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Ralph Nader's Tort Museum

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Ralph Nader in the new American Museum of Tort Law, next to a Chevrolet Corvair, the car he disgraced in his 1965 book "Unsafe at Any Speed."

PHOTOGRAPH BY JESSICA HILL/AP



In nineteen-forties Mississippi, William Daniels, an employee of the United Novelty Company, was cleaning a piece of his employer's machinery. Daniels was using gasoline as a cleaning agent even though the company had repeatedly told its employees not to clean with gasoline. As he cleaned, the gasoline leaked through the machine and soaked a rat hiding underneath it. The rat ran under another machine for cover—a gas heater. The gas heater's open flame lit the rat's gasoline-soaked coat on fire, sending the flaming rat scrambling back toward the machine that Daniels was cleaning. Another drop of gasoline may have fallen on the rat. The resulting explosion killed them both. Daniels was nineteen.

Daniels's estate sued the United Novelty Company for wrongful death. In 1949, the Supreme Court of Mississippi upheld a jury's finding that the company was liable for his death. The court suggested that the company's repeated warnings against cleaning with gasoline proved that the company knew that its employees were using gasoline to clean its machinery and that it was dangerous. The company hadn't presented any evidence that Daniels himself had heard the warnings against using gasoline, but this was beside the point—it was the company's responsibility, not the nineteen-year-old's, to make sure its employees were not blown up while they worked.

On Sunday morning in Winsted, Connecticut, the American Museum of Tort Law, which features a Flaming Rat Case exhibit, officially opened its doors. In the gift shop, a T-shirt with a drawing of the flammable rat was selling briskly, especially compared to the thousand-two-hundred-and-seventy-six-page author-autographed tort-

law textbook “Prosser, Wade, and Schwartz’s Torts,” which sat a few feet away. Quiet confusion was in the air around the entrance to the museum—“What the heck is a tort?” a man whispered to his wife as they walked in. She wasn’t sure. Luckily, the museum made it clear: a tort is any wrongful act that can be the basis for a civil lawsuit. For example, if you punch the mailman, the county prosecutor can charge you with the crime of assault and the mailman can sue you for the tort of battery. The law looks at the same punch in two different ways.

Tort law is essentially the law of personal injury, and the museum’s mission is to restore the idea that personal-injury law is not a way to line the pockets of a few lucky lawyers but rather a way to hold the powerful to account. (The most popular exhibit was dedicated to explaining the McDonald’s hot-coffee lawsuit (https://en.wikipedia.org/wiki/Liebeck_v._McDonald%27s_Restaurants)).) As presented by the museum, personal-injury law may be the only way to hold a corporation accountable to the people it has harmed.

Sometimes, even a good lawsuit isn’t powerful enough. Walking through the museum on Sunday was its director, Richard L. Newman, a former personal-injury lawyer who was barred from discussing the case that he said was the signature achievement of his career. “I can’t say anything about that case because the settlement has one of those damned confidentiality agreements,” Newman said. “As a lawyer, you’re torn between getting your client fair compensation and knowing that there are dangerous products out there injuring people.” He reflected for a moment. “You know, people don’t see the benefits of tort law. Their cars are safer. Their foods are safer. They just live in an improved world.”

A few feet away stood thirteen-year-old Alexis Smith. She sported blue hair, a nose ring, a lip ring, and a hat with “#BITEME” printed across its cuff. “It’s boring,” she said, before her mother chastened her. Ralph Nader stood on the museum’s front steps, slightly hunched over, smiling and eagerly greeting guests. “Better a fence at the top of the mountain than an ambulance at the bottom of the valley,” he’d said the day before at a museum event, summing up its ethos. The event had been in the church next door to the museum. At the entrance to the church stood a woman pointing out a slight decline in

the flooring. “Watch this slope!” she told guests, occasionally chuckling while keeping the museum free from slip-and-fall liability, i.e., liability for the tort of negligence.

Nader, who is now eighty-one, conceived of the museum in 1998 and spent the next seventeen years raising money for it. “The hardest part of raising the money was getting people to return my calls,” he said. (Nader relishes creating the impression that his phone hasn’t rung since a few minutes after George W. Bush was declared the winner of the 2000 election. On Bernie Sanders, he said, “He hasn’t returned my call in fifteen years.” In April, he published a book entitled “Return to Sender: Unanswered Letters to the President, 2001-2015.”)

