

RALPH NADER RADIO HOUR EP 389 TRANSCRIPT

Steve Skrovan: Welcome to the *Ralph Nader Radio Hour*. My name is Steve Skrovan, along with my co-host David Feldman. Hello there, David.

David Feldman: It's great to be here.

Steve Skrovan: And we have the man of the hour, Ralph Nader. Very exciting show, Ralph huh?

Ralph Nader: For sure. Everyone and everybody, thank you.

Steve Skrovan: Yes. In the first half of the program, our old friend Andrew Kimbrell, the founder and director of the Center for Food Safety will join us. He is also the executive director of the International Center for Technology Assessment, which is a nonprofit, bipartisan organization that explores the economic, ethical, social, environmental, and political impacts that can result from the applications of technology or technological systems. And Mr. Kimbrell has been on this program a number of times, regular listeners know, mainly talking about the ethics and politics behind GMOs, Genetically Modified Foods. The last time Mr. Kimbrell joined us was over a year ago when he raised the possibility that the COVID-19 virus may have accidentally escaped from a lab in Wuhan. At the time in the midst of the first pandemic wave, it seemed a bit far-fetched, but now more and more scientists are raising that possibility, including the former head of the CDC, Robert Redfield. So, we'll get an update on all of that from Mr. Kimbrell. We'll talk about his documentary, *A Dangerous Idea: Eugenics, Genetics, and the American Dream*. Eugenics of course, is this idea that our character and abilities are completely determined by our genes and is therefore an excuse for some racial groups to claim superiority over others. And I think we know which one of those groups has historically had a habit of claiming superiority. I don't want to say which racial group that tends to be, but it rhymes with the words might and right. So, believe it or not, eugenics is making a comeback in these days of proto fascism. So, we'll play the trailer to that film and Andrew Kimbrell will fill us in how bad genetic science leads and has led to Social Darwinian public policy including mass sterilizations in this country that inspired the Third Reich and a new wave of mass sterilizations during the Nixon presidency.

We also have an update on the situation of Stephen Donziger, who when we had him on the show a few months ago was still under house arrest for having the temerity to take on Chevron on behalf the indigenous people of Ecuador for polluting the Amazon rainforest. He now faces real jail time after being convicted of withholding evidence. We will get an update on his story from one of his attorneys and someone we have also interviewed before, the legendary Martin Garbus. And as always, somewhere in the middle, we'll check in with our corporate crime reporter Russell Mokhiber. But first, in the age of Trumpism and anti-immigration, the idea of eugenics is rising again like a vampire, David?

David Feldman: Andrew Kimbrell is an internationally recognized public interest attorney, public speaker, and author [as well as] a leading proponent of regenerative forms of agriculture and organic policy, he is the executive director of the International Center for Technology Assessment. He is also the executive producer, co-writer, and he is featured in the documentary, *A Dangerous Idea: Eugenics, Genetics and the American Dream*. We're going to play you a clip right now from *A Dangerous Idea*:

Newsman #1: A new study claims that a genetic variant is responsible for cheating.

Newsman #2: Is there something in their DNA?

Dr. Phil: We tested each of you for the warrior gene.

Donald Trump: Winning is somewhat maybe innate. You know, you have the winning gene.

Male Interviewer: Do you believe that poor people are genetically different?

Charles Murray: Yes.

Male Speaker: For a century or more, scholars have known that the differences among people in intelligence is largely inherited.

Male Speaker #2: Males, on average, score 3.6, four IQ points higher than women.

British Male Speaker: Immigration, Hispanics in particular, but also of other peoples with their IQs, will clearly have an effect of reducing the intelligence of the host populations that have to absorb these people.

Robert Reich: You see where this takes us? In some very, very dangerous directions. Biologically determined politics.

Van Jones: Every century, every decade, every year, you've got to contest this thing.

Male Speaker #3: There's a strong belief that the differences in society--those who are poor, those who are rich, those who are smart--everything is in the genes.

British Male Newsman: How far are we from discovering the genetic causes of human nature?

Charles Murray: Very fast. What it's going to do is, to blow apart a lot of the egalitarian dogma.

British Male Speaker #2: You have a kind of prevailing belief amongst the ruling elite in Social Darwinism.

Van Jones: I thought we had killed this kind of stuff off and yet here it comes back out of the grave, dressed up in scientific garb.

Male Speaker #4: If you believe that someone's ability to do well as a captain of industry and someone doing poorly, if you believe that that's written in the DNA in some way or another, then you have no responsibility and things can stay the way they are.

Male Speaker #5: Their view is harking back to survival of the fittest, the market should determine whether or not people, for example, survive.

