Katrina Vanden Heuvel [00:01:56] Thank you, Sarah. Welcome to our sixth weekly virtual conversation. We’ve had Bill McKibben, Representative Raskin, Reverend Barber, Representative Jayapal—all voices of wise resistance, resilience, humanity—speaking to the cruelty of what has been exposed by this pandemic: the disproportionate impact on communities of color, the poor. But also speaking to what can be done: actions, legislative movements would need to be done commensurate with a staggering scale of this crisis, the health crisis, the economic crisis.

[00:02:30] We’re very grateful for your participation and support. At The Nation, we’ve been working on all cylinders exposing, proposing, doing journalism that asks the tougher questions and holds the powerful accountable, and doing the reporting that instigates the necessary change so tough in this country.

[00:02:50] So today, there’s so much to say about the inimitable Zephyr Teachout. We are very proud—she’s a Nation editorial board member. She’s an associate professor of law at Fordham University and author of the new, exceedingly timely book Break ‘Em Up: Recovering Our Freedom from Big Ag, Big Tech, and Big Money. What I deeply value about Zephyr Teachout is she offers an example of what it means to be a progressive Democrat in the 21st century. She’s been in the forefront of advancing progressive reform for nearly two decades.

[00:03:20] When Zephyr ran in 2018 for New York State Attorney General, The Nation endorsed her, arguing that she had the experience, independence, and toughness needed to transform the office of corruption at all levels: from Albany to Washington. Of course, The New York Times—which always follows The Nation—endorsed her a week later. She was the only candidate to support Alexandria Ocasio Cortez’s primary bid, and AOC said she was proud to endorse the only A.G. candidate (Zephyr) rejecting corporate money. Zephyr literally wrote the book on corruption, Corruption in America: From Benjamin Franklin’s Snuff Box to Citizens United and she’s been uniquely able to explain the corruption and the lawlessness in the White House.

[00:04:10] As a young lawyer, she worked on death penalty cases and the school-to-prison pipeline—the terrible consequences of mass incarceration. She served as the Director of Internet Organizing for the 2004 Howard Dean’s presidential campaign. In her 2014 race for New York Governor against someone who has seen quite a bit of visibility in the last few weeks (Andrew Cuomo), she received a stunning 34 percent of the vote. More than that, she gave voice to the progressive populist sentiment, then growing—think about it, in 2014—across the country, framing her campaign as a fight for the Democratic wing of the Democratic party.
Zephyr was an early supporter of Bernie Sanders. Her most recent piece for *The Nation* is about the undemocratic throw of Bernie and other candidates off the ballot. She’ll talk about that. The question is: Can democracy survive this pandemic?

In her role as a corruption buster and lawyer, and within days of Trump’s inauguration, Zephyr was the lead plaintiff in a lawsuit accusing him of violating the US Constitution Emoluments Clause. I think we’re now all experts on emoluments. We didn’t all know what that term meant, but it’s very serious. It was Zephyr who boldly filed suit when others well-placed to join her did not have imagination. My understanding—and Zephyr will talk about this—is that the Fourth Circuit Court of Appeals, I think, is expected to rule this year on the case. I may be wrong.

Zephyr has been an early, consistent, principled, and savvy critic of the tech behemoth’s predatory behavior and its impact on our democracy. She’s been a leader in the fight to prevent the FCC from abandoning net neutrality. She’s been an advocate for ending the digital divide, which we see so painfully in these times. She’s about expanding broadband internet access which, I think, if you were on the call last week with Bill McKibben in the parking lot, you know he needed broadband.

I’ll close by saying this: In 2018, Zephyr spoke words that could apply to these times. It encompasses the work she’s done as an activist, a writer, and a political figure: “We’re at a revolutionary moment about what kind of civilization we want to live in. I believe it’s politically incredibly important to tell people the truth about power in society; which is, if we don’t want to be little serfs coming to beg to work in a global regime run by big corporations, we have to organize and fight. Monopoly and antitrust laws aren’t just rhetorical, technical sideline issues. These are fundamental tools to restrict overweening corporate power.” So, Zephyr has been really at the forefront of fighting for democracy in these times where we’re seeing democracy limited. And the vital search for a functional election in November is key.

I just want to close by saying Zephyr has been a great advisor to us at *The Nation*—to Editor Don Guttenplan, to others—on issues combatting corruption, crony capitalism, monopoly power, and how to preserve a democracy during a pandemic. So thank you, Zephyr, for taking some time. I know you have a one-and-a-half-year-old. I remember casting a ballot for you as A.G. when you were eight and a half months pregnant. It was quite something and a very powerful symbol of power. So thank you, and we look forward to hearing from you.

