

## RALPH NADER RADIO HOUR EP 342 TRANSCRIPT

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

[Music] Stand up, stand up, you've been sitting way too long.

**Steve Skrovan:** Welcome to the *Ralph Nader Radio Hour*. My name is Steve Skrovan along with the man of the hour, Ralph Nader. Hello, Ralph.

**Ralph Nader:** Hello, Steve.

**Steve Skrovan:** We have a great show. The first presidential debate is happening this coming Tuesday, September 29th. So, we've invited George Farah, who wrote the book on how we do presidential debates. It's called *No Debate*, and in it he outlines, not only how influential the presidential debates are, but who is really behind them. Long-time listeners of the show have heard us talk about this kind of thing before. But George rejoins us to remind us just how out of whack the whole system is--who owns it, who runs it, and what we can do to change it. In fact, he'll tell us how, through his organization's efforts, in coalition with a slew of other nonprofits, they have been able to force the Commission on Presidential Debates to tweak their format, make it a little bit more spontaneous. Although much more needs to be done to make these presidential debates more than the dueling press conferences they seem to be now. That's the first part of the show.

In the second half, we continue on our election theme with Stephen Silberstein. He's going to give us an update on the National Popular Vote movement. Mr. Silverstein sits on the board of National Popular Vote, which is lobbying for an interstate compact that would reform the Electoral College state by state. It means you don't need a constitutional amendment. Yesterday on cable news I was hearing prominent commentators talk about that like they don't know this exists. The states, in this compact, would vow to give all their electoral votes to the candidate who won the popular vote. As soon as enough states sign on to equal to 270 electoral votes needed to win, then that would go a long way toward moving the country away from minority rule. And you'd be surprised at how really close we are. And as always somewhere in the middle we will take a break in hear from our corporate crime reporter Russell Mokhiber, but first, let's debate.

George Farah is an antitrust attorney, pro-democracy activist, and a political commentator, as well as the founder and executive director of Open Debates, a Washington-based nonprofit committed to reforming the presidential debate process. He is author of the book *No Debate: How the Republican and Democratic Parties Secretly Control the Presidential Debates*. Welcome back to the *Ralph Nader Radio Hour*, George Farah.

**George Farah:** Thank you for having me.

**Ralph Nader:** Welcome back, George. Well, for our listeners, we have the expert on presidential debates. In 2004 or so he wrote the one and only book on the history of the presidential debates and how they were formed. So why don't we set the framework for this discussion, George, and have you describe how the presidential debate commission got under way and who controlled it, before we bring it up to date.

**George Farah:** Sounds great. So the presidential debates, of course, are the Super Bowl of politics. It's the only time you have millions and millions of people watching the candidates side by side on the same debate stage. It's really the most important way for voters to have an unfiltered impression of the candidates, an unfiltered repression that isn't affected by Super PAC financed commercials and political consultants. And it's precisely because the debates are so important that major party campaigns often do everything they possibly can to control them. The Republican-Democratic parties want to protect their candidates and historically, they've done everything they can to sanitize these debates. And this is what has happened in the history of who controls the debate; that's precisely why we have a Commission on Presidential Debates, which sounds like a well-intentioned, nonpartisan organization committed to democracy. But, in fact, [it] is really a mock representation that is a branch of the Republican-Democratic Parties. Back in 1976, the League of Women Voters brought back presidential debates after a 16-year hiatus and they ran the presidential debates from 1976 until 1984, and they did an excellent job. When in 1980, John Anderson ran as a third-party candidate, the league decided that the vast majority of Americans wanted to see him in the presidential debates and invited him to attend. But at the time, Jimmy Carter refused to debate Anderson and boycotted the debate. So the League of Women Voters, who was sponsoring the debates, had a really difficult dilemma. Do they go forward with the debate and infuriate a sitting president of the United States or do they bow down to Jimmy Carter and exclude John Anderson and just have a debate between the two major party candidates. Well the league had courage. They were committed to democracy and to representing the will of the American people and they invited John Anderson to a debate [that] attracted 55 million viewers. Four years later, again you had the Republican nominee Ronald Reagan, the Democratic nominee Mondale, and they tried to control the format. The league had proposed 68 moderators for these debates and they vetoed all 68 of them. So the league could either just let these guys pick the questioners and try to make the debate a series of softball questions or they could go public. And the League of Women Voters went public and they issued a press release and lambasted Mondale and Reagan for abusing the process and trying to destroy the format. And then if you fast forward again one more time to 1988, you have Republican nominee George H. W. Bush [and] you had Michael Dukakis as the Democratic nominee, and the league proposed a series of debates, a series of aggressive formats. But those two campaigns met behind closed doors and had some senior lawyers draft a secret contract. And they gave the contract to the League of Women Voters and said, "Here you go, implement this contract." The contract decides who can participate; it decides the conditions of the participation and it dictates the format. The league refused to play ball. They issued a press release and held a press conference and accused those two campaigns of "perpetrating a fraud on the American voter." And that's a quote "perpetrating a fraud on the American voter," and they also "refused to be an accessory to the hoodwinking of the American public." So you had this champion of the public interest that was willing to fight on behalf of what was best for the American people to resist the pressures of the major party campaigns to manipulate the debates. And it's precisely because the league was so independent that the Republican-Democratic Parties got involved. And in 1986, the Democratic National Committee and the Republican National Committee ratified an actual agreement to "take over the presidential debates." And in 1987, they created this commission, the Commission on Presidential Debates. And the Chair of the Republican Party, Frank Fahrenkopf, and the Chair of the Democratic Party at the time, Paul Kirk, co-chaired the commission for many, many, many years to come. In fact, Frank Fahrenkopf is still one of the co-chairs of the Commission on Presidential Debates today. So despite its official sounding name, it's a private, it's merely a private corporation that is run and has historically been run by political operatives who are loyal to the two parties. And you could

see, that's happened historically, it's etly what happened. That very contract in 1988 that the League of Women Voters refused to implement, the contract that had been secretly negotiated by George H. W. Bush's campaign and Michael Dukakis's campaign, was handed to the Commission on Presidential Debates [CPD], which dutifully implemented it.

