

Presidential Also-Rans ☺ Running Mates 2000

PART II: NADER-LADUKE

Leslie H. Southwick

This article is the second half of our pocket-part supplement to Judge Southwick's *Presidential Also-Rans ☺ Running Mates, 1788 through 1996* (McFarland 2d ed. 1998). The first half appeared in our Winter issue. See Leslie H. Southwick, *Presidential Also-Rans ☺ Running Mates 2000: Part I*, 7 GREEN BAG 2d 141 (2004).

– The Editors

2000 PRESIDENTIAL NOMINEE – GREEN PARTY

Ralph Nader

Born February 27, 1934, in Winsted, Connecticut. He has never married.

Ralph Nader is the son of immigrant parents Nathra and Rose Bouziane Nader. Both parents were born and raised in Lebanon in conditions that would be considered difficult by modern standards. Rose grew up in a sod home and the family tended sheep. Nathra's father died when his son was three years old. Nathra helped the family's finances by gambling at the game of marbles. Nathra immigrated to the United States in 1912 at

age 19, worked at a variety of jobs, mainly in New Jersey, and then returned to Lebanon in 1924 to wed. The marriage was arranged and successful. In 1925 the couple moved to the United States and opened a restaurant in Winsted, Connecticut. Ralph was the last of four children and one of two sons.

Ralph Nader was precocious and found his early schooling far too elementary. At age eight he attended his first trial in the local courthouse and decided to become an attorney. He learned Arabic at an early age, read the *Congressional Record*, and studied far more than he played, but he did learn to love baseball in general and the New York Yankees in particular. A classmate from the fourth through eighth grades, and a fellow baseball

Leslie Southwick is a Presiding Judge on the Mississippi Court of Appeals. Copyright 2004 Leslie H. Southwick.

fanatic, was David Halberstam, who would receive a Pulitzer Prize for his Vietnam War dispatches to the *New York Times*. In his ironically titled *The Best and Brightest* (1969), which explained missteps on Vietnam by the Kennedy and Johnson teams, Halberstam managed twice to mention his old friend Nader. Equally importantly, Halberstam wrote frequently and well on baseball and lesser sports.

Nader's passion about public affairs was encouraged at the family table. Every night his father would insist on serious and informed discussion of history, current events, and other fare. The Nader restaurant was similar, with the proprietor at times offending customers with his strong views. With coffee came earnest conversation, whether the patron wanted it or not.

Nader finished high school with honors in 1951 and headed for Princeton. He may have been eligible for scholarships, but his father insisted on paying all costs so that scholarship funds would be available for those who needed them more. The college student continued his unorthodox, loner ways, studying and not partying, finding nothing to interest him about college sports teams, dating girls, or socializing with other boys. He was later described as someone who did not care to fit in, neither a rebel nor a joiner, just someone extraordinarily private and serious.

Nader focused on Far Eastern Studies and on economics. He did not want financial success but wanted to serve the public interest. Among those who impressed Nader were muckrakers from earlier eras, who controversially and diligently shed light on the excesses of big business. Six-time Socialist Party presidential nominee Norman Thomas (Princeton '05) spoke on campus. Nader walked him back to his hotel and asked Thomas what he considered his greatest achievement. The old socialist said, "Having the Democrats steal my agenda."

Nader graduated *magna cum laude* in 1955. He started in the fall at Harvard Law School after a summer spent at odd jobs, largely manual labor, in the West. He managed to join a migrant worker camp in California briefly, picking apricots. Later in the summer he reached Yosemite National Park and slept on the cabin porch of photographer Ansel Adams. The next morning he asked Adams about the camera settings for his famous photograph of El Capitan.

At Harvard, Nader sought to prepare to become an advocate for social justice. His ardor did not extend to classes, many of which he found uninteresting and did not attend. He was able to cram sufficiently for exams to stay enrolled, but his grades were poor. Nader would disappear for long periods of time during the school year, sometimes hitch-hiking long distances for no obvious reason other than to talk with those who picked him up. To save money, he had sold his 1949 Studebaker. He apparently has not owned another automobile.

Nader's grades were too poor for most school honors. He joined the staff of the newspaper, the *Harvard Law School Record*. As a second-year student, he was chosen *Record* president. He tried to transform the paper, which had served as little more than a bulletin board of announcements, into a publisher of controversial, muckraking articles. After he printed his own insufferably long article about the problems of Puerto Rico, Nader was ousted as president. He remained on staff.

For six months after graduating from law school in 1958, Nader was an Army cook at Ft. Dix, New Jersey. By volunteering before being drafted, Nader shortened his time commitment. When he was discharged, he went to Cuba with the new editor of the *Harvard Record* to interview the recently victorious revolutionary Fidel Castro. Nader, who spoke Spanish, enjoyed the privilege of conducting the interview. Nothing of substance was gained, but it was an exciting experience.

Nader began practicing law in Hartford, Connecticut, with an established solo practitioner. Everyday concerns of those who walked in the door had to become his concerns. Nader did not last long. Nader was more interested in his foreign travels. They often were paid for with articles sent back to publications such as the Christian Science Monitor. He went to Scandinavia and the Soviet Union, then later to Latin America. In Brazil he interviewed a charismatic lawyer and farm worker organizer named Francisco Julião. Some thought, wrongly, that Julião would be Brazil's Castro. And in Chile he interviewed Salvador Allende.

Nader's zeal for travel was matched, if not overmatched, by an abiding interest in auto safety. He testified before the Connecticut, New York, and Massachusetts legislatures on the subject. In 1963, he took a job with assistant secretary of labor Daniel Patrick Moynihan as a fifty-dollar-per-day consultant on the topic. He researched the issue industriously and wrote a detailed report. At about the same time, Richard Grossman, the owner of a small publishing house, was looking for an author to write a book on automobile safety. He eventually found Nader, but not without difficulty. Nader lived in a boarding house. His unlisted telephone number was for a shared phone in the hallway. Nader agreed to write the book.