**Zephyr Teachout** Thank you so much, Katrina, and thank you to all of you who are on the call today. Thank you to Sarah, Erin, and Peter for organizing this. A special
shoutout to all of you who are, during this pandemic, also caretaking. I have been – I just finished my corporate law class at Fordham where I teach, and balancing that with a wonderful 18-month-old who – his absolutely amazing abilities and no-judgment has been a lot of fun.

[00:08:10] So, like many of you (and I think most of you who are on the call), I was really—long before this pandemic came along—very concerned about the radical inequality in our country, the unnecessary suffering state of our healthcare system, the fragility of so many people’s lives, the dependence on big corporations, and the lack of security in people’s jobs. And this pandemic has been awful. It has been an awful few months. For those of you who have family members or close friends who have died, I am so sorry. It has been a terrible time. My husband teaches high school, so he’s been teaching remote high school for the last two months, and two or three of his students have had family members that they live with pass away because of COVID, and many of you also know people (as do I) who have really struggled with other healthcare issues during a time when our healthcare system is pushed to the max so, it has been in an already unstable society a really horrific few months.

[00:09:40] What I want to talk about in these few moments of introduction is basically the ways in which our highly concentrated, monopolized society made us especially unprepared for a pandemic of this sort. There are real choices that we made over the last 30 or 40 years that have led to more suffering, death, and instability. Second, how the response that, right now, is only making it that much worse. Instead, we’re doubling down on concentration and we’re doubling down on monopoly power when we should be going in the exact opposite direction. We have to seize what, I think, is a truly constitutional moment to constitute power in this society. So I’ll talk briefly about the CARES Act, and how I think Congress should be responding.

[00:10:45] And third, I want to talk about what—and I’ll just touch on this briefly, but we can talk about it more in question and answer—the really troubling trends we’ve seen in the Democratic response to the pandemic; in particular, the lack of Congress being in active session, and holding hearings, but also on the state level. I can speak to New York State—but I know there are people across the whole country—about the ways in which there has been a strong authoritarian tendency in response to the pandemic, responding to executive leaders, individual leaders, and corporate leaders as opposed to really understanding that actually democracy is for crises. It’s not something we set aside during crises.

[00:11:35] So first, in the ways in which corporate concentration has really led to more suffering and death. You may have heard of (or know in your own state) about the mass wave of hospital mergers. It’s sometimes called “The Great American Bed Shed”: We’ve lost hundreds of thousands of hospital beds as our anti-monopoly structures haven’t been used
really since the 1980s. I mean, this is really a Reagan story—or it starts with Reagan, but Bill Clinton piled on. Since 1981, we have not had an aggressive, anti-monopoly president. Even a medium-strong, anti-monopoly president pushing the Federal Trade Commission and the Department of Justice to be actively engaged in making sure that we have a decentralized, thriving economy. Instead, Reagan, Meese, and others in Reagan’s orbit put together an ideology that has persisted for 40 years, which is basically bigger is better, and all we really care about is consumer price, leading to this mass level of consolidation.

[00:13:00] Well, one impact of that consolidation is that we have lost so many hospitals. We’ve seen mergers lead to a real lack of care in a lot of rural areas—and again, I see people from all over the country, so I’ll be interested to hear if you’ve lost access to rural care—and then also hospital mergers leading to increased prices. And there’s really good evidence for this, that when you have fewer hospitals in an area, the prices go up, the cost of care goes up. Extremely high CEO salaries, but a decrease in the ability of hospitals to deal with moments like this.

[00:13:45] So, this bed shed is a direct result of bad anti-monopoly policy. And one way to see—and we can talk about this in other areas of medical equipment—but we basically said we want the most efficient system possible. That was the doctrine that was brought in by Reagen and Meese and, again, picked up by Democratic presidents as well. But what that means is we don’t have any resilience. We don’t have the redundancy that is actually necessary to be safe in times of crisis. We tried to build a system where there is no fat in the system, and that means, when you have a winter with no food, you starve to death. Instead of understanding (which we understood for most of American history) is, you want to have multiple hospitals, you want to have multiple sources of essential products so that, if there’s a problem in one area, you have other places that you can call on.

[00:14:50] We saw a sign of this, actually, during Hurricane Sandy in New York where people in Long Island were three days away from not having enough food because we didn’t have a resilient food system. We built for efficiency, instead of resiliency. And the resiliency idea is important whether you’re thinking about healthcare being public or private. If you have, for instance, healthcare records that are publicly kept, you wouldn’t want them just kept in one place. You would want them kept in multiple places so that, if there’s a fire, there are still places to go. But resilient systems are something that we failed to build for the last 40 years, instead of stripping everything bare, so it was as efficient as possible. That efficiency, the dark side of radical efficiency is, actually, total inability to deal with crisis moments.