**Ralph Nader:** And all this is recounted in your book, *No Debate*?

**George Farah:** Yes, I wrote a book, *No Debate*, and you could check it out on our website [opendebates.org](http://opendebates.org). And that is the history that brings us to where we are today. That organization, which is a creature of the two major parties, controls our most important political events every four years.

**Ralph Nader:** Well, some listeners may be wondering why did the networks go along with this? In other words, why wasn't there any effective opposition even though the two parties colluded, literally colluded, to make sure that there was no internal disagreement?

**George Farah:** Because the candidates aren't going to attend any other debates. That's the problem. If the only debates the candidates are willing to participate in are commission sponsored debates, then the networks have no other choice but to broadcast those debates. In fact, in the actual contract--the memorandum of understanding--it actually states the candidates agree they will not participate in any other debate hosted by any other sponsor. In other words, memorialize the monopoly of the commission.

**Ralph Nader:** How many people watch these debates? Give some figures before we get into how they chose the format, the moderators, the audience in the room and so on.

**George Farah:** So it depends on the year and it depends on the nature of the format. But in 2000, for example, the most recent debates in 2016, the last debate attracted 85 million viewers, so these are extraordinary ratings. So when there are close elections or extremely emotionally-charged elections, you tend to have massive, massive viewership. And that's expected to happen this year in our debates between Biden and Trump.

**Ralph Nader:** These are Super Bowl ratings. This is about the number of people who watch the Super Bowl.

**George Farah:** Yeah, I mean, there is no other political event that comes close. This is it! These are the gatekeepers to the election. If you are a candidate and you don't make the debate, you are relegated to the dustbin of history effectively. And if you are a candidate that makes the debate, if you don't perform well, your candidacy is in deep trouble.

**Ralph Nader:** Well, as I said when I was on the campaign trail in 2000, Buchanan was on too, that I spoke to the largest arenas in the country, Madison Square Garden and all kinds of gigantic arenas. And I said put all these good people together and they weren't more than 2% of what I could've reached that I've been on the debates. And I guess there was a Fox poll that a majority of people wanted Buchanan and me on the debates, because they wanted to see more voices, more choices, more agendas.

**George Farah:** Absolutely.

**Ralph Nader:** A lot of these debates actually are pretty dull. These are like just news conferences. I mean, don't you think that the candidates on these debates, Democratic and Republican, could

have guessed the majority of the questions that the presidential commission-chosen moderators and reporters were going to ask?

**George Farah:** I think that's true historically for many, many, many of the debates. I mean, when you have this kind of control over the format, the candidates are able to eliminate the unpredictability of the debates. I mean, we can talk about some of the ways in which the candidates have historically controlled the format.

**Ralph Nader:** Yeah, why don't you talk about how they chose the moderator, the reporters, and who got in the room as the audience.

**George Farah:** Sure, let's dive into the format. So when you have the candidates drafting these secret contracts, these memoranda of understanding, most of the material in those contracts is controlling how the format of the debates will be structured. And many times they have done things to the presidential debates to actually stifle debate. For example, multiple contracts, multiple memorandum of understanding, which were kept secret from the American people, actually specifically say "the candidates may not talk to each other; the candidates may not ask each other questions". What kind of debate prohibits the participants from communicating with each other? Some of the debate formats restricted the responses for each candidate to 60 to 90 seconds then allowed maybe a follow-up response for 30 seconds and then moved on. So they became essentially parallel ~~ed~~ news conferences. All of the contracts gave veto power to the campaigns to the moderators. So if the commission proposed any moderator that was to the dissatisfaction of either campaign, they could veto that monitor. And in fact, Romney, back in 2012, when he was going up against Obama, threatened to boycott the debates if a single MSNBC host was selected for any of the debates. And they even tried, you know, in that town hall debate format, where instead of having moderators pose the questions, you have a group of undecided voters getting to ask questions. It used to be that no one in the room knew what those questions would be, not the moderator, not the candidates. You go ask the question, it could be anything, and that made it feel alive. It made it feel unpredictable and exciting.

But in 1992, President Bush was stumped by a question when someone asked him how the budget deficit affected him personally. And that caused so much of a ruckus. It caused so much anxiety that from that moment on, every single town hall question in a debate has to be written on an index card in advance, submitted to the moderator, and the moderator alone gets to pick those questions. So even that particular format, which was designed to maximize spontaneity, has now been filtered through a process to diminish it. But it would be remiss of me not to give the commission credit on one thing. We hammered the commission in 2004, in 2008, in 2012, on their format. I mean, we beat them up hard and got a lot of traction. So in 2012, they made some major structural reforms. Now, and this has been the case in 2012, 2016, and for the three presidential and one vice presidential debate coming up this year--now, there are six 15-minute segments in two of the three presidential debates. Each candidate gets two minutes to respond to a question, but then there's 11 minutes for open discussion, for actual debate. It's exactly what we pushed for. So they have eliminated some of those original format restrictions, pushed back against the candidates, and for that reason, they need to be applauded for adopting a more aggressive format. So this year's debates will be superior than the debates that took place during the first 24 years of the commission's operation. But it's only because we and other groups, pro-democracy groups, hammered the commission and attacked them relentlessly.

