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'The Rachel Maddow Show' for Friday, March 18th, 2011

Read the transcript to the Friday show

updated 3/21/2011 12:46:56 PM ET

Guest Host: Chris Hayes

Guests: Eugene Robinson, Col. Jack Jacobs, Richard Engel, Edwin Lyman, David Cay Johnston

CHRIS HAYES, GUEST HOST: Good evening, Lawrence. Thanks a lot.

And thank you for staying with us for the next hour. Rachel has the night off.

The nuclear crisis in Japan is still volatile tonight. There have been numerous developments today. We'll get to those shortly.

But we begin with something you should never have to ask—something that should never be a question. Are we at war?

OK. Yes, we are at war in Iraq and Afghanistan, and maybe sort of in Pakistan as well. But are we at war again in another Middle Eastern country?

It's not a provocative rhetorical question, it is one that I and a lot of Americans started asking as soon as the United Nations Security Council voted last night to impose a so-called no-fly zone over Libya and to, quote, "take all necessary measures to protect civilians and civilian populated areas under threat of

attack."

Faced with threat from Moammar Gadhafi of a massacre of his own civilians, United Nations approved military action against Libya, which is a big fricking deal—for us, for the United Nations, for the region.

And yet, what made last night so eerie and so strange was that this big, historical moment—this commitment by a number of nations to use force, fell into the American political conversation like a pebble into a well. We just committed ourselves to military intervention in the most volatile region in the world and there was hardly a peep from anyone.

Congress was in recess. There were no flood of press releases and official statements in my

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inbox. Not even President Obama said anything live.

It seemed like we declared war and no one bothered to notice. Then, finally, today, the president did give a statement after meeting with 18 congressional leaders.

(BEGIN VIDEO CLIP)

BARACK OBAMA, PRESIDENT OF THE UNITED STATES: The United States, the United Kingdom, France and Arab states agree that a ceasefire must be implemented immediately. That means all attacks against civilians must stop. Gadhafi must stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misurata, and Zawiya, and establish water, electricity and gas supplies to all areas. Humanitarian assistance must be allowed to reach people of Libya.

(END VIDEO CLIP)

HAYES: Those are the president's demands. That's where he decided to draw the line. Gadhafi must pull back his forces from rebel-controlled towns in the east, reconnect water, electricity and gas supplies, and allow humanitarian assistance into Libya. Full stop.

Now, that seemed fairly clear, except that one of our allies in this endeavor seems to have a completely different set of goals. In the House of Commons today, the British prime minister said, quote, "It is almost impossible to envisage a future for Libya that includes Gadhafi." In other words: regime change.

Adding to confusion was just what enforcement of a no-fly zone would mean for the United States.

(BEGIN VIDEO CLIP)

OBAMA: If Gadhafi does not comply with the resolution, the international community will impose consequences. And the resolution will be enforced through military action.

(END VIDEO CLIP)

HAYES: The resolution will be enforced through military action. But what kind of military action?

One thing we know for sure is it will not involve ground troops. United Nations resolution says as much and the president reiterated that today.

(BEGIN VIDEO CLIP)

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OBAMA: The United States is not going to deploy ground troops into

Libya. And we are not going to use force to go beyond a well-defined goal

specifically the protection of civilians in Libya.

(END VIDEO CLIP)

HAYES: It wasn't until an anonymous staffer explained it further that we had any sort of idea just what the American military was being tasked with. Quote, "He," meaning the president, "had not authorized troops on the ground or airplanes. He stressed the U.S. is diplomatically supporting the no-fly zone, not the enforcement itself."

No American troops on the ground, no American planes, no, quote, "enforcement itself," that's what we know.

What we don't know is a lot bigger.

Joining us now is Eugene Robinson, MSNBC political analyst and Pulitzer Prize-winning columnist for "The Washington Post."

Thanks for being here, Gene.

EUGENE ROBINSON, MSNBC POLITICAL ANALYST: Good evening, Chris.

HAYES: So, what do you make of President Obama's remarks on Libya today? Are we now at war? Was that the communication? Because even coming away from it, I had a hard time

answering that question for myself.

ROBINSON: When I heard the president's speech, I thought—well, gee, we might be. And here's why: he said very clearly that as far as he's concerned and the United States is concerned, Gadhafi has lost the legitimacy to lead. He has forfeited the right to be president of Libya, and he set these demands: Gadhafi not only has to stop, he has to withdraw, these are not negotiable and there will be consequences.

So, that to me says we are going to use force to make Gadhafi do what we want him to do.