[00:15:45] We’ve seen this, also, in our inability to produce masks quickly, our inability to produce ventilators. Waiving through a merger in the early 2010s, that was basically when
a big company took over a small company in order to kill their production of the exact kind of ventilators that we would need. So, the medical equipment area and hospitals, the fact that in every area we designed these “efficient” systems that had no give in them has led to this incredible fragility and a hunt for things that should not have been hard to deal with and made it much harder to respond in the early days.

[00:16:48] The other thing, though, I want to say about this efficiency is even though the logic is efficiency, we all know that big, monopolistic companies, once they kinda own the area, they are not efficient. They are big, bloated, self-serving bureaucracies. I remember talking to a very technoutopian friend of mine in early March who said, “I’m not worried because I know that Bezos and Musk must have thought of something, they must be prepared for this.” And I think that there’s a deeply ingrained ideology in this country that “successful”—which is to say, wealthy, successful monopolists, successful, private-sector actors really got it all covered. This crisis has also shown that that’s just not true. And Musk is, in some ways, the most explicit example of that, but certainly not the only example of that. We relied on a system that is failing us. So, in response, what are we doing?

[00:18:06] I want to get to questions, so I’ll be a little quicker here. I mentioned this before, but I want to reiterate: I really think we’re at a constitutional moment. Constitutional in the sense that we are deciding the basic structures of power that are going to define the way that we interact with each other for quite a long time. As a law professor, we talk about constitutional moments, and there are debates about which count. Certainly, the New Deal. The 1960s was a constitutional moment, reconstituting power in our country. Obviously, the Civil War was a constitutional moment. Arguably, there’s a constitutional moment at the turn of the 19th to 20th century.

[00:18:58] But this is a constitutional moment where questions of power— you don’t have to rewrite the constitution for it to be a constitutional moment, but questions of power—who has it, and how our economy works—are being reshaped as we speak. The CARES Act and, so far, the federal response—if you read it as a constitutional document, is a pretty terrifying document.

[00:19:30] I also teach a market structure and democracy class, and I had my students read the CARES Act asking them to imagine that they are coming from outer space having been away for 30 years and saying: What is this thing? What is this document? What is it doing? What many of them pointed out is that the most important thing it does is it gives power to the Treasury Secretary. There’s a lot of other things it does, but the essential fact of the CARES Act is giving the Treasury Secretary almost unlimited authority to decide the future shape of our economy. To decide who gets loans and who doesn’t.
Perhaps in the hands of a benevolent monarch, that might—I’m not a big monarchist—but you might think that might be okay if you really think that the treasury secretary is benevolent. But it’s actually really terrifying. Read it as a constitution, and you see the power to control effectively $4 trillion worth of loans and decide who’s going to have access to that. And that’s the power to decide which industries thrive and which industries fail. What the shape of those industries is. How concentrated, how deconcentrated, what are they producing, what are they not producing. service – all of these fundamental democratic questions are given over to the Treasury Secretary. And the most congressional oversight we have doesn’t include subpoena power.

So, there are other elements of the CARES Act. One of the real reasons I keep saying this constitutional moment way of thinking about this is that we often focus, as progressives, on the good elements, as we should! Like we have to say, well, it has these good things. But if you think about voting: If I said, “Well, this is a great bill because everybody in New Jersey gets a vote.” Well, you might also be interested in the fact that everybody in Rhode Island gets five votes.

So, you have to look not just at the good things but about the overall structure: Who’s getting—how is this structuring our economy generally? So there are some good elements of the act, but the overall structure is really terrifying in terms of the way it constitutes—and will continue to reconstitute—economic power and the Treasury Secretary’s vision going forward.

I’ve been pretty involved in looking at the PPP part of the CARES Act, I’m happy to talk about that and the real limitations in it. The giveaway to big business, the giveaway to private equity is accompanied by a set of loans that can turn into grants to small businesses that are really not designed to help small businesses survive in many areas of the country. It is really limited, although important. And there are clearly different ways we could’ve structured that.