Female Aid Worker: There is no more food at this time; you can come back next Monday at two o'clock.

Female Speaker: And this is America! That is not the way that our society should work. This is not the way science should work.

Female Speaker #2: We need to be aware of what was done in the name of science and specifically, in the name of genetics.

Elaine Riddick: This social worker will come in and say, “I want this person sterilized” and boom, they stamped it, and that was that. They went inside of me and sterilized me without my knowledge because I was Black, poor.

Male Speaker #6: We are back to blood as a determination of character. We've learned nothing from the holocaust, nothing from Darfur, nothing from the emergent capacity of evil that people do to each other on the grounds of someone being different from them by birth. So that person is not only talking biological nonsense, he's talking dangerous biological nonsense.

David Feldman: That's a clip from *A Dangerous Idea*. I'm pretty sure I've seen that movie before. Welcome back to the *Ralph Nader Radio Hour*, Andrew Kimbrell.

Andrew Kimbrell: Good to be here; good to be with all of you.

Ralph Nader: Welcome back, Andy. For sure, we're going to get to the Wuhan Institute and how many more people have raised the issue that you raised over a year ago. More of a lonely voice then, but now many prominent scientists, the *Washington Post* and others have urged an inquiry and access to the data of the Wuhan Institute to see if there was a possibility, or if there was an actual realization that the COVID-19 came out of a negligent leak from the institute. But your documentary now has been out for over two and a half years, challenging genetic determinism. It's really amazing how this genetic determinism theory keeps rearing its head every few decades. About three decades ago, it reared its head and the famous scientist Steven Jay Gould at Harvard rebutted it and the scientist Ruth Hubbard rebutted it. Howard Gardner, the professor at Harvard who wrote the classic *Multiple Intelligences*, [*New Horizons in Theory and Practice*] challenging IQ test, determinism, the multiple intelligence that different people have, and it keeps coming back with different protagonists. Who is using it now around the world and in the US--genetic determinism?

Andrew Kimbrell: Yeah, and by the way, we want to mention Richard Lewontin of Harvard, who is one of the great pioneers fighting against genetic determinism and who died last month; so we want to honor his work. And the movie... I had/it was a wonderful brain trust that helped create it. Along with me, there was Mary R. Morgan, one of the executive producers as well, and we had a very talented director, Stephanie Welch. So, it was definitely a collaborative process. Yeah, I think what we're seeing, particularly in this country, there's a founding reality to America, which is this idea of equality. And we have obviously not lived up, despite many, many efforts, and the struggles of many, many people over centuries, lived up as we now have probably greater inequality than we've had since the Gilded Age. And how do you explain that inequality since we're supposed to be devoted to equality? And the most convenient explanation remains, “Oh, we'd like to have equality but people simply aren't biologically equal. We have some people who are superior intelligence, some people are superior in a number of other factors as far as wealth, for example. There's others who are disadvantaged genetically because they're more violent or less able to work.” So, it's a way of explaining; it's a constant way of explaining inequality despite the ideal equality that's supposed to be at the core of the country. And the more inequality you have, you can bet that that's when you'll see the re-emergence of this biological determinants that says, public policy will never work. It's just because people...

some people are basically inferior. And it's based on this idea that difference equals deficiency, instead of difference equals diversity, which equals strength. They have a real dichotomy. It's always been understood in the natural world that difference in diversity equals strength but here we're saying, no, no; if you're different from the white male model, that's deficiency, and it views diversity as a threat. So, with this, more and more inequality you get, sort of the toxic racism of Trump, and the xenophobia we're seeing, and the blaming of what's wrong with the country, and not on the class war, which the upper-class won, but rather on some purported biological inferiority of those who are right now on the bottom of the economic ladder.

Ralph Nader: Well, one of the arguments against genetic determinism is so obvious, it's called environmental conditions differ. I mean, when Black children are poisoned by lead from lead-based paint flaking off rotten tenement walls, it affects their brain. It has nothing to do with genetics. And there have been a lot of studies on lead poisoning of kids and guess what? It's disproportionately impacting low-income kids, who are Whites, Blacks, Hispanics. Then they turn around give them these IQ tests and say, see you can't get into these universities because of your aptitude test, which is code wording for the test that you take and produce a score based on your genetic inheritance. You know, Charles Murray seems to be at it again. He's just out with another book [*Facing Reality: Two Truths about Race in America*]