**Ralph Nader:** That's true, but it still doesn't address the central question of substance. There are all kinds of areas that are off limits. Like they never talk about the corporate crime wave and what their agenda is to come down hard on corporate crime. They don't talk about the military budget. They don't talk about a lot of foreign policy issues. They don't talk about the tax system. And, of course, they don't talk about campaign finance reform. They don't talk about it in their campaigns either and on and on. So when they pick the moderator, they pick the moderator carefully so as to anticipate a reliable sequestration of major power structure issues in the United States. So you would never ask about "the empire", for example. And in 2016, there wasn't a single question on climate disruption, even though there were droughts and fires and everything. So how do they carefully choose the moderator? And tell our listeners who the moderators were from the day one of this phony presidential debate commission.

**George Farah:** There's no doubt that when you have a commission that is largely controlled by the two parties, and they are trying to appeal to the two major party campaigns, that you're going to get the kinds of moderators that are extremely mainstream moderators that aren't going to ruffle anyone's feathers. At least not ruffle anyone's feathers by talking about issues that fall outside of what are perceived by the two parties as their mainstream issues. And aren't going to get challenged substantively on issues in which they both agree. They're not going to raise questions, for example, on the detrimental impacts of free trade agreements. If there's a uniform position on it, they're not going to talk about private prisons, for example, if the candidates are both on the same page. They're only going to address bread and butter major issues, which truly does allow for the entrenchment of the existing power structure. And that's because you have a commission that kowtows to the parties and also wants to please the campaigns. But it's also because of one other issue, which is the number of debates. There are three presidential debates and one vice presidential debate this year and that has been . . .

**Ralph Nader:** Give the dates.

**George Farah:** The presidential debates, the first one is happening on September 29th. It's going to be hosted by Chris Wallace, the anchor of Fox News. The vice presidential debate will be on October 7th, and then there will be a presidential debate on October 15th hosted by Steve Scully of C-SPAN. And then there will be a final presidential debate on October 22nd hosted by Kristen Welker who is a NBC News correspondent. And those are the three debates.

Since the commission has taken over, there've only been three presidential and one vice-presidential debate every four years. That doesn't make any sense. Lincoln and Stephen Douglas debated seven times in 1858. The Democratic primaries this year had 11 debates. The Republican primaries in 2016 had 12 debates. Why, when in the middle of a devastating pandemic, high unemployment, an open Supreme Court seat [and] multiple foreign policy challenges, are we rationing the most important political event? It doesn't make any sense, especially if they're going to make these format changes. The terrible formats that used to exist where you just had 60 seconds to answer a question, a 30-second response and you move on to the next subject, clearly a terrible, terrible format, but you at least covered a lot of issues. Now that you have actual debate that is divided into six to nine segments, you need to have more debates. The American people need to hear more discussion over a broad range of issues including issues like the military budget. But by confining it to three debates for the presidency and one for the vice presidency, a whole number of critical issues are not going to get addressed and it's going to minimize the influence of these

debates and make the debates more about superficial gaffes because there are so few of them. So one of the key, key reforms that we keep pushing are more, more debates.

**Ralph Nader:** Well, moderators are key. Did you discover in your investigations that they meet privately and come to some understandings about what is not going to be discussed? Who are the main moderators over the four years, four years, four years?

**George Farah:** Well by far and away, the most commonly selected moderator, before he passed away, was Jim Lehrer of PBS. I mean, he was the face of the presidential debates under the commission and he was not exactly known for his ferocity and willingness to challenge the candidates. Jim Lehrer maintained a certain level of calm and professionalism, but asked a lot of basic questions to the candidates. And when they would make false statements, when they would deliver these 30-second sound bites, he wouldn't challenge them. And so he allowed the process to become more of a press conference. This year though, the first presidential debate is going to be moderated by Chris Wallace of Fox News and I expect he'll do a little bit more challenging.

**Ralph Nader:** How do you think the moderators are going to deal with the almost certain torrent of lies that Trump is going to repeat from his tweets and from his past statements and rallies; that sounds very predictable? How are the moderators going to handle that?

**George Farah:** I don't know. It's relatively unprecedented to have a candidate who's willing to fabricate so much without consequence. I don't think that even Chris Wallace, who has a reputation for challenging [to] some degree, some of the people he interviews when they make misstatements, is going to be able to sit in a debate and constantly call out Trump for making misstatements and fabrications and flat-out lies. I have no clue how a moderator in that position, functioning under the rules established by the commission, to what extent they can push a candidate without being accused of partisanship in one way, to be more faithful to the truth. The jury is out, Ralph, it's impossible to anticipate.

**Ralph Nader:** We've been speaking with George Farah, author of the singular book *No Debate*. And you can go and see his historical assemblage of material on his website [opendebates.org](http://opendebates.org). Now we get to the nub of it; I'm sure our listeners are wondering who is funding these expensive presidential debates, what kind of corporate commercial backing is there, are there hospitality suites at the debates' locations, which you can tell our listeners where they're being located?

**George Farah:** The presidential debates, over the years since the commission took over them, and this wasn't the case when the League of Women Voters ran these presidential debates, but they have been primarily funded through tax deductible corporate contributions. In fact, the biggest contributor to the Commission on Presidential Debates, since its founding, is Anheuser-Busch, which is partly why debates have been held in St. Louis more than anywhere else, which is the headquarters of Anheuser-Busch. And oftentimes you would show up at these debate sites and they were these kind of corporate carnivals where you had scantily clad Anheuser-Busch girls passing out pamphlets that denounced beer taxes. It's really quite ridiculous and not that surprising actually when you look at who the co-chairs were. The two co-chairs of the commission, as we talked about, were originally Frank Fahrenkopf, the chair of the Republican Party, and Paul G. Kirk, the chair of the Democratic Party. When Frank Fahrenkopf left the Republican Party, he became the nation's leading gambling lobbyist. He became the president of the American Gaming Association until he retired. And he had that position while co-chairing the commission. In fact, when I asked him, I interviewed him for my book, I said, "Do you think it's okay to have tobacco

and a beer company sponsoring the presidential debates?" He looked at me and said, "Boy, you're asking the wrong guy; I represent the gambling industry." And what's quite fascinating . .