HAYES: And, of course, if he doesn't do what we want him to do, we're going to get into that more in a little bit. In terms of the politics and sort of the constitutional basis of all of this, Connecticut Congressman John Larson issued a statement today, he is one of the few urging the president to seek congressional approval

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before committing U.S. forces.

Do you think we're going to see a lot or more of those calls, or is Congress, as it appears to me, not only on recess but sort of checked out on this?

ROBINSON: Congress has been checked out on this for about 100 years, Chris.

(LAUGHTER)

ROBINSON: We are going to—yes, we are going to hear more individual congressmen and congresswomen saying the president should have consulted, the Constitution gives Congress the power to declare war. However, presidents, the last umpteen presidents have asserted the authority as commander-in-chief to deploy U.S. forces in these kinds of situations without a formal declaration of war. I can't imagine a president of either party who's going to take office, and then disavow that vast power, and certainly not President Obama.

So—and I don't think Congress is in the mood to assert this right granted by the Constitution, nor do I think the current Supreme Court would enforce the Constitution's apparent designation of Congress as the war-declaring body.

HAYES: Do you think—it occurred to me today, trying to sort through this, that, you know, 10 years into the war on terror, there has been such sort of cascade of military engagements large—like Iraq and Afghanistan—but also

small—we have strikes in Pakistan, we have drone strikes in Yemen. We have other countries in which we probably have Special Forces operating.

I wonder if you think that is part of the sort of casualness with which this entire enterprise is in the national political conversation seems to be undertaken, how we become inured to what military force means?

ROBINSON: You think there's a certain intervention fatigue that has set in, and then it has made us blasé? But, you know, maybe that's true. Remember before the war on terror, there was the cold war where we were involved in various regional and local conflicts all around the globe, so it actually has been quite a long time that the United States, you know, has been accustomed to these kinds of interventions. And I think people have become kind of inured to that.

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HAYES: Eugene Robinson, MSNBC analyst, Pulitzer Prize-winning columnist of ‘The Washington Post’—thanks so much for joining us tonight. Have a great weekend.

ROBINSON: You too, Chris.

HAYES: Not only is it unclear what we are doing in Libya, it is unclear what the Libyans are doing. Earlier today, the Gadhafi regime said it was calling for a ceasefire, and then barely missing a beat, we got reports that Gadhafi loyalists were still launching attacks in the eastern cities, including the rebel stronghold of Benghazi.

Today, the American ambassador to the U.N. said he was in clear violation of the U.N. resolution, which means what exactly? What’s next?

Joining me now is Colonel Jack Jacobs, MSNBC military analyst.

Colonel Jacobs, thanks so much for joining us tonight.

COL. JACK JACOBS, MSNBC MILITARY ANALYST: Good to be here.

HAYES: Let’s first start out with the no-fly zone because I think people have this conception that is some sort of set, rigid thing that you impose. What does a no-fly zone mean and what are the terms? How set are they?

JACOBS: Well, they are actually quite set. It’s

not that difficult to explain. It’s just a box, a cube, inside which you’re not allowed to fly, and we control whether or not you can fly in there.

The thing to keep in mind though, it’s not just a box in two dimensions. It’s three dimensions—which means it could be a million cubic miles. Even with today’s technology, it’s very difficult to police.

HAYES: There’s talk that there’s going to be a conference tomorrow, Saturday, in France, and there were some reports today about expecting to see military action after Saturday. But it seems like if things keep going on now—I mean, how long do we know that—is it possible that we declare this, then actually, it’s not even effective?

JACOBS: Yes. The short answer is yes. It’s sort of already been declared, in any case, as the U.N. resolution of 1973 yesterday, but you have

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to establish it. And in order to establish a no-fly zone, you have to nail all of Gadhafi's anti-aircraft sites and there are lots of them. We are talking about six sites that can fly surface-to-air missiles that can knock down airplanes, and ground-based anti-aircraft and all the rest of that stuff. That can only be done at a distance, unless you want to put your airplanes at risk, and nobody among the allies is willing to do that.

So, the likelihood, is that they will hit by—be hit by long-range missiles, cruise missiles. But you can't—you can't establish a no-fly zone unless you make it safe for the aircraft.

HAYES: But there's a trade off there, right, in terms of accuracy between how far you are from targets and accuracy?

JACOBS: Yes, we do have fairly accurate weapons. You have to punch in a 10-digit grid coordinate which is accurate down to a meter or so. So, we can knock them out. That's no problem.

But there are lots of them. And we don't know where all of them are. We have a great deficiency in intelligence. So, while we might knock out some of them, or even most of them, we will not have knocked down all of them, and they're mobile, too. That's difficult as well. That's always a threat.