Andrew Kimbrell: We could spend the rest of the hour talking about his shenanigans and his fakery, Charles Murray. I just want to say, that lead poisoning is actually in the movie. We cover a case in Milwaukee, of a young man, a Black young boy actually, who has such severe lead poisoning that he has to be hospitalized and chelated and then suffers brain damage. And when his mother sued the lead paint companies, they came back with a genetic defense. They said, well your family is so genetically inferior as to its intelligence, that it didn't make any difference anyway, that he was brain damaged by our paint. And sadly, the jury actually agreed and they lost that case. So, it shows how powerful... and they're using that genetic defense, of lead paint companies all around the country. So, this isn't simply Charles Murray; now, this is being used by industry quite often to try to avoid liability by trying to paint, particularly Blacks and people from the lower-income areas, as genetically inferior. It's being used as a weapon in our legal system. So, we have that; you can see that in the movie. By the way, the movie is available on Amazon Prime, Hulu, iTunes, so that's there as well. And then there's an interesting important point in the movie, and we really spent real a lot of time on this, which is that people aren't really up to speed on what's happening in the science of genetics. People may remember the Human Genome Project, where we spent three billion dollars to find the one hundred thousand or more genes that make up the human genome, and then we were going to find them associated with all sorts of complex human traits. But what really happened is we found that we had less than twenty thousand so-called genes, DNA codes for protein. And that made us equal to those species like worms, flies. And mice actually share almost all of our genes, so-called genes, the DNA. And of course, corn has about twice as many genes as we do; wheat has about five times as many as we do. So we found out that it is impossible to assume and scientifically establish that DNA--the amount of DNA you have, the kind of DNA you have--has anything to do with complex human traits since simpler organisms like wheat or corn have infinitely more than we do. So, but this was not highly publicized and it really completely debunks the whole DNA gene theory. Whatever biological elements there are and hereditary elements there are, we don't know what they are. And they are certainly not in our DNA and they're certainly not anything called genes. So, we do spend a good deal of time, and again,

with many wonderful experts like Ruth Hubbard and Richard Lewontin and Agustin Fuentes and Ignacio Chapela, and many other marvelous scientists completely debunking this theory. Because we didn't just want to say this theory is politically abhorrent, morally abhorrent. We want to say, it is scientifically, completely unjustified. There is no science that says that genes determine any complex human behavior traits at all. And actually, not even our physical traits, which are products of infinitely more complex parts of a gazillion different elements in our cells than just DNA. So it's the DNA mystique that we blow apart in the movie and I think it's important that people really integrate that because that myth is still out there. It's wrong.

Ralph Nader: Well for people who want to know more, Andy, the documentary is called *The Dangerous Idea: Eugenics, Genetics, and the American Dream*, and you can get it at adangerousideafilm.com.

Let's move into the Wuhan Institute. Since you raised the possibility, you weren't saying it was a certainty, that a negligent leak from the Wuhan Institute, whose research in this area in part is financed by the National Institutes of Health, which is a US government agency, the World Health Organization head [Dr Tedros Adhanom Ghebreyesus] has called for a more thorough investigation. He sent his scientists out there months ago and they weren't allowed access to the files and the data in the Wuhan Institute. The *Washington Post* has repeatedly called for a thorough investigation. And so many prominent scientists have called, I've lost count since you first made that point. So, could you bring us up to date?

Andrew Kimbrell: Yeah. From the very beginning, it was clear that the lab-leaked theory was very rational and very, very possible. Only three laboratories in the entire world were doing so-called gain of function--which I call gain of threat or gain of fatality research--on these Coronaviruses. That means taking already dangerous Coronaviruses, like SARS, and adding various elements to those viruses that make them more infectious, more transmissible, and more fatal. Only three laboratories: one was in Galveston, Texas; one was in Chapel Hill, North Carolina, and the other was in Wuhan. And so, it takes about a nanosecond or a picosecond to say, you know what? This could easily have come from this Wuhan Institute of Virology or its close neighbor there, the Wuhan Center for Disease Control and Prevention--both working with Coronaviruses, both doing this gain of fatality, gain of threat research, funded in part by the NIH [National Institutes of Health]. The United States saying, hey, we're giving you money through a group called the EcoHealth Alliance and its director Peter Daszak, who worked closely with Dr. Shi Zhengli and also [Dr.] Ralph Barric in North Carolina on this kind of research, funding it through the EcoHealth Alliance; it was very obvious that this was a very, very likely scenario, because, this bat virus get into Wuhan, a city of 11 million people, a thousand miles from any bat, and during a time when bats were hibernating. But because of Trump's toxic racism and xenophobia, and because of a disinformation campaign led by Peter Daszak and those others who were funded by this research, it was called a conspiracy theory. And there was a lot of groupthink, especially in progressive media, [like] CNN [Cable News Network], the *New York Times*; they all went along with this saying it was a right-wing conspiracy theory. And after I appeared on your show, did a few interviews, *Corporate Crime Reporter*, etc., I was accused of being Pro-Trump, even though we probably have sued Trump more than any other organization, or at least as much as any organization I know of. But now fortunately that Biden is president we're seeing a real big change. I just want to quickly give your listeners some really good resources that I really recommend. That a really major change