**Ralph Nader:** It's amazing how brazen it all was and still is.

**George Farah:** Oh, my gosh. And it was fascinating, I asked him . . .

**Ralph Nader:** Where are the locations, George?

**George Farah:** The locations for the debates this year?

**Ralph Nader:** Yeah.

**George Farah:** We got Cleveland for the first debate, Salt Lake City for the vice presidential debate, Miami, Florida for the second presidential debate, and finally Nashville, Tennessee for the third presidential debate.

**Ralph Nader:** It occurs to me, why don't the networks have their own debates? And why don't citizen groups mobilize nationally to demand their own debates on their own agendas--major agendas affecting all Americans? And why don't some major cities, you get a huge coalition in places like Miami or Los Angeles or Atlanta, say "Look, we want you to come to our city." When we got the labor unions, the chamber of commerce, all the neighborhood groups; why is there no visibility to broadening out the demand for more debates?

**George Farah:** This is an excellent question, Ralph. We created something called the Citizens' Debate Commission and it was comprised of 18 civic groups--nonprofit groups, from across the political spectrum. This was something that represented people on the left, the center, and the right, full of pro-democracy groups, and the board was comprised of civic leaders. We chose debate sites at various colleges and universities around the country. We pushed for six debates. We adopted a candidate selection criteria that reflected the will of the American people. We set up a candidate, got on enough state ballots to win an Electoral College majority. And a majority of Americans wanted to see them; they should be on that debate stage. We'd put together everything. We had op-eds, had a great support, but not a single one of the two major party candidates agreed to participate in any of the debates that we were trying to push. And in the absence of that agreement, there is no way to get a debate functioning and that's why it's virtually impossible to crack the monopoly that the commission has. The only way to really crack that monopoly is to make it so expensive for the candidates--and I mean, politically expensive, not financially expensive--politically expensive for a candidate to participate in a commission debate and ignore a debate sponsored by a rival pro-democracy group that they feel compelled to participate in an alternate debate. And that's still possible. That is the goal.

**Ralph Nader:** That requires an aroused public, obviously. Why aren't there debates for third parties? If they're excluded from the stage, why don't groups get together and sponsor debates for third parties? There were significant candidates in the past, Libertarian, Green Party, Reform Party.

**George Farah:** Yeah, if it's all right, I'd like to talk about how the commission has made sure that third-party candidates are excluded. Do you mind if I spend a few minutes just describing that process?

**Ralph Nader:** Go ahead.

**George Farah:** So when the commission took over from the presidential debates from the League of Women Voters, they didn't really have candidate selection criteria in the beginning. But they eventually adopted a threshold. They said that the only way to get on the debate stage is if a candidate reaches 15% in the polls and they're on enough state ballots to win an Electoral College majority. There are multiple problems with this threshold. Number one, it contravenes the wishes of the American people. If the Commission on Presidential Debates is going to rely on polling data to reject third-party candidates or independent candidates, why aren't they asking the very simple polling question of which candidates do you want to see on the debate stage? It's not like that's going to unleash hundreds of candidates on stage. In fact, since the inception of presidential debates, only four third-party candidates met the criteria of being on enough state ballots historically to have Electoral College majority, and a majority of voters wanted to see them on presidential debates. Ross Perot in 1992 and 1996, you, Ralph Nader in 2000 and 2004, Pat Buchanan in 2000, and John B. Anderson back in 1980. That's it. And nonetheless, despite the fact that lowering their criteria to establishing a democratic polling system would not flood the debate stage with an untold number of irrelevant candidates, the commission refuses to go there. The second problem with this 15% threshold is the number doesn't make any sense. If you win 5% of the vote as a presidential candidate, your party is guaranteed millions and millions of dollars in federal matching funds for the next election. Why is it that taxpayers can finance a candidate's campaign if they reach 5% and yet not be able to see or hear them. It doesn't make sense that these three times the 5% threshold to get into debates, three times the threshold to get taxpayer funds. And the last issue that is worth mentioning on the problems with that 15% threshold, that criterion, is that it ignores the barriers that third parties face. Third parties face, as you know better than anyone, discriminatory ballot access laws, a winner-take-all system, millions of dollars in contributions to major parties, [and] virtually nonexistent media coverage. So, it's extremely difficult, if not impossible, for third-party candidates and independent candidates to meet that 15% threshold. And by the way, if you ask the commission, if you challenge them as I have over the years, if you say to them "Why do you guys use this 15% criteria; the number has no magical value, and if you lowered it to something that was more democratic and left it up to the American people, you would have functioning debates". Their response is "Oh, you know, Mr. Farah, we'll have a bunch of crazy candidates on stage. There's Billy Joe Clegg from the 'Clegg, Won't Pull Your Leg' Party; there's Lobsterman for the Lobster Party." But that is disingenuous at best. Again, in no election cycle have more than seven candidates, seven, even qualified to be on enough ballots to win the presidency and that includes the major party candidates. In fact, just this year in 2020, there's only four candidates that are on enough ballots--the Republican nominee Donald Trump, the Democratic nominee Joe Biden, the Libertarian nominee, and the Green Party nominee. That's it! So, the commission comes up with all kinds of fabrications and fibs to justify their artificially inflated criteria. Now this year I don't think the Libertarian or Green Party candidates would meet the threshold. I don't think they would have met it in 2008, 2012, 2016, 2020. But if a compelling third-party candidate comes along, especially in a country that we have now where the parties do not have a lock on voters, where a plurality of voters are independent, a majority of voters want a third party to rise, what right does a private corporation, largely funded by Anheuser-Busch, created by the two parties, to tell the American people, "No, you cannot see the candidate you want to see on the most important political events in the United States?"