So finally, as promised, I want to get to how Democrats and progressives should be responding to this moment. We can see this as, well we’re clearly in a humanitarian crisis and we have to respond to that humanitarian crisis. But we can’t only see it as a humanitarian crisis; we have to see it as a humanitarian crisis and a power restructuring moment. And I think that it was incredibly powerful when AOC spoke up against the last package because we don’t actually have enough of a culture of descent right now within the Democratic Party. In Nancy Pelosi’s most recent proposal, she included PPP funds, “small business” funds for Wall Street lobbyists. This is a terrible idea, it’s wildly unpopular, and it is something that I’m happy to see progressives speaking out against.
What I want to see more of, though, is more descent. I want to see more people speaking up against the fact that Pelosi is not pushing for holding remote sessions and having Congress actually legislate. I started by talking about this authoritarian tendency that we see playing out and what’s happened is that, basically, Pelosi has become the holder of all of the Democratic Party’s agenda by not staying in session, by not allowing legislators to hold committee hearings. And it’s really important, I think, to see more people speaking up and say, we need to be in session, we need to be doing our job, we aren’t going to just delegate all the decision-making to one person, whoever that person is.

And as I mentioned, we’re seeing something very similar in New York where the state leaders are not meeting. They’re not in session. They’re not holding hearings on, for instance, how Amazon workers aren’t getting the protective equipment they need here in New York State. They aren’t holding hearings on what we can do here in New York State to make sure that Amazon workers do not have to show up to work to ship unnecessary things if they’re going to be unsafe at work.

And we’re not doing that because both the press and the lawmakers have bought into the idea that Cuomo is the decider, that Pelosi is the decider, that there are these sort of these single points of decision. And like single points of failure in a monopoly system, single points of failure in a democratic system will lead to failure. We will be less creative, we’ll be less responsive, and we’ll be less fair because those single points of failure are often very tied in and closely attached to corporate power.

Anyway, I went on for longer than I wanted to, but I really, really think that we’ve got to fight like hell at this moment for a better Constitution for this country and think about the economic ordering as constitutional. And not leave that ‘til after the crisis because, I’ll tell you, Amazon sees this as a constitutional moment, private equity sees this as a constitutional moment. They are treating this as a moment where power is being ordered and we need to as well.

Katrina Vanden Heuvel [00:26:35] Zephyr, thank you very much. That was very powerful, your concept of this being a constitutional moment, and reminding us of the importance of power and fighting for our power, and not sitting back and devolving power to Andrew Cuomo and Nancy Pelosi. I’m going to defer to our many participants who have many questions. And I’m going to ask Erin to guide us. We have questions from around the country, and it’s very important that people hear from you, that was a really powerful presentation.

Erin O’Mara [00:27:20] Zephyr, you pointed out in your talk about the history of the role of government in our lives and how creating a more efficient system is causing quite a bit of
chaos right now and it’s bringing the role of government in our lives into focus, I think, for a lot of people in a way that maybe it hasn’t been. And David is asking, “How do we build a democracy for a crisis?”

Katrina Vanden Heuvel [00:27:52] Ah! [laughs]

Erin O’Mara [00:27:55] I know, we’ll start out with a big one.

Katrina Vanden Heuvel [00:28:00] Well I, certainly, don’t have all the answers. And every crisis is different but the—right, ok. Well, let me think about the core of what David’s question is. I mean, the answer should be that a functioning, self-governing system is especially well-built for a crisis. So I think, maybe, David, I’ll give—and I want to get to some other questions—but I’ll give two kinds of answers. One is that we need to change a fundamental belief system that, again, I think we’ve had since the eighties. And the other is about the systems themselves.

But at a moment like this, the belief system is really, really powerful. And the belief system that is deeply, deeply ingrained right now is that government is not capable of responding to crises. Government is not capable of being innovative, of building things.

You guys remember when there was a lot of discussion—for good reason—about the Defense Production Act? This 1950s law that people were pushing Trump to use which he was kind of, but not really, using? I think the Defense Production Act is great. But I think we were sort of approaching the DPA in an almost talismanic way as if this thing from the 1950s had a special power, and we should go back to it, and use it to reshape the economy. As opposed to saying, oh, there’s a whole range of different things we can do! We can start making masks ourselves. Why don’t we actually start up a factory right now? And also require this shoe factory to start– or the manufacturing in western North Carolina to start to shift over to masks, and also use the DPA.

We acted as if, instead of putting in the CARES Act elements of forcing production of things we absolutely, essentially need to do to respond to this crisis, there was this sense of, at best, we can call back to the 1950s tool, as opposed to responding in very real ways to make the things we need to make. Just masks. Government can make masks. So why don’t we ask government to make masks? We don’t need the DPA to put that in the CARES Act. And so, the deep belief that government can’t make or do. And it can! And it has! And it’s a really dangerous belief. And it doesn’t have to do it perfectly. But Elon Musk isn’t doing it perfectly. And we know that we should be at least trying to take the tools that we have to provide basic medical needs.
So I think to answer your question, David, we clearly need publicly financed elections, we clearly need a greater focus on the legislative branches and less on the executive branch. But a core thing is to understand, as we did for most of American history, that the private sector will do something, the public sector will do something, sometimes he’ll use something like the DPA to have an interchange between the two, sometimes things will be public utilities. But we aren’t incapable of acting.