HAYES: Let's game out some situations because—

JACOBS: Sure.

HAYES: -- part of what seems worrisome about the intervention as sort of compelling as the humanitarian case is in was, which it was—I mean, we were watching the residents of Benghazi.

JACOBS: Still is.

HAYES: Right, and still is. Let's say Gadhafi says, OK, fine. I am stopping where I am, and Benghazi stays as is. Well, then, what next?

JACOBS: Well, I think—I think you just described the end game.

Gadhafi has two choices. He can either carry on or blow everybody away, in which case he'll probably lose some or all military establishment. But in the end, there won't be any rebel force to take over.

In the alternative, he can stop what he is doing right now and leave sort of a rump—

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HAYES: Right.

JACOBS: -- bunch of rebels sitting there with nothing to do, no place to go, no arms, no ammunition, no leadership, no objectives, and he can wait them out.

In the end, our waiting until now, until a time when there's almost nobody left of the rebels to fight means that Gadhafi has won. In the end, it really doesn't matter what we do or what Gadhafi does, he is actually—let me put it this way, the rebels have lost, and maybe Gadhafi haven't won, but the rebels have lost.

HAYES: When you say the rebels have lost—I mean, when I was

reading yesterday on this issue, it seemed that the gambit here was or the

thinking behind it was—by declaring this, to sort of precipitate—to

re-precipitate crumbling of the regime, to get people to defect that once

when they saw the muscle of the international forces, that the regime would fall in on it self. And what you're saying is, if he calls that bluff—

JACOBS: He wins. I mean, I think he's called that bluff. We've already said you're not allowed to keep shooting at civilians. And if you keep doing that, we're coming after you. Well, he's continuing to shoot at civilians. And I don't think he's going to stop and I don't

think our or anybody else saying that he should stop is going to make him stop.

In the end, he's really decimated the rebels. He's put them in a very difficult position from which I think it's going to be difficult for them to come back. No, it's a tough time for the rebels.

HAYES: We had no-fly zones declared before. There is famously the one in Kurdistan, in northern Iraq, one in the south of Iraq, and then in the Balkans. How is the effective—what is the record of no-fly zones? It seems—from my reading—to be quite mixed in how effective it is, in prosecuting its intended purpose.

JACOBS: Yes. The record is very good at keeping people from flying around in a no-fly zone.

HAYES: Right.

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JACOBS: You knock out the anti-aircraft capability, knock out command

and control and communications capability and you knock out the air fields

the end of air strikes. But that doesn't necessarily mean the good guys are going to win.

Indeed, the rebels here are so bereft of leadership and weapons and so on that they're not likely to win, even absent Gadhafi's capability to pummel them with artillery and aircraft. And you're absolutely right. Pretty good—no-fly zones are pretty good at stopping flying. They're not necessarily been very good at stopping the bad guys from winning.

HAYES: Colonel Jack Jacobs, military analyst for MSNBC—thanks so much for joining us tonight. I appreciate it.

JACOBS: Thanks for having me, Chris.

HAYES: We'll have more on the rapidly evolving situation in Libya with NBC foreign correspondent Richard Engel next.

And just ahead: the latest on the nuclear disaster in Japan.

Please stay with us.

(COMMERCIAL BREAK)

HAYES: By now, the name Fukushima Daiichi

has become synonymous with nuclear power failure.

Here's another name to learn: Diablo Canyon. Why American should worry more than a little about this nuclear reactor in California? Just ahead.

(COMMERCIAL BREAK)

HAYES: What we are seeing in Libya is one example of counteroffensive to the popular movement across the Middle East that saw the overthrow of the governments that flanked Moammar Gadhafi's regime, Ben Ali's dictatorship in Tunisia to the west, and Mubarak's dictatorship in Egypt to the east. Gadhafi is determined that he will not likely lose Libya.

But his brutal suppression is being mirrored across the Middle East. In Yemen today, at least 45 people were killed when the

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government used security forces and plainclothes policemen armed with Kalashnikovs and snipers to pick off peaceful protesters outside a Sana'a university. A doctor treating the wounded saying, quote, "They shot people in the head as they were running away. Whoever did this wanted people to die."

Yemen's President Saleh now declared a state of emergency, while our own president reiterated his call on Saleh to stop the violence.

In the tiny nation of Bahrain, three days after Saudi forces joined the fight against the protesters, Bahraini forces destroyed the focal point of anti-government demonstrations, Pearl Roundabout, pulling down an iconic statue and tearing up the grass. Hundreds of protesters had been staying at the roundabout until security forces using live ammunition drove them out Wednesday. Three demonstrators were killed in that action and dozens more wounded as troops reportedly blocked off access to hospitals, too.