Nader researched the issue even more, finding disillusioned employees of automobile manufacturers who were willing to talk about problems with their products. While working on the book, he organized a protest outside a Detroit auto show. These efforts brought Nader to the attention of Connecticut Senator Abraham Ribicoff, who was casting about for an issue on which to conduct hearings that could bring attention to the Senate committee that he chaired. Nader became an unpaid adviser to Ribicoff's committee. With all that Nader was doing, the book for Grossman remained unwritten. The publisher moved to a

motel in Washington and had Nader move in with all his research materials. The book was typed by Nader on one typewriter, the finished page then immediately given to Grossman for editing and retyping on a second typewriter.

The book appeared in 1965. *Unsafe at any Speed* was its title. It became the model for Nader's future attacks on big business targets. It relied heavily on "whistleblowers." It used hyperbolic, colorful language. It took a part of corporate America and described it as impersonal and dangerous to consumers. The book discussed the Chevrolet Corvair, an unusual, rear-engine, rear-suspension vehicle that had recently been introduced. Plaintiffs' lawyers were already claiming that it had a tendency to fish-tail and flip over even at slow speeds. Whether it was defective or not, production ceased in the wake of the events of the next few months.

The book was far from an instant hit. Grossman traveled around the country trying to encourage reviews. Some newspapers were fearful that giving the book publicity would reduce automobile advertising. To gain attention, Nader held a press conference on the book's findings in the home of the manufacturers, Detroit. At the January 6, 1966, event, Nader was excellent. Despite hostile questioning, he was clear, confident, and colorful. Momentum was gathering.

A month later Nader testified before Senator Ribicoff's committee. Prior to that appearance, he had begun to suspect that he was being followed. Also, friends reported that they were being asked about Nader's background, allegedly because Nader had applied for a job for which an investigation was required. Some questions were fairly general; others asked about his sex life and other potentially embarrassing matters. Attractive women made fairly bold advances to him. Was a camera waiting for him if he could be enticed into the right situation? The night before Nader's testimony, he received six

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threatening phone calls of varying directness. Despite such distractions, his appearance at the committee was a *tour de force* that generated substantial news coverage.

Nader reported the suspicious events to the *Washington Post*, and much publicity was given to them. Suspicions centered on the automobile manufacturers because of *Unsafe at any Speed*. Ford, Chrysler, and American Motors all denied any connection. Silent was General Motors. In fairly short order, General Motors admitted that it had authorized an investigation. Harassing a congressional witness was a federal crime. Ribicoff called for a hearing, and ordered General Motors' president and others in the company to appear. They did.

March 22, 1966, was the critical day in making Ralph Nader a national figure. General Motors president James Roche was contrite. He apologized to Nader. Roche said that the entire endeavor had been undertaken to find out if Nader was unethically trying to generate negative publicity about certain products while secretly representing owners who were waiting to sue because of the alleged defects. That story unraveled when GM investigator Vincent Gillen testified. His memo to his assistants indicated just what was being sought. "Our job is to check his life, and current activities to determine 'what makes him tick,' such as his real interest in safety, his supporters, if any, his politics, his marital status, his friends, his women, boys, etc., drinking, dope, jobs – in fact all facets of his life."

Nader testified after GM's witnesses were finished. He compared GM's investigation to GM's approach to manufacturing of cars – haughty and unconcerned for others. Enough information about Nader had come out, his amazingly clean lifestyle, his absence of concern for money, his focus on safety for no apparent reason other than concern for consumers, to start him on his way to becoming one of the most formidable figures

outside of high public office in America.

The hearings boosted automobile safety legislation. A National Highway Safety Bureau was created. Safety measures for automobiles were adopted such as shoulder straps with seat belts and shatterproof glass. Nader's book became a bestseller. Nader sued GM for invasion of privacy. Years later he would receive the largest settlement in such a suit up to that time, \$425,000.

Next on his agenda was uninspected meat. An Iowa congressman's aide informed Nader about some unsafe meat-packing practices. Nader adopted the issue and made it his next big mission. He wrote two articles for the *New Republic* that appeared in the summer of 1967. He used eye- and ear-catching, as well as stomach-turning, language. He noted that "[e]yeballs, lungs, hog blood and chopped hides and other indelicate carcass portions are blended skillfully into baloney and hot dogs." Sausage and legislation: it really is best not to know how some things are made. Nader sent press releases to newspapers near offending meat packing plants, and generated good news coverage. This brought tremendous public pressure towards the adoption of a significant inspection bill.

Freshman Minnesota Senator Walter Mondale was a leading figure on the issue. He would be one of many members of Congress who through the years would get home phone calls from Nader at hours such as 4:00 a.m., raising questions or making suggestions. The pattern caused Mondale to answer phone calls at such hours with, "Hello, Ralph." Meaningful inspection mandates were passed, and Senator Mondale commended Nader in a speech in the Senate.

Nader became synonymous with consumerism. No one had championed the citizen against the physical world around him as had Nader. While others criticized the Vietnam War or promoted civil rights, Nader avoided those causes and instead was the leading

advocate for protecting consumers from the indifference and profit-seeking of big business.

Nader's energies and interests were seemingly inexhaustible. He promoted gas pipeline safety, poultry wholesomeness, and better protections for patients receiving X-rays. He was on the cover of national news magazines. A *Newsweek* cover story mentioned that Nader wanted summer volunteers to help in his endeavors. The first Nader's Raiders were the result. In the summer of 1968, five Raiders joined him in Washington. Edward Finch Cox and William Howard Taft IV were among those first five. The former would soon become Tricia Nixon's husband, while the latter would serve Republican Administrations in prominent legal positions. These were not radicals, but well-educated, financially comfortable, and smart young activists ready to summer for almost no pay. Their target was the Federal Trade Commission. The investigation uncovered an agency in disarray, which had withdrawn from its regulatory obligations and needed reinvigoration.