**Ralph Nader:** George, how profitable are these debates for the networks and could there be collusion there under the antitrust laws? How profitable are they?

**George Farah:** The debates are run advertisement-free, so there's no commercial breaks during the course of the debates. And so I don't know to the extent if these actual debates generate all that much revenue for the networks. They're obligated by FCC regulations to have to feature events like this. But I don't know if the networks are generating extraordinary revenue from the debate themselves.

**Ralph Nader:** Don't they have highly costly advertisers before and after though?

**George Farah:** Yes, huge, absolutely. No doubt about it. I mean, they have huge eyeballs, and each network is begging and begging and begging for their esteemed journalists to be selected as moderators, for their network to get to host the debate. It gives them tremendous prestige; it makes that moderator and that moderator shows increase their ratings, which of course in turn generate revenue. And you're absolutely right, there is significant advertising in the lead-up to the debate and significant advertising following the debate.

**Ralph Nader:** Is there an intermission where they can put ads in?

**George Farah:** No.

**Ralph Nader:** All right, this raises the question of why you're not getting more media. In 2004, I recollect, you were all over the media, CNN, the network's national radio, because they wanted to hear from the only authority on the presidential debate commission. And now, am I correct in saying you're not getting much visibility on the media? In fact, there's almost no discussion, and the debates are just a few days away, about all these things that you mentioned and who the commercial sponsors are. Who are some of the other commercial sponsors, by the way, before you answer the question of media visibility?

**George Farah:** Historically, there have been Philip Morris, various airlines, bottled water companies, AT&T, Philips Electronics, you know, giant corporations of regulatory interest before Washington, as well as several foundations. But I think there are several reasons, Ralph, why this has gotten less media attention over time. First is that there's not a third-party candidate out there that's capturing the imagination or independent candidates capturing the imagination of much of the electorate. So there's not a question as to whether or not some of these third-party candidates belong on the debate stage that's really in the minds of many voters. If tomorrow, an independent or third-party candidate challenged the two parties that was attracting significant attention and actually was polling reasonably well, and most Americans want to see him [or her] in the debate, as was the case with Ross Perot, you, Pat Buchanan, and John Anderson, I think this would be a huge issue. Number two, if the commission has actually, although improved its format, is operating with greater secrecy. We managed to get from a whistleblower two copies of the secret contracts that were employed in 2000 and 2004. But now the secret contracts that are being negotiated, we know nothing about them. We can't get our hands on them; we don't even know if they're being executed. They're nowhere to be found. And as long as those contracts are not made public, people are less aware of the level of control that the parties are exerting. And not only is the commission being particularly secretive as to the level of control, the commission is being secretive even as to their funding. They have yet, for example, this year to announce who their national sponsors are. We don't even know. This is the first time, eight days before the first presidential debate, that we're unaware of who's paying for them. And this is deliberate, because we succeeded in 2012. We created so much noise regarding the corporate sponsorship of the debates that three of the sponsors

withdrew and they don't want that to happen again. So I don't think they're going to release the sponsorship until the eve of the debates and possibly even after.

**Ralph Nader:** And our listeners should know that the Presidential Debate Commission is not a government agency so you can't file a [FOI] freedom of information request to get these documents that George pointed out. It's a nonprofit corporation representing huge corporate profit interests, of course, that have their hooks in both major parties. But still there are great investigative reporters in *the New York Times*, *Wall Street Journal*, AP, *Washington Post*, but they don't seem to be interested at all and the debate is coming up very quickly on September 29th.

**George Farah:** Yeah, I mean, I think the final issue is the commission improve its format. And so often is that when there's not a third-party candidate that can have an impact on the election or independent candidate, people focus on the format. The commission has rectified many of the problems with the format over time. And so when you have secret, hidden financing and hidden contracts, improved formats, no compelling independent and third-party candidate in the race, people pay far less attention to who's controlling the presidential debates. I suspect that will change. And when that changes in the future, this issue will become significant and this is a pretty unprecedented election. I mean, this is an election that myself and many others think about as an election that may be necessary for the preservation of our democracy. It's just that critical and so I think other issues that usually take forefront are being pushed behind.

**Ralph Nader:** Do you think Trump might try to verbally erupt and take control and break through his time restraints?

**George Farah:** I don't know about that, because there's length of times for each question. But Trump has tried to disrupt the commission. He is behind in the polls and typically the challenger wants more debate, so Trump has . . . he sent a letter through Rudy Giuliani [ex-NYC Mayor] to the presidential debate commission asking for another debate, a fourth debate to be added earlier. He appealed to other entities and sponsors. He appealed to a radio host like Joe Rogan, to host a debate between him and Biden. But Biden refused. Biden is only going to participate in these three debates and one vice presidential debate and that is it. And that's because he's leading in the polls. There's no doubt in my mind if the situation was reversed and Biden was behind by 7 to 8 points in national polls that he'd be yearning for more debates to change that narrative.

**Ralph Nader:** And George, I always ask this question of our guests. Have you been on, this year, NPR, PBS, the commercial radio or TV stations, the cable shows; after all this is a front and center event coming up. Have you been on at all?

**George Farah:** Only a handful of radio interviews this year. Nothing like it used to be. I mean, you're right, I used to be all over the television news and radio news, but quite limited interest this year.