And Syria today saw the biggest protests in years. Anti-government demonstrators taking in the streets in dozens of cities. The largest gathering was in a southern city of Deraa. Protesters were attacked by security forces. Witnesses are saying that at least five people were killed and hundreds injured.

I'm joined now by NBC chief foreign correspondent Richard Engel in Cairo tonight.

Hello there, Richard.

RICHARD ENGEL, NBC NEWS CHIEF FOREIGN CORRESPONDENT: Good to talk to you, Chris.

HAYES: So, my first question is: is this counteroffensive that we're seeing by the regimes across the Middle East working? I mean, it seems like we have this kind of Arab spring and this amazing kind of upwelling of nonviolent resistance—and now we seem to be the lesson from Libya to Bahrain to Yemen to Syria is to just crackdown. And do you think the regimes are winning at this point?

ENGEL: I think the Arab regimes have learned there are two approaches. You can either try and buy off the opposition—we saw Saudi Arabia doing that, offering billions of dollars in economic incentives, including extra jobs in the interior ministry, welfare benefits for the unemployed. So, Gulf states that have the money, like Saudi Arabia, have been trying to

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buy off the you can either try and buy off the opposition.

The other approach has been to use brutal force, like Gadhafi has been doing, like Yemen has been doing. Yemen is a poor country. It doesn't have billions in cash to buy of the opposition.

And what Bahrain has been doing because it has a delicate sectarian conflict as well, so even though Bahrain does have the cash, it doesn't want this opposition movement to go any further.

Two approaches: buy 'em of or crush them. And these are lessons, because Egypt and Tunisia didn't do either of these. Egypt and Tunisia didn't seem to know how to react, and both of those governments lost power.

HAYES: Richard, I want to play you some of what President Obama said about why international action is being taken against Gadhafi today.

(BEGIN VIDEO CLIP)

OBAMA: Instead of respecting the rights of his own people, Gadhafi chose the path of brutal suppression. Innocent civilians were beaten, imprisoned, and in some cases killed. People's protests were forcefully put down. Hospitals were attacked and patients disappeared. A campaign of intimidation and repression began.

(END VIDEO CLIP)

HAYES: That does not sound like it is unique to Libya, and perhaps in severity. But, certainly, a lot of this we have seen in Yemen and Bahrain and Syria. Do you feel like—why is it that those countries don't fit into the same criteria for international action after the actions we've seen from United Nations yesterday?

ENGEL: There are certainly interests involved. The U.S. keeps troops in Bahrain, the 5th Fleet.

But what we've seen coming from Libya is not just worse in terms of scale, it is also much worse in terms of severity. Yes, there has been a violent crackdown in Bahrain recently, but for four decades, there has been systemic repression by Gadhafi's regime. There has been use of international terrorism. There has been the systemic use of torture.

And people—I have spoken to people who came out of the prison in Libya and just described absolutely shocking and horrifying

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kinds of treatment and conditions.

Yes, Bahrain has chosen to use force to stop this demonstration, but Bahrain is not Libya, and I don't think you can make that equivalency.

HAYES: The Yemeni government used snipers today, you know, appears deliberately targeting protesters for execution. The crackdown that we saw today with peaceful students, seemed quite brutal. And yet, we're—the American government has a very close counter-terrorism relationship with the Yemeni government in terms of arms and training and money.

How does that affect the relationship we have in terms of what we are willing to say about the actions today in Yemen?

ENGEL: I think what happened in Yemen today is much more troubling, and U.S. counterterrorism officials are very upset about what happened in Yemen when protesters went out into the streets and were attacked from rooftops apparently by members of the security forces in plainclothes.

The president, Ali Abdullah Saleh, of Yemen, went on national television and said his police forces didn't fire a single shot—

HAYES: Right.

ENGEL: -- and that these were simply protesters who angered the citizens of Yemen

who then took the law into their own hands. But if what happened today continues in Yemen, I think we could see a definite cooling of relations between the U.S. government and Yemen.

What happened today surprised many U.S. officials who want to work with Yemen and weren't expecting this kind of brutality.

HAYES: And, finally, Richard, I want to ask you about the protests in Syria today. And the reason that they seem important was for two reasons. We haven't seen this kind of mass mobilization in Syria. And second of all, what I thought was striking was that amidst this crackdown, now that the stakes of violence have been so sort of horrifically illustrated for people in the region, that there was still quite a large mass mobilization in Syria.

I wonder what you think that augurs there.

