they don't want to do that because it will reduce the number of usages of Facebook?

Robert Fellmeth: I don't know what their thinking is. That is a factor, I'm sure, because obviously, if you have to identify who you are, you may not have as many users because they may not want to be identified; they don't want to identify themselves. And obviously, you're

going to cut someone off if they refuse to identify themselves, which is what Facebook should do, if it's going to have such a rule. But it has to happen, Ralph. It's something that just has to happen, because there's no other option here; there's no other way. You can't have Zuckerberg running around censoring and deciding whether or not there should be some corrective messaging. I may agree with some of his interventions, you know. A couple of them I do agree with. But that's not the point. The point is the listener and the reader and the watcher should be the decider.

Ralph Nader: Well, let me be a devil's advocate here, because there's an argument by civil rights advocates that anonymity, in the old days, protected people who contributed to the NAACP in the South. And so there was a challenge to make the donors be public against the NAACP. And if I remember correctly, the Supreme Court allowed the NAACP to protect the identity of its donors. Is there an exception to your request for full identification, no more anonymity?

Robert Fellmeth: No, not really. I'm not really concerned about that so much. I mean, the biggest argument I hear all the time is a variation of that, which is what about whistleblowers. They have to remain anonymous in order to expose wrongdoing. My answer to that is every state should have a whistleblower law like California does. When you have a whistleblower law, when someone defames you or attacks you or whatever, because you blew the whistle on them, you have remedies--very, very strong remedies with attorney's fees built into the statute. So that's how you solve that problem. But you want to have a basic world, Ralph, where people who say something, even if it's critical or skeptical or an attack, say who they are. By the way, you have never done anything anonymously. [I recall] working for you. You always say, "I am Ralph Nader. Here's what I say." And that's what everybody should do.

Ralph Nader: Well, you know, look at the situation at newspapers are in. If you get a letter printed in a newspaper, you have to identify yourself. The newspapers, with very very rare exceptions, will not print a letter from an anonymous writer. And if they did, the anonymous writer would have to identify herself or himself to the editor and ask for protection. However, on their internet feedback on their website, they allow anonymous writers and anonymous accusers and anonymous opinionated people without identifying themselves. When I asked some newspapers why the double standard? They said, we want to increase traffic on our website. What's your comment?

Robert Fellmeth: Well, you've got a stronger issue than increasing traffic and that's having quality traffic--traffic that does something, traffic that informs people, traffic that advances causes of any type. I mean, causes I disagree with, fine, say who you are. You might change my mind, you know? I mean, that's what we're all about. The liability issue, I mean, theoretically, I

suppose someone could sue Facebook except Facebook has all sorts of terms and conditions, exempting itself from liability, so it probably would escape it. I think the newspapers are afraid of the libel suit. And I think that's probably one of the reasons they do it. And Zuckerberg is not afraid of that. But I think if we changed that law, that might help some. But I really think the answer is simply—particularly when you've got, Ralph, massive communications coming in from China and Russia for crying out loud. Where are our patriots?

Ralph Nader: Well, there is a business interest in anonymous comments, because it increases traffic and traffic increases business. Give us your observation on that point.

Robert Fellmeth: Well, you know, you can do all sorts of things to increase revenue. You can sell drugs; you can hire yourself out to kill people. You can do all sorts of things to increase revenue, but you ought to have some basic ground rules that are in the public interest that allow the system to operate efficiently and effectively and democratically. And one of them is disclose & who's talking so we know who's talking. You want me to listen to you? You're gonna force yourself upon me? I don't know who you are; especially when you have a world where the messages are all free and they're massive. This is a new world. Ralph, where the case for disclosure is greater than it's ever been in human history. We've never had a situation where right now one person can communicate with 1 billion people—that's the number of subscribers Facebook has—1 billion people at practically no cost. And when you have a system like that, the First Amendment is going to be just drowned in bullshit. And by the way, that's what's happening. So many—I mean, I can't tell you how many of the postings I see just have nonsense, just complete, utter nonsense. It's not a question, and a lot of it is because they're not identifying themselves. And it's nonsense that's dangerous, because when the media is 90% nonsense, then what do you do? And it's becoming that way.