**Ralph Nader:** Well, in the succeeding days, what would you suggest our listeners and citizens all over the country from all backgrounds do?

**George Farah:** Yeah, urge them to check out [opendebates.org](http://opendebates.org) to learn about the history of the debates. Urge them, of course, to watch the debates. And then I urge them, in the coming months and years, we're going to be updating our Open Debates website, revitalizing the organization, and in elections ahead, we can only together, working together as a grassroots organization, can we

force and pressure the candidates to participate in even more democratic debates--debates that have more aggressive and various other kinds of formats, debates that hosts a number of debates, not just three presidential debates. And debates that would allow more independent and third-party candidates that meet criteria that maximize democratic values.

**Ralph Nader:** Did you have any humble guidelines for how to watch these debates? For example, one guideline would be to make a list of what they don't discuss. What categories of great moment and gravity for the American people and the world they don't discuss. There's a skill to watching these debates.

**George Farah:** Yes, and that's one of the things that many listeners are going to be very upset with is they're going to turn off the television after a 90-minute debate and they're going to feel a tremendous amount of frustration that an issue that they may have cared about deeply was not addressed in the debates. I mean, it might have been the drug war. It could have been campaign finance reform and corporate influence over our election process. And that can only be rectified when we have more debates, we have more diverse formats, and when necessary, we have more candidates.

**Ralph Nader:** Well on that concluding note, thank you very much, George Farah. The website is [opendebates.org](http://opendebates.org). Can we have you back after the debates to get your reaction?

**George Farah:** I'd be delighted. Thank you so much for having me.

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

**Steve Skrovan:** We have been speaking with George Farah. We will link to his work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). Right now we're going to take one-minute break and when we come back we're going to talk about how we can neutralize the Electoral College. But first let's hear from 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 Thursday, September 17, 2020. I'm Russell Mokhiber. The morning after the world learned that a closely watched clinical trial of a coronavirus vaccine had been halted last week over safety concerns, the company's chief executive disclosed that a person given the vaccine had experienced serious neurological symptoms. But the remarks were not public. Instead, the chief executive, Pascal Soriot of AstraZeneca, spoke at a closed meeting organized by J.P. Morgan, the investment bank. That's according to a report in *the New York Times*. It's standard for drug companies to withhold details of clinical trials until after they are completed, tenaciously guarding their intellectual property and competitive edge. But these are extraordinary times, and now there is a growing outcry among independent scientists and public health experts who are pushing the companies to be far more open with the public. For the Corporate Crime Reporter, I'm Russell Mokhiber.

**Steve Skrovan:** Thank you, Russell. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan. There is a tremendous amount of anger and anxiety over this upcoming presidential election, which I believe would not be so intense if not for one peculiar institution enshrined in our Constitution, which allows an unpopular candidate to become president and allows votes in a small number of states to weigh more heavily than in others. That brings us to our next guest, Stephen M. Silberstein, founded and served as the first President of Innovative Interfaces, Incorporated, a leading supplier of computer software for the automation of college and city libraries. Innovative's

software is used by libraries in almost every state in America and in 60 other countries around the world. Mr. Silberstein sold his interest in the company in 2001 and now devotes his time to philanthropic and civic matters, one of which is sitting on the board of directors of National Popular Vote. Welcome back to the *Ralph Nader Radio Hour*, Stephen Silberstein.

**Stephen Silberstein:** It's a pleasure to be here. Thank you for having me.

**Ralph Nader:** Well, your issue and your commitment couldn't be more front and center in today's political scene because everybody realizes that Trump can't win the national popular vote. He's way behind and his only chance is another run with the Electoral College in a few swing states. And you recognized this a long time ago, how undemocratic it is as a system of choosing the Chief Executive of the United States. And you started this citizen group with a few full-time staff. Can you describe, Steve, how you got under way and what enormous progress you've made toward neutralizing the Electoral College without having to get a constitutional amendment and still respecting the Constitution's allocation of supreme authority to the states to set the rules of the elections?

**Stephen Silberstein:** So first what I would like to say is we're not neutralizing the Electoral College. We are changing the way it operates, so that it ratifies the total national popular vote and fixes the winner of the total national popular vote as the president. We're reforming it to operate in a way that's in the interest of all the states in the country. The way I got involved in this, the National Popular Vote, was actually founded by Dr. John Koza, who is a professor at Stanford University who is the first one who really realized that we could reform the Electoral College so that whoever gets the most votes wins. I was kind of involved in the 2004 election if you remember that. And when I asked what I could do, somebody said "Well, what you could do is move to Ohio." And I thought I've been to Ohio, I like Ohio, but I don't want to move there. And they explained to me that if you lived in Ohio your vote would matter and you could choose the next president, whereas if you lived in California or any other state, your vote really didn't matter. So I got kind of upset and angry over that and decided to work with Dr. Koza and some others to see if we could reform the Electoral College, so that every vote in every state would matter and would count equally as opposed to the way the Electoral College currently operates, which is not in the Constitution, by the way; it's just a coincidence of local/state laws, what we call the winner-take-all law, which results in really only the voters of a couple of so-called battleground states: Florida, Ohio, Pennsylvania [and] Wisconsin, mattering and the whole presidential campaign being concentrated in just those few states where the candidates really don't care about the issues or the people in the other states.

**Ralph Nader:** Okay, and you've sent your staff to various states, and for you to prevail, you need 270 electoral votes, which is a majority. And you're up over 190. And what states have already passed laws in accordance with your proposal?