The first Raiders made quite a splash. Summers with Nader drew for the next few years an increasingly large contingent of tireless, even obsessive investigators, usually students from prestigious colleges, who spread out around Washington to various governmental offices. Nader was a force to fear, and most agencies cooperated. In 1969, Nader had 100 Raiders. In 1972, he had a thousand. They were encouraged to follow Nader's indefatigable, no-holidays work ethic. Reports were prepared at the end of their summer labors, and they often resulted in considerable publicity.

During the late 1960s and early 1970s, Nader had largely laudatory press, good relations with the Democratic majorities in Congress, and conservative Republican presidential administrations that were useful foils. He would receive countless letters with information to cull through, prioritize, and investigate. He

was the perfect insider-outsider. He had the power of access with the credibility of having taken no seeming personal material advantage from any of his crusades.

Within a few years of his explosion on the public consciousness, Nader began to incorporate. He formed Public Citizen in 1971, a non-profit fund-raising arm for his endeavors. It raised a million dollars in its first year. He was Public Citizen's president for its first ten years. The Litigation Group was soon added to bring many of the lawsuits that Nader's work spawned as he pursued business and governmental targets. Some were Freedom of Information Act suits, seeking what agencies did not want to reveal. Nader formed many other organizations and turned them over to acolytes to run. It was a consumer, public-interest empire, run by Nader and those who shared his enthusiasms.

The Nader image matched the man – a tireless, somewhat disheveled defender of consumers, who still lived in the same \$80 a month apartment somewhere in Washington that he had occupied when General Motors gumshoes tracked him in 1965, with a hallway phone shared with others, whose suits were out-of-date, who had no social life because he was committed to his causes. He was and remains shy, even abrupt, around his consumer-constituents when they recognize him at airports and other public places. Nader is said to be a superb public speaker, with energy, wonderfully graphic phraseology, and an ultimately effective style of presenting exhausting examples of whatever outrage is the focus of the speech. A Nader speech is two hours long or more. His like-minded listeners cheer and chant to his words.

Nader's political allies initially were liberal Democrats. Senators Ribicoff and Mondale were friends and confederates in the early days. In 1972, author Gore Vidal encouraged him to loan his credibility to the "New Party" as its presidential nominee. Nader refused.

Later in 1972, Democratic presidential nominee George McGovern needed a new running mate after Senator Tom Eagleton resigned from the ticket. McGovern called Nader to make the offer, but Nader declined.

There were missteps along the way. In 1972, he decided to use a summer Raider project to turn the investigatory spotlight on Congress, which was the institution that had largely been supportive of his past attacks on others. That cost him allies and access. Still, at the time of the 1976 presidential election, Nader was someone most national Democrats considered to be a force among their constituencies. Democratic nominee Jimmy Carter courted him. Nader was responsive.

With Carter in office, though, Nader found that he was neither as involved nor as influential as he had hoped. There were several former Raiders in the Administration. One was Joan Claybrook, who was prominent in the Nader organization and became head of the National Highway Traffic Safety Administration. Nader had harsh public words at times about President Carter, and even for his seemingly dear friend Claybrook. There was shrillness and pettiness that the public had not much seen before. One of his most treasured goals, that there be a federal Consumer Protection Agency, was defeated in 1978 in part because of his refusal to endorse anything other than an agency with powers exactly as he envisioned them. Many Democrats ended up not supporting it, one even saying as he voted against the bill to create the agency, "this one's for you, Ralph."

Perhaps Nader had false expectations. Perhaps there was a communication problem. Then again, perhaps it was that Nader could not operate within government. He was an outsider, more than a gadfly but never an insider. Nader may simply have been incapable of becoming part of a team in which goals other than his own had to be taken into account.

The arrival of Ronald Reagan in the White

House in 1981 altered the landscape for consumer advocates. Nader resigned as president of Public Citizen. Reconciled with Nader, Claybrook took over the presidency. The large Raider teams no longer gathered in the summer. Consumer advocacy was now a more controversial activity. The Reagan years witnessed the development of a balance in popular views and governmental initiatives concerning the benefits as well as the mistakes of business. Nader centered his attention on this Reagan Revolution. He issued reports about a claimed unraveling of the safety net in workplace safety. He brought lawsuits over changes in regulations at such agencies as the Environmental Protection Agency.

When the Reagan and then George Bush presidencies came to an end, Nader again found a potentially sympathetic Democrat in power. But the "New Democrats" of the Clinton years wanted nothing to do with Nader. Old-style consumerism was not part of Clinton's approach. Nader felt more wronged by the new president, and in time by his vice president, than he had by the Republicans whom he had expected to be his foes. Neither of the two top Democratic leaders would give Nader any attention, and they refused to meet with him. Nader's role in the 2000 election may have been one of the costs that the Gore-Lieberman ticket paid for that attitude.

Nader had been playing with presidential politics since 1992. He ran in the New Hampshire Democratic primary that year, but received only 6,000 votes. In 1996, California Green Party leaders asked if he would run in their presidential primary. He agreed. Other states added him to their primaries. The Greens were a loose international movement with common interests but no international structure. Starting in Europe in the mid-1980s, they combined radical environmentalism, anti-war advocacy, and a hodgepodge of other issues that varied in different countries. During his 1996 Green

Party campaign, in which he appeared on the ballot in 21 states, Nader placed no advertisements, did little campaigning, and gained 0.6% of the vote nationwide.