The other thing my students said when they read the CARES Act is, if you came from outer space, you wouldn’t really know this was a major bill that was responding to a healthcare crisis. It looks like it’s a bill responding to an economic crisis of big business, which is crazy. And I think that that CARES Act reflects that too deeply felt feeling of impotence. So, when you speak to lawmakers, don’t just say get back in session; say, build us some masks! Do something! As opposed to accepting the impotence that has been too deeply ingrained.

Erin O’Mara

Frankie and Michael Bryan have similar questions about the response of the Democrats in the House, and then, specifically, Nancy Pelosi, what do you think the agenda is? What are the Democrats going for here?

Zephyr Teachout

I presume good faith, but I also totally disagree with the approach. But there’s a system problem, which is when you have the Democratic response to the crisis being funneled through one person and her circle of advisors—who have grown up in the Democratic party in a deeply defensive phase—that if we delegate all decision-making power to this little circle with a huge set of biases, as any circle is going to have, all those biases are going to be reflected in the response. And there’s going to be a lack of imagination.

Some of you know this, but I have spent much of my career more recently focused on anti-monopoly, but much of my career focusing on the deeply insidious ways in which money in politics has corrupted our system and limited our imagination. And I think a lot about money in politics in this crisis because I don’t think this is a case of, “I’ll give you this campaign contribution in exchange for that response,” even in a winking and nodding kind of way. But it’s decades of leadership in the Democratic party spending time talking to big donors and having their imagination limited by those kinds of conversations.

So, I think the Pelosi leadership so far has been, at best, extremely weak, extremely disappointing. I can’t look into her heart, but we should be pushing Pramila Jayapal’s plan right now, I’m glad you had her on before. I think she’s one of the most extraordinary leaders this country has, somebody who does not lack for imagination. Somebody that is willing to stand up to Amazon representing Washington State. But that
we should be pushing her plan for doing something, which is so modest at heart that is saying, at a minimum, let us keep people in their jobs if we can, as opposed to add to this traumatic moment by having separation from job and then, applying for unemployment system which is limited in its ability to support us. So, at least support the Pramila Jayapal plan.

[00:35:40] That should be in every single one—not just be in, but be leading—every single one of Pelosi’s proposals. Because right now, Pelosi’s proposals aren’t popular, and they don’t present the needs just to keep things in the bad status quo! Let alone actually shift power around in the way that we need to do.

[00:36:05] This is where process really matters. If we were having hearings and were having hearings on what we could do with Pramila’s plan program—after having hearings on what is happening in peoples’ lives, I think those hearings help the politics of pushing through a strong progressive agenda. If we had a congressional hearing with just Amazon workers talking about their experience, that would push through a national progressive agenda on healthcare proposals and worker protections. So what I don’t see— I see the narrowness, but I also see this force of progressive power in this country, and Pelosi should be tapping into it because we need to be having these hard fights in the public sphere with somebody as cruel and heartless as a McConnell Republican party.

Erin O’Mara [00:37:05] USDR points out that progressives have struggled in the Democratic party, their two attempts for Bernie to come to the floor have been scuttled by the establishment, so the question is, when and how will progressives leave the party or form a People’s Party? And what can we do to keep progressive ideals a force in this conversation and in this political moment?

Zephyr Teachout [00:37:40] Look, I am a Democrat. And I am going to be fighting inside the Democratic party. And I get mad! You know when you’re on a call and you get mad?! But one thing that is so important is that we embrace our desire to exercise power for the public good and understand that, under our first past the post system in this country, that we are a two-party system. And you can push separately—and there are a lot of different local experiments to allow for proportional representation and its ilk. But when you have the current system which is the majority vote-getter in a race will be elected from that region, I’m going to be working within the Democratic party to push to make it stronger.

[00:38:38] And, as difficult as this moment is, it’s not just Pramila, it’s not just AOC, it’s not just Jamie Raskin. There are on the federal, state, and local level (whether you’re rural or urban) really powerful progressives who are pushing within the Democratic party, and this
is not the time to leave. This is actually the time to recognize, okay, we’ve had a few years of some electoral successes, okay, push harder within the party.