**Stephen Silberstein:** Yes, what we're asking for the states to do, don't forget that according to the Constitution of the United States, each individual state legislature has total power to decide how that state's votes are going to be awarded in the Electoral College. Forty-eight states, as you know, have a winner-take-all law. Whoever gets the most votes in that state gets all that state's electoral votes. That's a state law. That wasn't the way the country operated when it first started. In fact, it wasn't until about the 12th presidential election way in the 1830s and 1840s that this winner-take-all law became common. Currently, two states, Maine and Nebraska award their votes differently. They award by whoever won each individual congressional district. And what we're asking the

state legislatures to do is to change the law so that the state gives all its electoral votes, not to the winner of the state or the winner of any particular congressional district, but to the winner of the total National Popular Vote. When a group of states that together have half the votes in the Electoral College, namely 270 votes, agree to do this, then the Electoral College and the majority of the votes there, 270 votes, will go to whoever got the most votes in the country. So we've been going around to the individual states asking the state legislatures to change their law in that regard. And we've got 15 states that have agreed to do that; they've passed this law. They include states like Delaware where Vice President Biden is from, Rhode Island, Vermont, Hawaii. They include states like Illinois, Massachusetts, Maryland. They include states like California and New York. All together 15 states plus the District of Columbia, which has three electoral votes, have agreed to give all their Electoral College votes to whoever gets the most votes, not in their state, but in the country. And this law, though it has passed and it's on the books now, takes effect when a few more states pass it, so that we have together the required 270 electoral votes, Electoral College votes. So right now with these 15 states and the District of Columbia, we have 196 Electoral College votes. So we're just 74 votes short, maybe another five or six states and then it will take effect. We won't get those five or six additional states in time for this coming election, the 2020 election, but we're working our tails off to get it in time for the 2024 election. And we're quite optimistic that with a little bit of luck and a whole bunch of hard work we will get there.

**Ralph Nader:** Give us the present situation in the most likely states to join this effort.

**Stephen Silberstein:** Well, so we recently passed the Virginia House of Delegates, that is the lower house in Virginia, and so there is some chance that we will pass the Virginia Senate in the next few months [and] that will add another state onto the list. We did pass the law in the legislature of Nevada; unfortunately, the governor vetoed it, so we're going to give it another try in Nevada. And people should know that we passed the law in Colorado, but there is an initiative on the ballot in Colorado in this November, you know, in 45 days, where the people get a chance to ratify this decision by the legislature to give Colorado's electoral votes, not to the winner of the state, but to the winner of the country, again, as soon as a few more states pass it so that we have a majority in the Electoral College. So people should be paying attention to this initiative. It's Proposition 113, 1-1-3, on the ballot in Colorado, asking the people in Colorado to affirm the decision of the legislature to join the National Popular Vote Interstate Compact, so that Colorado is part of this group of states that is reforming the Electoral College, so that votes in every state matter in every election going forward.

**Ralph Nader:** And you actually have had this proposal pass in one legislative chamber in the following nine states: Arkansas, Arizona, Maine, Minnesota, Michigan, North Carolina, Nevada, Oklahoma, and as you said, Virginia. And if that happens, you're well over the 270 because that represents 88 electoral votes. What surprised me is that in Georgia and Missouri, the proposal was unanimously approved at the legislative committee level.

**Stephen Silberstein:** Yes, yeah. So you never know what's going to happen in any particular state legislature at any point in time. It just takes work, people going and talking to their state legislators and educating them, explaining the situation, and working for it. So progress can be made in all kinds of places.

**Ralph Nader:** So this is just Democratic states. You're getting progress in some Republican states.

**Stephen Silberstein:** Yes, we do have Republican support for this. In fact, Trump himself supported a National Popular Vote just after he won the election. And a lot of Republicans believe that this is the best thing, not only for the country, but also for their own party. And you can talk to them and get their reasons for that. But they realize that the Electoral College system doesn't necessarily benefit them or make it any easier for them to win elections. The fact that it has done so in 2000 and 2016, is just kind of a fluke, in their view, and it could easily go the other way around. In fact, if you, again, going back to the 2004 election, which was that it looked like John Kerry was going to carry Ohio. That is the polls going in, showed him in a very good position to carry Ohio. If he had carried Ohio, John Kerry, the Democratic candidate, would have won the presidency; he would have won the Electoral College. But he would have lost the national popular vote by about three million votes. So, it's a complicated matter that can cut one way or another way. But what we do know is that the candidates ignore most of the states, about 40 or so states, and concentrate just on the battleground states. That hurts Republicans; that hurts Democrats; that hurts everybody. And people realize that. And if you talk about presidential policies, they overwhelmingly favor the so-called "battleground states." So those states get basically whatever they want. Florida gets whatever it wants, whereas Georgia and neighboring states gets nothing.

**Ralph Nader:** You're talking about federal programs?

**Stephen Silberstein:** I'm talking about federal programs that the president controls, things like disaster relief and so on. So if you live in a battleground state right now, you're in seventh heaven unless you're sick and tired of all the ads that are being bombarded at you.

**Ralph Nader:** And the other side of that, we're talking with Steve Silverstein who thinks that the National Popular Vote should decide who wins the presidential election. I recall Donald Trump had some favorable things to say about it before he was elected. And what is he saying about it now?

**Stephen Silberstein:** He even said it after he was elected that what he said is he favors winning by the National Popular Vote. What he said is he won the hard way, that is the Electoral College way. It would've been easier for him to win the National Popular Vote than it was for him to win the Electoral College. And that was, by the way, the conventional wisdom going into the 2016 election, namely that the Electoral College favored Hillary Clinton. And so he won the hard way in his view. And he also said that if he won though, of course playing by the rules of the time, the winner-take-all rule, the battleground state rule, and that's the way he ran his campaign that he was very smart to figure all that stuff out. He claims that he would have won the National Popular Vote if he campaigned that way. He would've run a totally different campaign if he had to win the National Popular Vote. And he said he would have run a different campaign and he would have won the National Popular Vote. That's his opinion; that's what he said after he lost the National Popular Vote in 2016. And that's exactly the point. He would have run a different campaign; the issues would have been different, because you would have to appeal to voters all over the country as opposed to running a campaign where you just had to appeal to a few voters and a few states.