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ENGEL: I think that was very significant, and underreported to a degree. Syria has a very effective security forces, and the people of Syria who want to go out and protest have not been able to do so, and the fact that they were able to gather today in relatively large numbers, that there were clashes significant enough that at least four people were killed in the violence could be a sign that Syria could see much wider problems to come.

Syria has been conspicuously quiet up until now, and we'll see if it remains so. Syria in many ways does share some characteristics similar to Tunisia and to Egypt where you have a ruling family running a police state over a population that is well-educated and cosmopolitan and is yearning for more openness and more access to the international community.

So, a lot of people in the middle east have been expecting to see more from Syria, and today we saw the first hints of what might be to come, if the people can get through—crack through the thick armor of the security services.

HAYES: NBC News chief foreign correspondent Richard Engel in Cairo—thank you so much for your work, as always.

ENGEL: My pleasure.

HAYES: We'll pivot to the other biggest story in the world: the nuclear disaster in Japan in just a minute.

But, first, “One More Thing” about Libya. The government there says it will release four “The New York Times” journalists. “The Times” bureau chief, Anthony Shadid, reporters Steve Farrell and photojournalists Tyler Hicks and Lynsey Addario disappeared in Libya on Tuesday. This was the last known picture of them with Ms. Addario on the left and Mr. Hicks wearing glasses on the right.

Gadhafi's son today said that the army arrested Ms. Addario because she was a foreigner, but then, quote, “They found out she was American, not European,” and thanks to that, she will be free tomorrow. The Libyan government leader elaborated on that, saying that all four journalists will be freed today. But there's still no word on whether they have been.

We'll be right back.

(COMMERCIAL BREAK)

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(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE (voice-over): They will do their duty because somebody must go into the Fukushima plant, somebody must risk the radiation to try to ensure disaster does not become a catastrophe.

The firemen who volunteered were sent off with due ceremony. Their work will be dangerous, but so little is known about what's happening in Fukushima that no one knows how dangerous.

Water is being sprayed from high pressure hoses towards the damaged reactors, but with little way of knowing if this is effective in cooling them. The Japanese are categorizing it as level five on a scale of seven, up from level four.

The head of the world's top nuclear agency tells me that doesn't necessarily mean that things are still deteriorating.

(END VIDEO CLIP)

HAYES: Everything that's happening right now at the Fukushima Daiichi plant, everything being attempted to cool down the spent fuel pods, all that is only happening because of those men who volunteered for what might be the most hazardous assignment of their careers.

These are firefighters, the guys that are trained to run into burning buildings. No one knows how dangerous the situation at Fukushima is

right now, but there are signs. One important clue is this article from a Japanese newspaper, which reports that on Monday the power company that owns the nuclear plant, TEPCO, wanted to withdraw all of its workers from Fukushima.

The company told the Japanese government that it was too dangerous to keep workers at the plant and it is believed that TEPCO was prepared to let Japan's self defense forces and the U.S. military handle the situation instead. That, of course, didn't happen, because Japan's prime minister said no, reportedly telling the company, quote, "this is not a matter of TEPCO going under. It is about what will become of Japan."

In other words, we're not worrying about saving your business, we're worried about saving the nation. So right now, TEPCO employees, not company executives, they are back in Tokyo, TEPCO rank and file employees

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are working, joined by Japan's self defense forces as well as the volunteers like those firefighters. Because of their effort, TEPCO said today it has now connected an external power line to the stricken plant.

The line will first supply reactor two, because it is not as damaged.

Power was of course knocked out a week ago in last Friday's earthquake. The backup generators that run on diesel were flooded one hour later by the tsunami. So getting power restored, power that could potentially run a cooling system, would seem to be a significant step.

Because ultimately if restoring all of the cooling systems in every one of the reactors has to be the goal. Spring water on spent fuel pools which are reportedly damaged can only do so much. It is probably providing some immediate cooling relief, but you can't keep shooting water at the reactors forever.

Or if not forever, for the multiple years it takes before the fuel rods are safe enough to be taken out of those pools and put into dry cast storage. So what can be done as a last resort? When it comes to last resort, it appears that Japanese officials are taking their cues from Chernobyl.

They are considering a plant to bury the Fukushima Daiichi plant in the same kind of sand and concrete tomb that was used to close off Chernobyl. It makes a certain sense, the same logic behind the design of the reactor

itself to keep radiation inside from leaking out.

The core that makes nuclear power is contained by a reactor, that reactor in turn is contained by a thick concrete structure. The same idea behind the Sarcophagus that was build over Chernobyl and what might eventually in tomb the Fukushima Daiichi plant.