[00:39:12] I often think of this—to the person who asked—I think of this as pre- and post-crash politics. And if you’ve been fighting within the Democratic party for a long time you may feel like, ugh! I want to go away and till my own private garden, as Voltaire says in Candide. But the crash really woke a lot of people up, or shocked a lot of people into a different view of politics. (I mean the 2008 Crash, I mean, this is a far worse crash, obviously.) But I see, the successes that we’ve seen, the shift from activists staying out of the electoral sphere to joining as being really significant after 2008. So we’re just 12 years in. And, as a student of American history, 12 years isn’t the time to give up. I mean, it takes a long time. We’re talking about taking on the most powerful forces in world history. But the work of the progressive populists in the late 1890s, they didn’t see the fruition of some of the things they were fighting for until the 1930s and ‘40s, and some of the things they were fighting for until the 1960s. But that doesn’t mean I would go back to that progressive populist in 1892 and say, well, it’s time to step out.

[00:43:45] Anyway, it’s a long answer but I think it’s important to stay within the party. I do want to point out, as Debra Cooper who has been an incredibly wonderful, consistently creative, forward-thinking voice within the Democratic Party just pointed out in the chat, is that Congresswoman Jayapal is asking for a delay of vote, and you should be calling your reps. And really looking for leadership from Jayapal on this delay. It’s very important.

**Erin O’Mare** [00:41:20] Thank you. Michael Bryan asks, “What are the ripest areas of our economy for anti-monopoly action by the next Democratic president? (Fingers crossed.) And what would the benefits be to consumers?”

**Zephyr Teachout** [00:41:34] Ok, great. Let’s just talk about Amazon for a second. There are a lot of different areas we could talk about. In my forthcoming book, I focus on tech and ag, but healthcare is also really important. And our energy future is going to be a lot more decentralized because it’s going to be renewable energy, which is going to be necessarily more decentralized than fossil fuel. But I want to talk about Amazon because I think it really relates to this current moment.

[00:42:00] Amazon is many things, not one thing. It is a place where you go to find things to buy—a marketplace. But it also provides fulfillment services. What that means is it warehouses things and gets them shipped to you, right? So, think of those as two different functions: the marketplace and fulfillment.
Amazon, for a brief period, allowed sellers to compete with it on fulfillment, to provide their own warehousing. And then, it has great reporting from Vox and Vice. I think (I’m trying to remember the exact reporter), as well as a student of mine, Sheryl Silverstein has been doing wonderful work on Amazon—has shown that Amazon has actually made it incredibly difficult for competitors in the fulfillment area. Why would you care about that in a pandemic? Well, if stuff isn’t showing up on time, perhaps somebody else in the fulfillment area has a better idea about how to manage those logistics. Amazon wants none of that. It wants to own fulfillment, it wants to own warehousing. Perhaps someone in fulfillment is treating their warehouse workers better, but Amazon wants none of that. It wants to shut down and control fulfillment.

So we should not allow Amazon to be both a monopolistic platform (and it’s about half of people’s searches online for goods were on Amazon before this pandemic). And then, use that control in one area to gain control in a related area and shut down competition. That shutting down of competition has been terrible for the ability of warehouse workers to protest, but then it’s also affected all of our own public health because we’ve become reliant on the way Amazon treats its workers in warehouses, making public healthcare decisions about an essential part of our infrastructure.

As an anti-monopolist, I think in some ways we should move towards break up and in some areas, we should move towards regulation, and in a lot of places we should do both. In Amazon, for instance, break the marketplace from fulfillment. And I think there’s good reason to have competition in the marketplace, but there may not be that many market places, there should be one or two or three. Don’t allow them to prefer their own goods. Well, the best way to get them to not prefer their own goods is to not allow them to sell on their own marketplace. So we first break up and then have neutrality requirements.

And so Amazon wants— I’m genuinely really worried, I was worried before the pandemic and I’m very worried now about the way in which Amazon is using this pandemic to totally consolidate power and become the default regulator of working conditions.

And just briefly, to tell you why I think about this: Amazon has so much power over its sellers. It sets the terms by how much—what the fees cost to be on the website. And then most importantly: you know when you go on Amazon and you search for… I don’t know, lentils! What shows up first— that’s an amazing amount of power Amazon has to decide what goes first. And the sellers are all trying to figure out how to get to that first slot. So, it’s using this pandemic to consolidate power, but one of the things that it gets because of its power position is it gets this insight into its sellers. It learns a lot about how they work. It essentially gets to regulate them. If you have this proven that Amazon is openly cruel and profit-maximizing and does not care about workers— it’s not only about how
Amazon treats its own workers, it’s about how Amazon, through financial prices, pushes sellers to treat their workers.