For the 2000 campaign, he was on 45 state ballots. Nader and his party of convenience were not a perfect match.¹ He never endorsed the party platform. Environmentalism, the core issue for the Greens, was never much more than a fringe concern for Nader. He announced for president on February 24, 2000. As the months passed and worries about Nader's effect on Gore's chances for victory became more intense, many of Nader's former allies called on him to withdraw. Within a few days of the June Green Party convention, the *New York Times* was calling him a spoiler and suggesting that he stand down. Nader refused throughout the campaign. Nader said that the American people's dreary 2000 choices were "the bad Democratic Party and the worse Republicans. I think we need a better choice than that."

The Green Party nominee drew huge crowds to mega-rallies in large cities around the country. Supporters were asked to pay to attend – unheard of but successful with the passionately committed. His two-hour speeches were vintage Nader. His fight was against the ravages of big business on the common man, from GATT and NAFTA, to campaign finance reform to force corporate money out of politics, to universal health care funded by a stock transfer tax. Nader raised about \$8,000,000 for the 2000 campaign, a most respectable amount for someone billing himself as a citizen candidate. What he was never able to do was to force his way into the three public debates between Gore and Bush. "Let Ralph debate" became his supporters' chant. Nader showed up at the first two debates with a ticket for entry, but organizers and security people blocked him.

In late October, twelve former Raiders urged him to drop out of the race in states in which Gore and Bush were running close. Nader said that "they're well-intentioned but frightened liberals" Instead of spending the last few weeks in states in which he would not alter the outcome, Nader went to the toss-up states. Three days before the election, he campaigned in Florida. When the litigated election in Florida kept an outcome from being known for 35 days, Nader was unrepentant. After Bush was finally declared the winner, Nader said that it was Gore who beat Gore.

Nader has continued on since the election with his many causes, including the recent corporate accounting scandals. The difference now is that Nader has been so long on the public stage – since 1965 – his image has become so blunted and blurred, his brand of consumerism has become even more controversial, that he does not have the attention of the media or credibility with a majority of the public. Nevertheless, he remains a sought-after speaker, using an agency to allow him to take his consumer message around this country and overseas. One big business that Nader never attacks in his speeches is the plaintiffs' bar. He has been a constant critic of state legislation to cap forms of damages, or to eliminate joint liability among defendants where one defendant can be made to pay all damages suffered by a plaintiff when other impecunious parties contributed to the injury. In 1982, Nader founded Trial Lawyers for Public Justice to encourage networking of plaintiffs' lawyers to share information and coordinate efforts relating to products liability litigation.

Nader's impact on the 2000 election moved some of his prior supporters and many leading Democrats to encourage him to remain on the sidelines in 2004. He announced in December 2003 that if he ran, he would not seek the

¹ Liv Leader, "The Greens' No-Nader Dilemma," *Mother Jones* (Jan./Feb. 2004).

Green Party nomination but instead would be a candidate who was independent of all parties. In February 2004, Nader declared that he again would run for president. He called his race part of a broader endeavor to create activists for his causes and to draw attention to issues both major parties allegedly ignored. The central message, as it had been for almost forty years, was that big business's quest for profit, now a global pursuit, must be bridled in the interest of justice and opportunity for average citizens. Nader continued to eschew the Green Party nomination but encouraged his former party to endorse him. Perhaps reflecting a change of heart in late March about being an election "spoiler," Nader sought a meeting with the Democrats' presumptive nominee, Senator John Kerry, to determine the best means to "collaborate to defeat George Bush."²

It is difficult to perceive how Nader could successfully serve in high public office. Most harmfully, he eschews working with others. Norman Thomas told a young Nader that his greatest achievement was having another party "steal my agenda." What Thomas was praising was not the Democrats' adoption of unalloyed socialist ideas, but rather their using bits and pieces to move more in his direction. Nader, though, was furious with old allies who went into the Carter administration and deviated from his doctrine. Similarly, his 2000 and 2004 presidential races reflect a rejection of any party or leader who failed totally to embrace the principles that he espoused. Some Democrats accused him of running strictly for egotistical reasons. Maybe. Perhaps more accurately, though, Nader runs because, unlike Norman Thomas, he can never accept victory in the success of others without purity

as he measures it.

Nader found his calling in 1965, and pursued it long and well, as what has been called America's "public scold." He is a multi-talented eccentric and a useful public citizen. He should not be president.

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Ralph Nader has written and co-authored books on an eclectic collection of issues, including *Whistle-Blowing* (1972), *Taming the Giant Corporation* (1976), *Verdicts on Lawyers* (1976), *The Menace of Atomic Energy* (1977), *Who's Poisoning America* (1981), *The Big Boys*:

² "Nader May Run, but not with the Greens," *New York Times* (Dec. 24, 2003), at A16; Shankar Vedantam, "Nader to Run as Independent," *Washington Post* (Feb. 23, 2004), at A1; Greg Pierce, "Inside Politics: Nader's letter," *Washington Times* (Mar. 30, 2004), at A6; Inside Politics: Nader says he'll meet with Kerry," Mar. 29, 2004, found at www.cnn.com/2004/ALLPOLITICS/03/29/nader.

Power & Position in American Business (1986), *Winning the Insurance Game* (1990), *No Contest: Corporate Lawyers & the Perversion of Justice in America* (1996), *Cutting Corporate Welfare* (2000), and his bestseller – thanks to General Motors – *Unsafe at Any Speed* (1965).

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2000 VICE PRESIDENTIAL NOMINEE – GREEN PARTY

Winona LaDuke

Born on August 18, 1959 in Los Angeles, California. Married Randy Kapashesit in 1988, with whom she had two children, Waseyabin (“Light of Day”) and Ajuawak (“Crossing the Water”). The couple has been separated since 1992. She has another child, Gwekaanimad (“When the Wind Shifts”), born during the 2000 campaign, and whose father is Kevin Gasco. LaDuke met Gasco, who is a member of the Traverse Bay of Odawas, at a “powwow” in his native Michigan at which she was an announcer and host. Soon after the 1996 election, LaDuke and Gasco began to live together at LaDuke’s cabin on a lake on the White Earth Indian reservation in Minnesota.