Nader continued, “There are thirty-five thousand museums in the United States and not one museum dedicated to law. There are timber *and* lumber museums.” He shook his head. “There are museums for every fruit and vegetable!” The Museum of American Tort Law itself lies in a prodigious tract of museums. Northwest Connecticut is home to, among many others, the Lock Museum of America, the American Clock & Watch Museum, the New England Carousel Museum, and the Vintage Radio & Communications Museum of Connecticut. The state has four different railroad museums, not including its trolley museums.

Winsted, Connecticut, is Nader's home town. As he stood in front of his museum, he pointed out a creek that runs through nearby woods. "That's the Mad River," he said of the trickling creek. "In 1955, it destroyed half the town in twenty minutes. It took the buildings on Main Street and a car dealership. My mother got the Army Corps of Engineers to build a dam so it would never happen again. When Prescott Bush," George W. Bush's grandfather and a U.S. senator for Connecticut, "came to campaign in Winsted in 1955, he shook my mother's hand. She wouldn't let it go until he promised to build the dam."

Nader's consumer-protection advocacy is the lifeblood of the museum. In the center of the museum sits a cherry-red Chevrolet Corvair, the car Nader disgraced in his 1965 book "Unsafe at Any Speed." General Motors responded by trying to uncover and publicize his embarrassing secrets, allegedly going so far as to send a woman to seduce him. (He then sued the company for the tort of invasion of privacy and, as part of the settlement, made the President of G.M. publicly apologize.) An exhibit in front of the Corvair includes a cartoon of the attempted seduction: Nader pushes a shopping cart through a supermarket as a blond woman in a tight dress winks at him. Nader, whose only earthly pleasures are apparently a comfortable pair of shoes and a sense of righteous indignation, responds with a look of suspicion. A question mark, illustrating his distrust, is drawn above his head.

In an unfortunate irony for the museum, its building is located directly across the street from the local ambulance service and its fleet of ambulances. But during the opening, a group of E.M.T.s walked across the street with a copy of their training textbook for Mr. Nader to sign. "Why does a car door not fly open in a crash?" one paragraph begins. "The answer is the Nader pin (named for Ralph Nader, the consumer advocate who lobbied for the device), a case-hardened pin in an automobile door. In a collision, the cams in the door locks grasp the pin to keep the door from flying open, preventing occupants from being thrown from the vehicle. All cars sold in the United States since 1966 have the Nader pin." He signed his name next to this paragraph and requested a copy for the museum.

At the museum's convocation, held at the local high school the day before, some seven hundred and fifty reasonable New Englanders (and a group of Chinese high-school exchange students, whom Nader briefly addressed in Chinese) squeezed into the auditorium to hear Nader rail against corporate America's sustained attack on tort law, which came to the fore with the tort-reform movement in the nineties. The timing felt right; personal-injury lawyers have long been supplanted at the top of America's list of public enemies by terrorists, profligate mortgage lenders, the stubborn Congress, Wall Street, and, most recently, the police.

Some of the attendees had also come to hear Patti Smith, who performed two songs. Nader introduced her as the greatest living artist in America. "She won the National Book Award! That's like winning The World Series," he said. Bashfully, she put her face in her hands and shook her head.

After her performance, Smith explained her connection to Nader: "I learned about Ralph Nader when I was quite young, from my father. He was a strong advocate of Ralph Nader and voted for him every election. He wrote him in. He said Ralph was the man he most trusted in America. My father died in 1999, and shortly after he died I got a call from Mr. Nader's office asking if I would participate in a rally at Madison Square Garden. It seemed like the most beautiful way to honor my father. After that, I understood why Ralph Nader meant so much to him. Every time I hear him speak, I leave uplifted and inspired. I leave with more tools for conducting myself in the world."

Smith paused. "When I was campaigning with him, we were in upstate New York. We stopped in a town and there were maybe eighteen people there. It was freezing cold, and we were in a little brick building. He stood there with his overcoat on and spoke to the people with the same vigor and indignation as he did at Madison Square Garden." This indifference to the size of the crowd might come in handy with the American Museum of Tort Law. "For him, there are no small audiences," she added.

Inside the museum, Nader personally escorted bewildered townspeople through the exhibits. He stopped in front of the McDonald's Coffee Cup Case exhibit. "The lawyers didn't tell people that McDonald's kept their coffee that hot for *commercial* advantage.

So it would stay hotter than Burger King's as you drove along the highway. They'd already gotten seven hundred complaints about the burns." Nader shook his head and looked at his guest, who nodded. He had changed one mind. He seemed satisfied.

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