[00:46:50] I am incredibly worried about this moment as a moment of consolidation of Amazon. And one of the most exciting things that happened in the last 10 days ago, Congressman Cicilline, who is the chair of the Antitrust Subcommittee, Amazon, and Congresswoman Jayapal (I guess I just can’t praise her enough) and a few others, rightly sent a letter to Bezos saying he should testify in front of Congress. I hope they follow up with a subpoena, we need them to use their subpoena power. Because it turned out that Amazon had sort of brazenly lied in front of Congress about how it uses the information it gathers from its sellers to serve its own interest. So, it was an exciting moment because it showed that there are members of Congress who are really willing to stand up.

[00:47:40] There’s a lot of other areas. Certainly, Bayer & Monsanto should have never gone through. There is a lot of unwinding to do in Ag, and a lot in the medical equipment area—we should never be so fragile again. We should not be getting all of our antibiotics from a few concentrated sources. I mean there are a lot of places that are ripe for antitrust action.

**Erin O’Mare** [00:48:10] If you focus on tech, specifically—you just spoke eloquently and have written quite a bit about the need to unwind the power of tech—in this moment, I think some of our governments, state governments but also people are looking to tech for help. Are tech companies doing anything right, right now? Is there any benefit to looking to them for aid at this time?

**Zephyr Teachout** [00:48:40] Well, one of my favorite local state representatives in New York is an assemblyman named Ron Kim. I think he has a wonderful sense of possibility and leadership. He’s also one of the leaders who has, from the very beginning, been giving his speeches, his presentations in masks, which I think is very important. But he—and we all have to separate tech from the companies. We don’t think when we think masks are important, therefore we love the mask-making company. Shoes are important; therefore, you have to love everything Nike does. Tech is incredibly important! And it has been incredibly powerful and essential for allowing people to connect in this way and in organizing ways and allowing for remote procedures in the few bodies that are meeting. That doesn’t mean therefore that the self-serving, profit-driven, targeted-ad-maximizing tech companies have to be protected at all cost. We *really* need to separate Big Tech business model from the value of the technology.

[00:50:04] So, nothing comes to mind as a great example, but I’ll be a little dystopian for a minute. There are two basic tragedies that existed before the pandemic that have been totally exacerbated by the pandemic, or one fact that has led to two tragedies. And the fact
is, that the two biggest social media search companies—Google and Facebook—both have a business model through making targeted advertising. This is bizarre, never happened before in human history to have essential communications infrastructure have a business model of— not like you paid for stamps or you pay your phone bill or you pay the government to make sure the sidewalk’s paid and open or having the library paid for with tax dollars. We’ve never had essential communications infrastructure make its money by extracting as much money as possible, information as possible from all of you. Making you spend as much time on the infrastructure—we’ve never had a mail system that makes more money the more time you spend reading mail and then selling ads back to you.

[00:51:30] And the two things that have been incredibly dangerous about this among others is that one, they both basically—Google and Facebook—make more money the more time you spend on the site, which means they make more money the more outrageous the content that is shared. So, if I share a post on Facebook that says, “Fuck the mayor!” Excuse my language. Or one that says, “I’m concerned with the way the mayor is dealing with the bridge in my—” I’m not saying that about a bridge in New York City. Facebook’s algorithm will prefer the one with the profanity because it’s stickier, it’s more likely to keep people on the site. So, we’ve never had essential communications infrastructure that has preferred the outrageous. In other words, prefer things that are controversial, prefer the posts by white nationalists, prefer the posts that are extremely divisive and often false. That’s really bad for a good flow of information during a pandemic.

[00:52:45] Second, both Facebook and Google make money off of digital ads, which has been the lifeblood of so much of journalism or advertising throughout American history. And we’ve lost over 30,000 jobs in the last several years in journalism and the pandemic has exaggerated that because local ads are drying up. And the little ad money, the little ad dollars that are left are going to Google and Facebook, and this is extremely dangerous.

[00:53:15] If you are on this, by the way, please support journalism. It is absolutely essential that you support journalism. We cannot have a world where Facebook and Google control journalism and happen to give out some handouts. Support The Nation! The Nation has done some extraordinary reporting during this. Even if it’s just a little bit, it really, really makes a difference. The reporting really, really matters. It’s an area in which I want Congress to act. Many people have called for Congress to engage in this and hold hearings on this. It’s actually an area where Senator Amy Klobuchar has been a real leader. But, in the meantime, support your local journalism. I’m not a big fan of Big Tech during this pandemic, sorry!
**Erin O’Mare** [00:54:10] Okay. And we think we need to support local journalism, too. Christin Kirbal has a question. She wonders, “How is Biden going to be a vessel for our progressive agenda items in order to beat Trump, and how can Bernie help?”