Winona LaDuke was the only child of Vincent LaDuke, a member of the tribe known as the Ojibwe or Chippewa, and his wife Betty Bernstein, who was Jewish, a painter, and a native of the South Bronx in New York. In 1958 Vincent LaDuke (who called himself “Sun Bear”) hitchhiked from Nevada to New York and Washington in

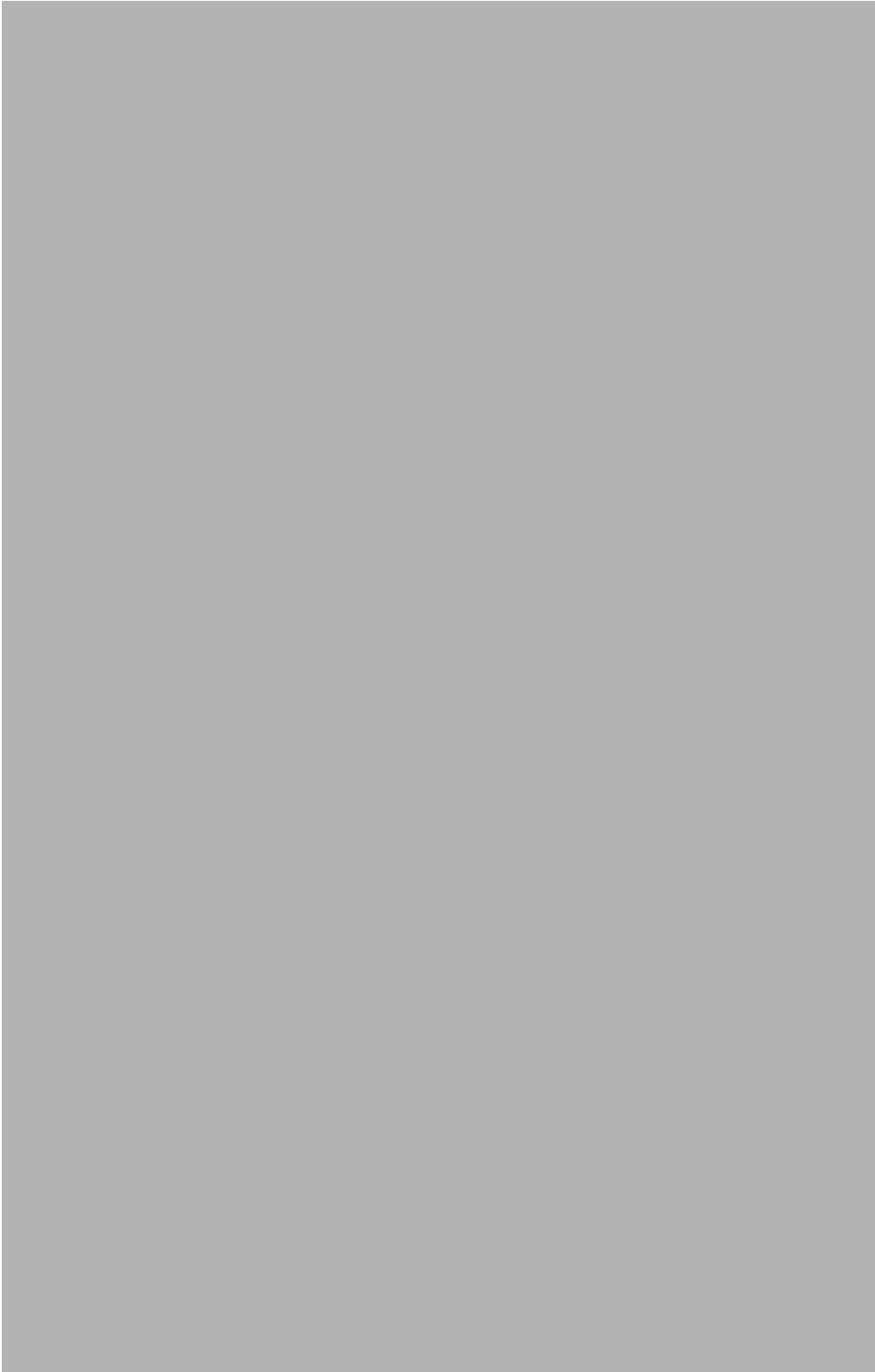
traditional Indian clothing, including a feather headdress, in order to raise awareness of the economic and cultural distress in Indian country. On the journey he carried a sign that said “Have Blanket, Will Travel.” That was taken from the title of a popular CBS television series that had debuted in 1957, the Western “Have Gun – Will Travel.” Winona’s mother later provided a description of meeting her future husband in the Bronx: “Sun Bear arrived with a feather headdress and newspaper clippings publicizing his adventures en route from the Reno Sparks Indian Reservation where he had been living, to Washington, D.C.”³

Winona’s parents married at the White Earth reservation in 1958, but Winona’s mother did not want to live there. As Betty LaDuke recounted years later, “We left for Los Angeles after the first early snowfall. There Sun Bear worked for Hollywood as a screen extra in stereotypical roles that included falling off horses.” His movie work was sporadic. Betty earned bachelor’s and master’s degrees from California State University. She would teach at Southern Oregon University in Ashland from 1964 until 1996 and become recognized for her painting and printmaking.

The LaDukes divorced when Winona was five years old. Winona spent most of the rest of her childhood in Oregon with Betty, who married entomologist Peter Westigard. Winona has a half-brother named Jason, born to her mother and stepfather in 1970.