Bury the entire thing in sand and then cover that in concrete to keep the radiation from leaking out. Joining us now is Ed Lyman, senior scientist at the Union of Concerned Scientists, (inaudible) Group who released a new report yesterday about nuclear plant safety.

Thanks for joining us, Dr. Lyman.

EDWIN LYMAN, UNION OF CONCERNED SCIENTISTS: Thanks for having me here.

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HAYES: Let's start out with the new development, which is they have power back. How significant is that? What does that mean about how they can approach solving the problems they need to solve?

LYMAN: Well, they've connected the external power line to the site, but they still haven't actually succeeded connecting it to the reactors yet.

And my understanding is because of the radiation conditions at the site, it's still an extremely hazardous enterprise to be working there. It's not clear that they will be successful. These plants experienced a number of shocks, the earthquake, the floods, the hydrogen explosions.

And to make sure all the pumps, valves and motors are still in working order when they connect with the power is still something we are keeping our fingers crossed, but it is not assured.

HAYES: Right, just so we are clear on this. I mean, this is a two-step process. Power is a necessary precondition, necessary but not efficient. What you need that to hook up the power to get the cooling system running. The cooling system involves quite a bit of hydraulics that moves water where the spent fuel rods sit, right?

LYMAN: That's right. There's also a danger and that we know that hydrogen accumulated in parts of the plant. When you turn on electrical equipment, there may be sparks, and that

could potentially precipitate another explosion. So it is a risky business.

LYMAN: The other piece of news that came out today we touched in the opening, but I want you to address is the plume of radiation that has touched California. This has been on the news and in various places, and Rachel has been very strong about what this means. I guess my question is should people in California start freaking out?

LYMAN: I have to say the answer is no. It's just this is a terrible accident, no doubt about it, But I still believe that the distance across the ocean is going to be sufficient to dilute the plume so people will not be in immediate risk. They have detected low levels of contamination, but the instruments are very sensitive. That would be expected.

HAYES: By low levels, less than you get in things like a CAT scan, going on an airplane, et

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cetera?

LYMAN: Much, much less.

HAYES: Much less like orders of magnitude.

LYMAN: Even after Chernobyl, which is still probably ten times as much has been now released, no one in the United States got more than a fraction of that background.

HAYES: Finally, in terms of thinking of this, where this plant ends up, how it is brought to heal or contain, what do you make of talk about this kind of Sarcophagus solution, does that seem feasible?

Is that something you can do while simultaneously bringing things under control or do you have to essentially wait until you reestablish some order before you can bury the whole thing?

LYMAN: Yes. I think there's somewhat of a misconception here. Chernobyl, they tried to dump sand on the reactor because the roof was gone, and there was a graphite fire. They were trying to extinguish the fire.

Turns out a lot of sand didn't miss the mark, and the fire burned itself out. They even had to stop dumping it, because they were afraid they may affect structural integrity of the core, what's left in the structural integrity of the core.

So I don't think it is a simple matter to dump a heavy material like sand to try to cover the

spent fuel pools where you might well cause a worse situation.

HAYES: So the way forward remains attempting to continue to cool the spent fuel pools, that is the priority and get power up, and ultimately the cooling system running so they can take care of the job?

LYMAN: That would be the goal, to transition to cold shut down state and wait until the decay of the material takes care of the problem itself. Then it will be a cleanup mess like the world's probably never seen.

HAYES: Ed Lyman from the Union of Concerned Scientists. Really appreciate you coming in. Thanks.

LYMAN: Thanks.

HAYES: Amidst all that's happening at Fukushima Daiichi nuclear plant, it's been all

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too easy to forget about what is happening along the northeast coast where the earthquake and tsunami hit one week ago.

Not tonight, the Japanese television network, NHK has just reported that a survivor was pulled from the rubble in Miyagi Prefecture. The young man managed to hold on for eight days before he was rescued. Incredible.

When we come back, the very real question of whether a nuclear plant in Central California could withstand a Japanese size earthquake. Some disturbing known unknowns next.

(COMMERCIAL BREAK)

HAYES: In nuclear power or oil drilling or coal mining or financial markets or any number of other things, there is no such thing as perfect safety. The goal is to design systems that fall within an acceptable level of risk.

You decide what the acceptable level of risk is and work within those parameters. Everything that falls outside that scope, you hope that stuff never happens. It is better than hoping, right? I mean favorability is on your side although it doesn't always work out that way. The Fukushima Daiichi nuclear plant in Japan was undoubtedly engineered to withstand an earthquake. It was probably even engineered to protect against an earthquake followed by tsunami.