Ralph Nader: Well, you're a prominent professor of law; you were elected head of the National Association of Professors specializing in child protection. You're a legendary author of books and articles. You were former assistant DA [district attorney]. You have run arguably the most effective advocacy institute for children [Children's Advocacy Institute]. Many bills have gone through the legislature in California because of you and your team. And you sent a letter to Mark Zuckerberg. Did he respond?

Robert Fellmeth: No, he didn't. It's ironic. His headquarters is here in California, right near Stanford, Menlo Park area. And I thought, you know, he might respond. I am somewhat known here, and I thought he might respond. And he didn't and his board of directors didn't respond. They're not responding at all. I don't know...do we have to picket them or what? I mean, maybe that's what we have to do.

Ralph Nader: Well, let's see whether we can get our listeners to get him to respond. We're going to give Facebook's telephone numbers, their headquarters, the most specific ones we can give on the program. And we hope our listeners will call and say, why are you not responding to Professor Robert Fellmeth's letter? Where can they see this letter before they make the call, Bob?

Robert Fellmeth: Well, I guess I can post it. I mean, if that's desired, I'm happy to do that. I can post it on our website. I can post it on our website, which is www.cpil.org.

Ralph Nader: You're one of the fastest talking people I've ever met. You want to do that slowly?

Robert Fellmeth: [laughter] Yeah. It's CPIL, stands for Center for Public Interest Law. cpil@sandiego.edu is the email address. And the website is www.cpil.org.

Ralph Nader: That's Center for Public Interest Law, www.cpil.org.

Robert Fellmeth: Right.

Ralph Nader: All right. Give us a hand, listeners. We'll bring Mark Zuckerberg to a little level of humility here. When do you think the government is going to label Facebook equivalent to state action, so it can be sooner under the civil rights laws?

Robert Fellmeth: [Robert laughs] Not soon. He is a monopoly though. He does qualify as a monopoly, because monopoly is generally defined as more than 50% of the market share of relevant market. And he's got two competitors, I suppose, LinkedIn and Myspace. But he has, you know, 70 or 80% or 90% of the market. So he's a monopolist.

Ralph Nader: Well, you're an antitrust expert. You've written on it. Why isn't the Justice Department filing an anti-trust suit? It seems to be a slam dunk lawsuit against an enormous share of the commercial market here.

Robert Fellmeth: Well, because monopoly is not unlawful. Monopolization is unlawful. If and when he uses unfair means to protect his monopoly, then it becomes a violation.

Ralph Nader: On that note, we have to close. Thank you very much, Professor Robert Fellmeth, multiple author, advocate, children's advocate extraordinaire. To be continued. Please, listeners, help Mr. Fellmeth get a response. And I don't mean a form response from Mark Zuckerberg who takes 20 minutes just to count how many billions of dollars he's worth.

Robert Fellmeth: Thanks, Ralph. I think you have had great issues here. And by the way, I named my oldest son after you. His middle name is Quixote.

Ralph Nader: [Ralph laughs] Thank you, Bob.

Steve Skrovan: We've been speaking with the founder of the Children's Advocacy Institute, Robert Fellmeth. We will link to his work at ralphnaderradiohour.com. I want to thank our guests again, Bill Hillsman and Robert Fellmeth. [For] those you of 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 Rader Hour* website soon after the episode is posted.

David Feldman: Subscribe to us on our *Ralph Nader Rader Hour* YouTube channel, and for Ralph's weekly column, it's free, go to nader.org. Join us next week on the *Ralph Nader Rader Hour* when we welcome Barbara Lewis to talk about child development. Thank you, Ralph.

Ralph Nader: Thank you, everybody. And we're still waiting for the first organization of a congress watchdog group. Let's hear from you, listeners.