By the time that Winona was a teenager, Sun Bear had left Hollywood for a career as a Native American spiritualist. A 2000 biographical sketch of Winona says this about her father’s new calling: “Playing on his Hollywood semi-celebrity and his reputation as an activist,

3 An account of Betty LaDuke’s life appears on-line in Betty LaDuke, *An Artist’s Journey from Oregon to Timbuktu* (1998), found at www.sla.purdue.edu/WAAW/LaDuke. The account is included in Susan R. Ressler (ed.), *Women Artists of the American West* (Jefferson, N.C.: McFarland, 2003), 281-298.



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he began to attract a large, largely white congregation (before he died, in 1992, he had grown especially popular in Germany). Although a minor countercultural icon, Sun Bear was viewed with some ambivalence among Native Americans. He was spreading respect for Native spirituality, but many felt he was also marketing that tradition piecemeal to less-than-committed whites.”⁴

Winona lived with Betty but experienced her Indian heritage in travels with Sun Bear to different tribes around the country. She grew up feeling herself an outsider in the almost all-white Oregon community of Ashland. “You just know that you don’t fit in,” she would write, though she did make friends among her white classmates. She lived in a family of activists who refused to fit in. Civil rights, the environment, and opposition to the Vietnam War were causes that were pursued. Betty participated in the Poor People’s March in Washington in 1960. Her father’s concern for the plight of his people continued well past his hiking across the country.

When LaDuke graduated from high school in Ashland, she applied to Harvard, Dartmouth, and Yale. She was accepted at all three and chose Harvard. She entered in the fall of 1977, one of eight Native Americans in her entering class, and graduated in 1982. She joined the Harvard Indian Student Organization, and would later recall hearing a Cherokee activist, Jimmie Durham, give a speech in which he stated that there was “no such thing as an Indian problem – it’s a government problem.” Native Americans had lived on the continent long before Europeans. It was the arrival of the Europeans which created the “Indian problem.” She took inspiration from this. Durham channeled LaDuke’s enthusiasm into research on the government’s breach of treaties with tribes.

LaDuke also conducted research on environmental problems arising from the mining of uranium on Navajo reservation lands in the American Southwest. She presented her findings in a speech to a United Nations conference in Geneva that was held on the problems of indigenous people around the world. She spent summers in the Southwest, studying the effects of uranium mining on Navajo health. Her activism against nuclear power gave her the nickname of “No Nukes LaDuke.”

LaDuke graduated in 1982 with a degree in native economic development. She would later acquire a master’s degree in urban development from M.I.T. and another master’s in rural development from Antioch College. LaDuke went to live on the reservation of the Chippewa tribe in which her father had registered her at birth. This was the White Earth reservation two hours driving distance northwest of Minneapolis-St. Paul. There was 85 percent unemployment there. Alcoholism and poverty and domestic violence were epidemic. LaDuke became the principal at a reservation high school.

Leaving the high school after one year, LaDuke became increasingly involved first in Chippewa tribal affairs, and then in Native American issues on a regional and national level. She quickly began to expand her base, working with other tribes and, in 1985, collaborating with five other women to form the Indigenous Women’s Network. This organization now holds annual meetings, at which activists from around the country gather to debate how best to protect the environment, recover tribal land, and preserve the cultures of their tribes.

One of her most visible early efforts involved litigation to recover some of the 830,000 acres of land that had been the White

⁴ Peter Ritter, “The Party Crasher,” *City Pages* (Oct. 11, 2000); Jon Bowermaster, “Earth of a Nation,” *Harper’s Bazaar* (Apr. 1993), at 101.

Earth reservation when it was created in 1867 by treaty. By the time LaDuke entered the fray, the reservation had dwindled to about 7900 acres due to private transactions and tax sales. A Congressionally-mandated round of official investigations of land title issues on reservations had reached the White Earth reservation only a few years earlier, in 1978, and had raised several issues, including whether non-tribal purchases had complied with treaties and statutes. A preliminary report raised questions about the title to several hundred parcels. In response, a Minnesota Republican congressman, Arlan Strangeland, introduced the White Earth Land Settlement Act to pay three million dollars to tribal interests in order to clear title.

LaDuke and some in the tribe wanted the land and not money. Strangeland said the "Indians would get back the land when hell froze over." The tribal chairman, Chip Wadena, said the money was better than nothing. The bill passed in 1986 with a payment of 17 million dollars. Wadena was accused of having secretly flown to Washington to secure approval of the bill without tribal knowledge. LaDuke became an identified opponent of the tribal, male-dominated government. Later, she participated in three separate lawsuits to recover some of the land. One attacked the settlement bill on constitutional grounds; others directly challenged specific land transactions. All suits failed. Statutes of limitations and sovereign immunity barred the claims.⁵

LaDuke and other Chippewas turned to alternatives for land recovery. In 1989, LaDuke won a Reebok \$20,000 award to individuals

under the age of 30 who sought to expand human rights. With this money, LaDuke started the White Earth Land Recovery Project to purchase land to add to the reservation. By the year 2000, it had acquired 1,400 acres.

With LaDuke as director, the Project expanded into other endeavors, such as raising raspberries and strawberries, and operating a mill for processing wild rice that grows on swampy reservation land. In 2003, LaDuke and White Earth got into a dispute with California growers who were claiming that their crop also was "wild rice." The Chippewa product grew in natural swamps and was harvested from canoes; the pale California imitation was grown in paddies and harvested by combines. LaDuke announced a White Earth advertising campaign that would attempt to get the attention of west coast natural food fanatics: "You can call Marion Morrison 'John Wayne,' Patsy McClenny 'Morgan Fairchild,' even Thomas Mapother IV 'Tom Cruise,' but please don't call your paddy rice 'wild.'"⁶ Business-like zeal for protecting a product line can apply even to Green Party candidates. This was understandable, as wild rice provided \$42 million annually to the tribe.