The Japanese gave us the word tsunami, but no one seems to have thought a tsunami would ever flood the plant. Otherwise, they

wouldn't have put the backup generators in the basement. When you look at the cascade of problems in Japan, the idea that flood waters may render the backup generators inoperable is outside the parameters of how the plant was designed.

It's either a risk they never planned for or one simply deemed acceptable. As I mentioned, this is not at all unusual. This is how almost everything is designed. All week long, as the nuclear disaster in Japan has unfolded, officials and politicians here have been offering assurances that nuclear plants in the United States are just fine.

They've been designed to withstand major earthquakes. In California, when the Diablo Canyon nuclear plant near San Louie Obispo was being built less than a mile from a major fault line. It did not have to have an earthquake response plan as a condition of getting its license from the federal regulators.

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If that sounds crazy to you, it also sounded nuts to local activists and lawyers who sued the Nuclear Regulatory Commission to try to get it to require more planning from the Diablo Canyon folks before the plant went online. The case made it to the U.S. Court of Appeals in Washington, D.C., where a 5-4 majority, that included now Supreme Court Justice Scalia ruled that earthquakes did not have to be included in the emergency response plan.

And that was that, until this week, until an earthquake and tsunami on the other side of the pacific made an earthquake response plan look like a pretty good thing to have. A spokesman for Pacific Gas and Electric, the company that runs Diablo Canyon, said this week that the plant does have an earthquake procedure plan now. It was implemented during an earthquake in 2003.

A company report also said the plant could safely withstand a magnitude 6.5 earthquake on the fault that's less than a mile away. Of course, the north ridge earthquake that was fewer than 150 miles away was a magnitude 6.7. The San Francisco earthquake before that, 6.9, which you will note are higher than 6.5, and not very far away or very long ago.

All took on added urgency today. This morning, we learned that for 18 months workers at Diablo Canyon did not realize the system could pump water into the reactors in an emergency wasn't working. For 18 months, no one that worked there even realized it.

A spokesman for Pacific Gas and Electric told

NBC News tonight that operators have procedures in place to operate these valves manually. The plant always remained in safe condition. It's a really hard thing to do, to figure out if the unimaginable or inconceivable or historically unprecedented will happen.

When the stakes are nuclear power plants along major fault lines, those limitations on our ability to calculate risk becomes very problematic.

(COMMERCIAL BREAK)

HAYES: Precisely one week ago, Republican Governor Walker signed into law his now infamous union stripping bill in Wisconsin and took a victory lap for the cameras. Celebration was short-lived, however.

A day after Governor Walker's big win came this, a reply at the Capitol, tens of thousands of people turned out to protest the bill.

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Protesters followed to picket him at a Republican invitation only fund-raiser in Washburn Saturday and again the next day, at another Republican event outside Green Bay.

An effort to recall eight Republican senators for supporting the union stripping bill is already well under way. While Governor Walker himself isn't eligible for recall just yet, Wisconsin Democrats are already handing out recall Scott Walker bumper stickers for when the time comes.

When this fight was first getting going, Governor Walker claimed he was standing firm on this union stripping bill because he was he was standing with the taxpayers, and they, the taxpayers of Wisconsin, he claimed supported him.

They were to use an old phrase a silent majority. You couldn't hear them because they weren't out protesting at the Capitol, but they were e-mailing him and they supported his union busting.

(BEGIN VIDEO CLIP)

GOVERNOR SCOTT WALKER: More than 8,000 e-mails we got today, majority tell us to us to stay firm, stay strong, stand with the taxpayers. Since midnight last night we've gotten nearly 19,000 e-mails to this office alone.

The majority of those have been people in favor of what we're proposing. I'll make sure the taxpayers of this state are heard and their

voices aren't ground out by those circling the Capitol.

(END VIDEO CLIP)

HAYES: The folks at the Associated Press didn't want to just take Governor Walker's word on those super supported e-mails from the taxpayers so they asked to see them. When they never heard back they had some lawyers ask to see them.

Finally today, Governor Walker handed over to the A.P. tens of thousands of e-mails from the Wisconsin residents, which the A.P. describes as providing the first glimpse of the extent of public support that Walker said he was receiving from Wisconsin residents via e-mail for the proposal as well as extensive opposition that he generally downplayed.

The A.P. did find an e-mail from a couple urging Mr. Walker to stay firm, but it sure

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doesn't sound like they found a ground swell of support from the silent majority Governor Walker described. Quote, "an initial review by the A.P. of the e-mails found that a mass e-mail Walker sent to state workers on February 11th, the day he introduced his proposal thanking them for their service was met with a deluge of responses, many of them angry."