**Zephyr Teachout** [00:54:30] I haven’t actually read fully the most recent news on what’s happening with these task forces, but I’m actually very interested in it. There was an article by an author of a rival publication, David Dayen—who I think is a wonderful writer at *The American Prospect*—just came out with an article about the sort of Jekyll and Hyde of Biden and about these two different possibilities within Biden. The one which is that he certainly has a cohort and a community around him that would suggest a return to kind of business-as-usual Washington and somebody who is not really facing the scope of the crisis that existed before but the sort of crisis that we’re facing now. And I’m sort of paraphrasing. I’m speaking for myself at this point, but I liked his framing. And the second is that there’s some reason to think—like he’s bringing in these new task forces, he’s bringing in AOC. And there’s reason to think that he may really have gotten the message that he cannot get the energy for a really powerful campaign in the fall, let alone leading, without really engaging some pretty transformational, progressive ideas. And I think there’s a big question mark there.

[00:56:15] So, I have focused less on the campaign and more on what we can do. And, as you know, one of my focuses is antitrust so I will certainly be looking at who he brings in on his anti-monopoly task force. And I say that as a matter of truth. It is true that we can’t afford to have government by Eric Schmidt and Zuckerberg and Bezos. But it’s also true that people are not happy with monopolistic government right now, also with politics. So, that’s one area that I will be looking. But, to me, it’s a question mark about which Biden will emerge or whether it’s a blend of the two.

[00:57:05] Look, I was very, very proud to be a Bernie Sanders supporter. And I sort of glanced at all the questions, I haven’t seen all of them. Someone sort of asked, “How do I be in the Democratic party if I have not bought into the capitalist vision?” And I actually think that the 2016 Bernie Sanders campaign was totally transformational for the country. And the 2020 one, as well, in like really, really normalizing talking about Democratic Socialism. Like getting past the slogans and talking about how we really, really need universal healthcare for everybody, and we’re not kidding around about that. At this moment, Biden should be embracing Medicare For All.

[00:58:05] So anyway, there’s a question mark, but there’s a lot of things to be gloomy about, but the reach of the 2020 campaign in changing the way that people think is really, really important. And it really was some of the more proud moments of my political career.
was getting to support the campaign and his vision for housing and his vision for a really differently organized country, where people have dignity and joy and don’t have to suffer.

**Erin O’Mara** [00:58:50] This hour went by so quickly, and there are so many questions that we couldn’t even get to them. So, before I send it to Katrina to close, I just want to read one quote from our participant Pamela Talese says, “Thank you for being so angry and so clear.” And I thank you for that, too. It’s a good reminder that passion and energy have a lot of power. And Katrina.

**Katrina Vanden Heuvel** [00:59:20] Thank you, Pamela Talese. And thank you, Zephyr, for reminding us of the power of power, politics, imagination, for reminding us about the ongoing struggle for the soul of the Democratic party which you have waged for so many years. Thank you for reminding us of people like Pramila Jayapal and those at the state and local leaders.

[00:59:38] I’d simply say Jayapal is also part of the Congressional Progressive Caucus which has been trying to hold virtual hearings, understanding the power of hearings as Mitch McConnell as his cruel lawlessness clamps everything down.

[00:59:55] *The Nation* was founded at a constitutional moment, the Civil War, we will there for the New Deal, another constitutional moment, we’re here now. Thank you for reminding us of the power of an independent free press. I mean, when you wonder what you’re doing, you realize journalists have been called essential workers. So there’s some power in that.

[01:00:10] I hope Joe Biden puts you on as an analyst advisor. You refer to others but you are who it should be. And I agree with you that every campaign and every moment in this country is about struggle: the struggle of thinkers and actors like you, the struggle of movements, and the struggle of *The Nation*, which I believe, at its best, is lifting up the ideas that are no longer considered marginal, it has been doing that for 30-40 years.

[01:00:38] There was a headline, Zephyr, which was “Reality Endorses Bernie.” And I think reality endorses your ideas. I think people are sick of overweening corporate monopolistic power. And there’s an opening here, an opening if we seize it.

[01:00:55] So thank you for your ongoing fight. I know you’re a warrior in a passionate way. And you mentioned post-Crash fighters—we’re in that fight, and we’re not going to stand by. So, we’re really grateful for your ideas. We could’ve gone on for a long, long time. People are really interested and people should read your book, follow your thinking, and follow you on Twitter. I was interested the other day, you talked about a merger...
moratorium, a very simple, clean idea. So thank you Peter, Erin, all of the participants for joining. And onwards.

Zephyr Teachout [01:01:30] Thank you. Thanks for coming.