LaDuke's enduring interest in environmental issues also manifested itself early in her career. Not long after moving to Minnesota, she became involved in efforts to stop a Canadian government power project called James Bay II. James Bay I had flooded an immense area in Quebec. The second stage of the project would build additional dams, flood land claimed by multiple Canadian tribes,

⁵ *Manypenny v. United States*, 125 F.R.D. 497 (D. Minn. 1989), *aff'd*, 948 F.2d 1057 (8th Cir. 1991). The named suit was consolidated with *Fineday v. United States*; the suits challenged the land settlement act and sought relief against individual landowners. A third suit was *Little Wolf v. United States*, for which no published opinion was found. Winona LaDuke, "White Earth, A Lifeway in the Forest," in *All Our Relations: Native Struggles for Land and Life* (Cambridge, Mass.: South End Press, 1999), 124.

⁶ Nicole Garrison-Sprenger, "Ads target wild-rice labeling," *Minneapolis-St. Paul Business Journal* (Nov. 10, 2003).

cover wildlife areas, and uproot thousands of square miles of forests. LaDuke helped coordinate the efforts of native tribes, student groups, environmental organizations, and others. They succeeded. In 1996 the Canadian power company abandoned James Bay II.

LaDuke was invited to become a member of the board of Greenpeace in 1991. Her role in that organization, however, generated the sort of conflict that is all but inevitable when true believers have common goals but prioritize them differently. When she joined Greenpeace, it was suing some Indian tribes to stop them from engaging in subsistence farming that Greenpeace believed to be harming the environment. LaDuke objected, on grounds that she has reiterated over the years in her efforts to persuade other environmental leaders to see the viewpoint of tribal environmentalists such as herself:

We all recognize that we must defend the environment. However, what happens is a power question. When you talk about our case, some of the major environmental groups have opposed return of our land. The Sierra Club opposed the return of land to our community. The Nature Conservancy donated land on our reservation to the State of Minnesota, rather than back to the tribe. That's a kind of structural racism, a trading of assets among settler groups, rather than dealing with the underlying issue of justice. It's something that the environmental movement has to be challenged on.⁷

LaDuke said that she was able to "challenge Greenpeace's basic political agenda," such that now instead of suing tribes it has a

"sovereignty policy that prevents that type of interference." She calls her work with this environmental group "a battle, but it's a battle worth fighting."⁸

Another member of her tribe, a reporter for a California newspaper, was even more pointed about the differences between LaDuke and white environmental activists:

America's tribal members have long made handy mascots for the environmental movement, of course. ...

The green agenda of outsiders isn't an overwhelming concern for tribal people focused on ensuring that their populations don't dwindle, asserting sovereignty over their domains and devising economic strategies for long-term prosperity. That's why Nader's selection of LaDuke for the VP spot is forcing green fundamentalists to mature when it comes to dealing with tribal affairs. Some die-hards, naturally, have thrashed about along the way. Earlier this year, they lobbied to boot LaDuke because she supports the hunting of gray whales by the Makah people in Washington state.⁹

During her campaign against the James Bay II dam project, LaDuke met two members of the singing group, the Indigo Girls. LaDuke organized a three-city fund-raising tour in 1993 to publicize the environmental damage threatened by the power project. Under the rubric of "Honor the Earth," the Indigo Girls tour raised \$250,000. LaDuke spearheaded a larger, 21-concert "Honor the Earth" tour in 1995, again featuring the Indigo Girls. At the concerts, activists invited on-stage spoke about their causes, such as the slaughter of

7 Winona LaDuke interview, *Multinational Monitor* (Dec. 1999), at 19.

8 Sonya Paul @ Robert Perkinson, "Winona LaDuke," *Progressive* (Oct. 95), at 36.

9 Travis Armstrong, "Green's VP pick defies eco-Indian stereotype," *Mercury News* (San Jose, Cal.) (Oct. 25, 2000). Notwithstanding her tribal loyalties, LaDuke's involvement in ambitious environmental projects remains wide-ranging, including, for example, her support for a constitutional amendment that decisions affecting the environment had to be made in light of their impact on the next seven generations. *Winona LaDuke Reader* (Stillwater, Minn.: Voyageur Press, 2001), 267 (mentioning the idea in her speech accepting the 2000 Green Party vice presidential nomination); id. at 273-76 (outlining the proposal).

buffalo when the group was in South Dakota, or nuclear waste when the tour reached Nevada. In 1997, another tour was conducted, this time focusing on nuclear power and its evils and bringing in other performers such as Joan Baez.

LaDuke's endeavors to protect Canadian tribal lands also led to her first meeting with her future husband, Randy Kapashesit, at a conference in Toronto in 1986, where he was a representative of the Cree Tribe in Moose Factory, Ontario. They married in 1988, separated in 1992, and did not divorce. The marriage may have suffered from the combination of LaDuke's commitment to her significant responsibilities at White Earth, in Minnesota, and her husband's decision to remain at Moose Factory, in Canada.

LaDuke's varied crusades gained her a variety of honors. In addition to receiving the Reebok in 1989, LaDuke was selected by *Time* magazine in 1995 as one of the fifty most promising Americans under the age of 40 and by *Ms* magazine in 1997 as Woman of the Year.

But her largest role on the national stage so far has been the Green Party vice presidential nomination – an honor all the more remarkable in light of the fact that LaDuke herself had no meaningful record as even a citizen participant in national elections. When Ralph Nader asked her to be his running mate in 1996, she had never voted in a non-tribal election. She initially refused Nader's invitation, but, after weighing the counsel of tribal elders and others as she considered the demands of her work at the White Earth reservation, she eventually agreed. Nader stated that he selected LaDuke because "she's a Harvard-educated economist, a strong and stable human being who's good under pressure. I like

what she's fought for here and around the world on behalf of indigenous people. She's got her feet on the ground."¹⁰ They were on the ballot in 21 states and received less than one per cent of the vote.