**Ralph Nader:** One of the benefits of what you're doing with the National Popular Vote legislation in the states is to get the candidates to campaign all over the country. And no major presidential candidate has campaigns in all 50 states, I think, since Richard Nixon campaigned. As a result, there are millions of people who never see one of the presidential candidates. They just see the other presidential candidates. Is that right?

**Stephen Silberstein:** Yeah, the whole presidential campaign, all the advertising, all the issues and so on, is part confined essentially to the few battleground states, so that's really unfortunate.

**Ralph Nader:** Like people in Texas and California hardly see a presidential candidate from either party. The Democrats have California, the Republicans have Texas, and neither of them bother to spend the time in those states. And what you're saying is they don't pay attention to the problems of those states.

**Stephen Silberstein:** Exactly, exactly.

**Ralph Nader:** Now let's say you win 270 or more Electoral College votes with the states that are now considering it, is there going to be a legal challenge to that by the opposition?

**Stephen Silberstein:** Well, of course, there could be a legal challenge. In America, anybody can challenge anything in the courts and that happens all the time as you're well aware. So yes, there will be a legal challenge unless you can't find a lawyer. But we are very confident that we will prevail in the courts. This is what the Constitution is very, very clear on this, the Supreme Court has ruled many, many times on this, that the individual state legislatures have total power to decide how that state's votes are going to be awarded in the Electoral College.

**Ralph Nader:** The opposition in the states where you haven't prevailed is mostly just pragmatic political calculation. They don't go to the floor of the Texas legislature and try to make a constitutional argument.

**Stephen Silberstein:** Correct. The constitutional argument has been pretty much conceded in our favor. There is some feeling that the present system that the Founding Fathers wanted to give small states more power. They wanted a vote in a small state to count more than in a big state. Or that they wanted a rural vote to count more. And so some people think that that's correct that is rural votes or small state votes should have more weight than big state votes or big city votes. So that's the argument that people make. However, that's not the case. The Founding Fathers did not want rural states or small states to have more weight. In any case if they did, the present system doesn't give them that; the present system gives all the weight to the battleground states. We're talking Florida, which is not a rural state, not a small state, or Pennsylvania, which is not a small state and not a rural state. But there is this kind of myth that somehow we should give more power to the small states or the rural states and that the present system does it. The fact of the matter is that all the power right now is in the battleground states, that's number one. And number two, the other argument that's made is if we had a National Popular Vote, the candidates, instead of just campaigning in the few battleground states, would instead campaign in just a few big cities. That is they would go just to New York and Los Angeles and Chicago and pay attention to the voters there and ignore the rest of the country. But that's not the case either. If you add up all the population of all the big cities, it doesn't add up to as much as people think it does. You take the 50 biggest cities in the country, the 50 biggest cities, you add up the votes there and you get about 15% of the votes in the entire country. And even if you could get every single vote in every one of those 50 big cities, you would only get 15% of the votes, which is not enough to win the presidency. The fact of the matter is the number of people who live in rural areas in this country and the number of people who live in big cities in this country is about equal. It's about 50/50 between the two. If you look at the actual statistics there. But of course, the majority of people in the country don't live in rural areas or big cities; they live in the suburbs. That's the suburban areas; that's where 50% of the population lives. So it's not that rural areas will be ignored and big cities

are favored under the National Popular Vote. In fact, if you look at the way governors' races are run in states, so a governor's race to win the governorship of California or New York or wherever, Wyoming, it's not the big city where the candidates campaign. You could win every vote in the big city and still lose the governor's race. If you watch how governors' campaigns are run, they campaign all over the state. They campaign in the big city and they campaign in the rural areas. And you have to win votes in both areas in order to become governor. And the same would be under a National Popular Vote for the presidency.

**Ralph Nader:** Well this is an effort in the National Popular Vote of enormous historic consequence because of what has already occurred in terms of the Electoral College repudiating the majority vote tally of the American people on more than two occasions. Actually it's been repudiating the majority vote on five occasions, isn't that right?

**Stephen Silberstein:** That's right.

**Ralph Nader:** Yeah, on five occasions, in five presidential elections. Well, thank you very much. Again, listeners, the website is the [nationalpopularvote.com](http://nationalpopularvote.com), very usable and very informative. Thank you very much, Stephen Silberstein. Thank you for your work.

**Stephen Silberstein:** Thank you. Thank you, Ralph, for all your work, much, much appreciated.

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

Subscribe to us on our *Ralph Nader Radio Hour* YouTube channel. And for Ralph's weekly column, it's free, go to [nader.org](http://nader.org). For more from Russell Mokhiber, go to [corporatecrimereporter.com](http://corporatecrimereporter.com). And to get a copy of the fable *How the Rats Re-Formed the Congress*, go to [ratsreformcongress.org](http://ratsreformcongress.org). And *Fake President: Decoding Trump's Gaslighting, Corruption, and General BS* co-written with Mark Green. We will link to both of those at [ralphnaderradiohour.com](http://ralphnaderradiohour.com).

The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran. Our executive producer is Alan Minsky. Our theme music "Stand up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon. Our intern is Michaela Squier. Join us next week on the *Ralph Nader Radio Hour*. Thank you, Ralph.

**Ralph Nader:** Thank you everybody. Spread the word; try to get more radio stations and expand the audience for the podcast. That's the way to empower you.