



October 31, 2007

Ralph Nader Files Lawsuit Accusing Democratic Party of Conspiring to Block Presidential Run



The lawsuit accuses the Democratic Party of "groundless and abusive litigation" to bankrupt Ralph Nader's campaign and force him off the ballot in 18 states. We speak with Nader attorney Carl Mayer. [includes rush transcript]

Consumer advocate and three-time presidential candidate Ralph Nader sued the Democratic Party on Tuesday for conspiring to prevent him from running for president in 2004. The lawsuit was filed on behalf of Nader, his vice presidential running mate Peter Miguel Camejo and a group of voters from several states. It names as co-defendants the Kerry-Edwards campaign, the Service Employees International Union, private law firms, and organizations like the Ballot Project and America Coming Together that were created to promote voter turnout on behalf of the Democratic ticket. According to the lawsuit the defendants used "groundless and abusive litigation" to bankrupt Ralph Nader's campaign and force him off the ballot in 18 states.

We are joined in the firehouse studio here in New York by public interest attorney Carl Mayer, whom the New York Times has described as "a populist crusader and maverick lawyer." We tried reaching the Democratic National Committee and some of the other defendants to invite them to the show but received no response.

Carl Mayer was part of the legal team that filed the lawsuit in Washington, D.C. Tuesday.

- **Carl Mayer.** Public interest attorney. He filed a lawsuit Tuesday against the Democratic Party on behalf of former presidential candidate Ralph Nader.

RUSH TRANSCRIPT

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AMY GOODMAN: Consumer advocate and three-time presidential candidate Ralph Nader sued the Democratic Party Tuesday for conspiring to prevent him from running for president in 2004. The lawsuit was filed on behalf of Nader, his vice presidential running mate Peter Camejo and a group of voters from several states. It names as co-defendants the Kerry-Edwards campaign, the Service Employees International Union, private law firms, organizations like the Ballot Project and America Coming Together that were created to promote voter turnout on behalf of the Democratic ticket. According to the lawsuit, the defendants used "groundless and abusive litigation" to bankrupt Ralph Nader's campaign and force

him off the ballot in eighteen states.

We're joined now here in New York by public interest attorney Carl Mayer, whom the *New York Times* has described as "a populist crusader and maverick lawyer." We tried reaching the Democratic National Committee and some of the other defendants to invite them to the show but received no response. Carl Mayer was part of the legal team that filed the lawsuit in D.C. Welcome to *Democracy Now!*, Carl.

CARL MAYER: Thank you, Amy. Thank you for having me on.

AMY GOODMAN: Why are you suing?

CARL MAYER: To defend democracy. That's the title of the show—excuse me, is *Democracy Now!* And this was the most massive anti-democratic campaign to eliminate a third-party candidate from the ballot in—probably in recent American history. It is—not content with having all these laws and statutes on the book that make it difficult for third-party and independent candidates to run, the Democratic Party and their allies in over fifty-three law firms, with over ninety lawyers, were engaged in filing litigation in eighteen states. They were to remove Ralph Nader from the ballot. It was an organized, abusive litigation process.

The core of the lawsuit is that these lawyers, led by Toby Moffett and Elizabeth Holtzman, and something called the Ballot Project, which was a 527 organization, systematically went around the country and filed lawsuit after lawsuit, twenty-four in all, plus five FEC complaints, to try to completely remove the Nader campaign from the ballot and to, in effect, bankrupt the campaign, which they succeeded in doing. Not content with that, one of the defendants, Reed Smith, which is a large corporate law firm in Pittsburgh, Pennsylvania, they are now going after Ralph Nader's personal bank account to make him pay some of the cost of this litigation.

And, understand, despite being outspent by the Democratic Party and its affiliated lawyers, the vast majority of these lawsuits were won by the Nader campaign, which was a largely volunteer effort. And these lawsuits were won across the country, despite this organized effort of intimidation and harassment. It's basically abusive process and malicious prosecution. Those are common law torts. And it was very clear from the beginning that the Democratic Party was using the legal system for an improper purpose. In fact, Toby Moffett, who's a former congressman from Connecticut, said directly to *The Guardian* of London in an interview in December of 2004, this wasn't about the law. "I'd be less than honest if I said" this was not about the law; this was about getting Ralph Nader off the ballot. And that's what this effort was about. And it's a shameful anti-democratic process by a party that claims to be a democratic party.

And on top of that, the Democratic Party, or its allies, filed five FEC complaints against the campaign, alleging improper—

AMY GOODMAN: Federal Election Commission.

CARL MAYER: The Federal Election Commission—alleging improper funding, improper finances, etc. They were all dismissed by the FEC.