In November 1999, Nader asked LaDuke to be on the 2000 ticket. She was six months pregnant. Nader told her that if necessary, he would get down on his knees and beg her to run again. She said that the "image of Ralph on his knees was almost too much for me," and she agreed. Nader understood that she could not pursue a heavy travel schedule. LaDuke would later state that their agreement was that she would only make ten appearances, an arrangement that some activists thought Nader should never have made.¹¹ After her baby arrived, she comfortably nursed him in front of interviewers who trekked to her Minnesota cabin.

Nader and LaDuke dismissed pre-election complaints from supporters that they were diverting votes from the Democratic ticket. Many Native American leaders opposed LaDuke's participation in the campaign. A friend and contemporary, Wilma Mankiller, formerly the principal chief of the Cherokee Nation, asked her to drop out in order to improve Gore's chances. The leader of the American Indian Movement, Vernon Bellecourt, sent LaDuke a public letter stating that all of the Minnesota tribes, including LaDuke's Chippewa tribe, would support Gore. LaDuke's answer was that those most important to her, those on her reservation, did not even know who the president was. The only thing that would matter to them was if someone radically different came to power. "It's really going to be lousy if [Bush] gets in." But Gore was little better.¹² When

¹⁰ "Winona LaDuke," *Current Biography* (2003), 306.

¹¹ *Id.*, at 306-07; Ralph Nader, *Crashing the Party* (New York: St. Martin's Press, 2001), 56.

¹² Alicia Montgomery, "Nader's No. 2," *Salon* on-line transcript of interview, available at Salon.com (July 13, 2000).

Bush won, LaDuke expressed no regrets, though she did state in mid-2001 that the Bush Administration had been “an unbelievable nightmare.”¹³

The 2000 Green Party nominee announced in late 2003 that she was supporting one of the Democratic contenders for President, former Cleveland mayor Dennis Kucinich. He stood out in a clamorously anti-Iraqi War group as being one of only two (the other was Al Sharpton) in favor of immediate withdrawal of all American troops from that country, even if that would mean either anarchy or the return of Saddam Hussein. His platform was populist, isolationist, and, on the environment, exceptionally green. These positions had gained Kucinich a large following among Green Party members, and presumably they were attractive to LaDuke as well. When Nader announced for president again in early 2004, LaDuke stated that she was not sure whether she would ultimately endorse him, but she certainly supported “his right to run.”¹⁴

LaDuke has been something of an outsider even among her tribe. College-educated, not raised on tribal lands, in the national spotlight, LaDuke is simply different. Her “assertiveness has won her critics, even on the White Earth Reservation, where some regard the outspoken LaDuke suspiciously because she works outside the tribe’s traditional all-male tribal council.”¹⁵ She has a commanding presence and the non-native sounding nickname among friends of “the Duchess.”

She also has not fully joined culturally,

intellectually, or spiritually with the Green Party. The Party is largely white and wealthy. Religion, though doubtlessly important in the lives of many of those who identify with the party, would seem to be irrelevant to the Party’s general platform. LaDuke recognizes that, and noted that in what she calls “progressive movements in this country, religion carries a lot of baggage.” She feels differently. “Spirituality is the foundation of all of my political work. . . . What we all need to do is find the wellspring that keeps us going, that gives us strength and patience to keep up this struggle for a long time.”¹⁶ She also believes that “power emanates from nature – that the wellspring of all life is in nature and the Creator.”¹⁷

Her spirituality includes belief in a kinship with the buffalo. She views the slaughter of the herds in the late 1880s as, “the time when the buffalo relatives, their older brothers, stood up and took the killing intended for the younger brothers, the Native peoples.” In her own tribe, there is a ceremony that includes the lines, “The buffalo gave their lives so that we may live Now it is our turn to speak for the buffalo, to stand for our relatives.”¹⁸

LaDuke was not the first Native American on a third-party ticket. In 1980, LaDonna Harris, daughter of a Comanche mother and Irish-American father, and the wife of former U.S. Senator Fred Harris (D-Okla., 1964-73), was Barry Commoner’s vice-presidential running mate on the Citizens Party ticket. That ticket received only 232,551 votes, or 0.27%. Kansas Senator Charles Curtis was the first

13 *Winona LaDuke Reader*, at 246.

14 Barry Casselman, “Pigeons and Falcons,” *Washington Times* (Oct. 22, 2003), at A23; Terry Collins, “Minnesota supporters not surprised by Nader,” (Minneapolis) *Star Tribune* (Feb. 24, 2004).

15 Marjorie Rosen & Margaret Nelson, “Crusader, Friend of the Earth,” *People* (Nov. 28, 1994), at 148.

16 Jay Walljasper, “Winona LaDuke,” *Mother Jones* (Jan/Feb 1996), at 56.

17 Michael Silverstone, *Winona LaDuke: Restoring Land and Culture in Native America* (New York: Feminist Press, 2001), 101.

18 Winona LaDuke, “Buffalo Nations, Buffalo Peoples,” in *All Our Relations* (Cambridge, Mass.: South End Press, 1999), 139, 154; Winona LaDuke, “Buffalo Nation,” in *Winona LaDuke Reader*, at 158-59.

Native American on a major party ticket. His mother was of Kansa, Osage, and Potawatomie descent. While serving as Senate Majority leader, Curtis was elected vice president in 1928 on a ticket with Herbert Hoover. Both then lost in 1932. The Green Party in 2000 got more than two percent of the vote in a losing cause, making LaDuke the first Native American on a national ticket to be eligible for a biography in *Presidential Also-Rans and Running Mates*.

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