One woman who identified herself as a state prison sergeant wrote in capital letters why are you trying to take what we have worked so hard for? We all have families and children of our own to feed. Times are hard enough with the economy the way it is. So if you're Scott Walker your big victory is starting to look a bit Pyrrhic.

Protesters wherever you turn, momentum and mobilization towards an inevitable recall effort a public airing of all the mean e-mails you've been getting and to top it all off today a smack down from a judge. A Wisconsin judge temporarily blocked Governor Walker's union-stripping law from taking effect based on procedural objections.

The state's Republican attorney general says he will appeal the ruling. As the fight over Wisconsin's union stripping bill moves forward our next guest has fascinating reporting on what it will mean for workers in the state and how the playbook Scott Walker is running is being used all over the country right now.

Joining us now is David Cay Johnston. He is a Pulitzer Prize winning journalist, a columnist

at tax.com and teaches at Syracuse University. He authored the book "Free Lunch."

David, thanks so much for your time.

DAVID CAY JOHNSTON, TAX.COM: Thank you.

HAYES: David, you looked in depth. There is a union stripping bill, but there's also the budget that Walker proposed. You have come across a document produced at the University of Wisconsin Stevens Point that shows the distributional effects on actual public employees. What do they show?

JOHNSTON: They show that the less you make, the worse off you are under the governor's plan. If you are a janitor making \$22,000 a year, you're going to have 12.6 percent of your pay additionally taken out of your check, but if you are a professor who makes almost three times as much you'll have only 6 percent taken out of your pay. So this is a classic regressive

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move where the further down on the income ladder you are, the worse off you are.

HAYES: Why would he structure it this way?

JOHNSTON: Well, he may not have thought about it is one possibility, but the decision on how they're doing the health care plan is the key to this. Basically everybody is going to be paying the same regardless of their income.

HAYES: Yes.

JOHNSTON: And that's the reason you get this waiting at the bottom. Who are the people most likely to be in need of health care? We know they're lower paid workers.

HAYES: So we're not talking about tax—we're talking about actual employees if the cuts, the contribution changes, the compensation changes go through, that Walker has proposed, you're worse off as a janitor than you are if you are a university professor at, say, Madison?

JOHNSTON: Absolutely. Much worse off and by the way, this school, Stevens Point, is the lowest paid University of the Wisconsin system and it's almost at the bottom of the 33 or so comparable public colleges in the Midwest.

HAYES: I want to zoom this out for a second because we've seen in a lot of states elected Republican governors, the combination of austerity, cuts—cuts to the compensation packages for public workers.

At the same time we've seen corporate tax breaks put into place. What do you make of that? You've been covering taxes for 15 years at least. What do you make of what you're seeing in the states right now in terms of those two trends happening simultaneously?

JOHNSTON: Chris, there is a very clear pattern taking place. You can see it in the number of the states. Michigan, Wisconsin, Ohio, and that is you give tax favors to the wealthiest residents, cut their taxes, cut corporate taxes, and raise taxes on the people at the bottom.

The increased tax rate for the poorest families in Michigan is ten times the increased rate for the wealthiest in Michigan. We now have a situation in which nine states including Oregon, Ohio, and Rhode Island, collect more money from state lotteries than the corporate income tax.

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corporate income tax they get \$1.20 from the lottery and they expect that to continue far into the future.

HAYES: David Cay Johnston, Pulitzer Prize winning journalist. He is my go to source for things tax related. He is a font of knowledge and information. David, thanks so much for your time tonight.

JOHNSTON: Thank you.

HAYES: After a very long week of some of the most stressful news in quite some time, tonight something to look forward to. Exactly what that is, when we come back.

(COMMERCIAL BREAK)

HAYES: The news this week has been pretty well grim. It's almost the weekend and you're looking for a little peace of mind tomorrow all you have to do is look up because if you do you could see something like this.

Tomorrow we're going to have a full moon. I know, happens once a month, but it's going to be a super moon. Super moon is not a technical term, but what it means is cool. The moon's orbit around the earth is elliptical so there are times when it is doing its waxing and waning being relatively far away from the earth. That's called "Lunar Apogee."

When it's close to the earth it's called "Lunar Perigee." I learned that word today. Tomorrow the moon will be full at Perigee meaning it is going to look about 14 percent bigger and 30

percent brighter.

But not only that, it's also going to be the closest to the earth it's been since 1993. So it probably won't be this big. That is a perceptive illusion that happens when you see the moon near the horizon and have something to compare it to. But the so-called super moon will be impressive enough. Really the point is just stand still for a minute, look up, and breathe.

This will give you an excuse. That does it for us tonight. Rachel will be back on Monday. Now it's time for "The Ed Show." Good night.

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