Now, let me tell you how bad it got. There was an organized effort of harassment of petitioners who went around trying to collect signatures for the Nader campaign in Ohio, in Oregon and in Pennsylvania. In Ohio, for example, lawyers were hired to call up petitioners and tell them that if they didn't verify the signatures on the petition, they would be guilty of a felony. They were called at home by—and they were, in many cases, visited by private investigators and told

—this is voter intimidation of the worst order.

In the state of Oregon, for example, there was a nominating convention, and you need a thousand signatures at the convention. We have emails from Democratic Party operatives stating, we want our people to go to this convention and then refuse to sign the petition at the convention so Nader will not get enough signatures at the convention to get on the ballot. And they accomplished their goal in Oregon. After the convention, there's an alternative way of getting on the ballot, which is to collect signatures, and the Nader campaign went about doing that, and during the course of that there was further harassment and intimidation of petitioners by law firms, private investigators, calling up and threatening petitioners that they would be called before a court if they did not certify all the petitions.

AMY GOODMAN: How did the Service Employees International Union fit into this? Why are they being sued?

CARL MAYER: Well, the SEIU very clearly, in emails and on their website, the SEIU had a project, which was called ACT, or Americans Coming Together. There were several 527 groups; these are independent expenditure groups. And the SEIU was involved in them. The SEIU was involved in trying to keep Nader off the ballot by using its members, for example in Oregon, to go into the convention, but in other states—in other states, to try to actually void petitions by signing in the wrong place. The complaint—and this is all documented. It's a seventy-three-page complaint, over 250 paragraphs, chapter and verse, about how, for example, the SEIU came up with the strategy of getting its members to go and write signatures in the wrong place on a petition, on Nader's petitions, which would then invalidate the entire petition. So this was a coordinated anti-democratic activity, which in my view has little precedent in American history, and any third-party candidate of whatever stripe—leftwing, rightwing, populist, conservative—they should be outraged by what occurred in this case.

And we think we have a tremendous case before the D.C. Superior Court and other legal actions we will take, because this conspiracy was so—they were so adamant and vociferous about it, and the paper trail is very clear. And we're not even into discovery. We can't wait to take the depositions of the party activists, Toby Moffett, Terry McAuliffe, Elizabeth Holtzman, etc., who were at the center of this. In fact, the center of this effort was something called the Ballot Project, which was started by Robert Brandon, who's one of the defendants, and he's a consultant to the Democratic Party. And he held a meeting at the Democratic Convention in 2004 with Moffett, Holtzman and a group of other high-ranking Democrats, and they said, our purpose is to keep Nader off the ballot. And they went, and they proceeded to do it, spending millions of dollars.

AMY GOODMAN: What impact will all this have on Ralph Nader now? He has said that if Hillary Clinton is the Democratic nominee, he will run for president. It looks like she is the frontrunner right now.

CARL MAYER: Well, in terms of 2008, I can't speak to 2008. And in politics, things can change quite quickly. I mean, it's entirely possible that the actual progressive base of the Democratic Party will seek a nominee that reflects their views, which is that America should end this war in Iraq. It hasn't been the history of the Democratic Party, but it's way too early to talk about that.

But what this lawsuit will do, and the importance of it is, is to set a precedent so that the two-party monopoly system that shuts out minor parties in a way that other Western democracies never do, that this will set a precedent to prevent this type of intimidation and harassment. That's the goal of the lawsuit. It doesn't matter whether it's Ralph Nader or Michael Bloomberg or any other third-

party candidate. The point is, we need as much competition in the political arena as we have in other areas of American life. And it's time to stop rigging the game.

And what's unbelievable is that the laws on the books already pose a tremendously high hurdle for third-party candidates. Tens of thousands of signatures, it takes, to get on the ballot in states like Texas and the Carolinas. And there's no other country where it's so difficult to get on the ballot. And those laws are passed by the Democrat and Republican Party to preserve their monopoly. So, "democracy now"—"democracy now" is not even close. We are not close to a state of democracy.

And recall also that in the history of the country, third parties were very important. In the nineteenth century, it was much easier to get on the ballot. The smaller third parties championed first important issues like ending slavery, women's right to vote, Social Security; those were all first advocated by third parties. And if you exclude third parties from the ballot and from the debate, our democracy withers and atrophies. And it is not at all consistent with the vital democratic traditions of our country.

These third parties were around since the beginning of the Republic. The first third party was really the—well, in some respects, was the Anti-Federalist Party, but there was also something called the Anti-Freemason Party, which was started in 1800. From the beginning of the Republic, there were important third parties, which raised important issues. And we're now snuffing that out. And unless we fight for this, this country will continue to have essentially a monopolistic position on every issue, from healthcare to the Iraq war to any of the important issues that so many people in this country care about.

AMY GOODMAN: Carl Mayer, we have to leave it there, but we will certainly continue to follow this lawsuit. Carl Mayer is one of the lead attorneys on this lawsuit against the Democratic Party and others who they say conspired to keep former presidential candidate Ralph Nader off of the ballot.



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