happened in early May, when Nicholas Wade, former science editor of the *New York Times*, wrote an excellent piece for the *Bulletin of Atomic Scientists*, the May 5th edition, on the origins of COVID. And of course, he was the...he has a lot of prestige in the science community, and so that made a huge difference. I also want to recommend the *Vanity Fair* exploration and they're using some really great information from the US group Your Right To Know, Y.R.T.K., and an international group of internet sleuths; we have the acronym DRASTIC, D-R-A-S-T-I-C. It's an amazing piece in the June 3rd, *Vanity Fair*. It will tell you all about the disinformation campaign, all about what Jonathan Latham calls the Pandemic Virus Industrial Complex inside our government and in various corporations that purposely hid this. It's really important to understand this politically. We'll see how this works out because Joe Biden has asked for by the end of this month, some opinion from the government intelligence agencies, National Security Council, etc. on the origin of it. So that's a really great piece and then even the current science writer, Carl Zimmer, co-authored a piece in the June 20th in the Sunday *New York Times* again saying, "This is a really, really probable or possible hypothesis." So, we've come a long way, as you mentioned, dozens and dozens of major scientists and some really courageous ones who came out earlier like Dr. Richard Ebright of Rutgers; they've come out now. So, we now know that it's somewhere in the range of possible, probable, and for some scientists, near certainty that this is where it came from.

Ralph Nader: We're speaking with Andy Kimbrell who is the executive director of the International Center for Technology Assessment, which currently houses the Council for Responsible Genetics. Andy, here's the key question--China denies vigorously that the COVID-19 virus came from the Wuhan labs, but they're not opening up the books, so to speak. Now, apart from the political implications, it is important to know whether it came from the meat market in Wuhan or bat caves, or it came from a genetically engineered source. It's important to know because it's a different kind of virus if it comes from a genetically engineered source. And of course, if one leak occurred, we could get other leaks, there or in other labs around the world. There have been leaks of biological warfare materials not far from Washington, [D.C.] in US Army labs that have been documented in a series by the Associated Press a number of years ago. Tell our listeners how significant it is in terms of the way a genetically engineered virus will behave compared to a more natural source.

Andrew Kimbrell: Well, through genetic engineering, and this is fairly recent, I mean, going back to 2004, 2005, 2006, we begin to see...we've known about the genetic engineering of bacteria; we've known about the genetic engineering of plants; we've known about the attempts of genetic engineering on humans. But sort of hidden was the amazing advances in genetic engineering using reverse genetics on RNA [Ribonucleic acid] viruses. But all these new technologies, including synthetic virology and synthetic biology, in just recent years have given a capability of creating viruses from scratch and altering viruses in a seamless way, so you can't tell afterwards. And what they do through these labs is pre-adapt this virus to human infectivity. You don't need to go through a host animal; you only have the bat to infect another animal that's closer to a human, than have the humans infected by that animal or animals, which is a Zoonotic. It's called a natural Zoonotic way of transforming viruses. You don't need to do that; you can pre-adapt it by testing, by genetic engineering, and also using animal experimentation to pre-adapt that virus to be more infectious, more transmissible and more fatal. And that's what they're doing in these labs. And important...I want to underline...I guess when you're speaking there's no way for me to put this in bold, underlined, and italicized. But the important thing isn't

to get the final word on this, because there's been a fantastically effective cover-up by the Chinese for a long time and this is revealed in a new report by the House of Foreign Affairs Committee that was released a week ago. [August 2021, *The Origins of COVID-19: An Investigation of the Wuhan Institute*] and I recommend everyone read that. Josh Rogin has done great work in the *Washington Post* talking about that; very important to read about that. **But the important thing I really want to again underline, bold, and italicize is that it doesn't make any difference if we finally get what happened. That can deflect us from the critical, critical work we need to do to ban this type of gain of function, gain and fatality, gain of threat research.**

Ralph Nader: It was banned by Obama in 2014 and then allowed under the Trump administration. Your lawsuit against the National Institutes of Health, because you filed a lawsuit, which is trying to get the information on the so-called gain of function, which you call gain of fatality research; that's where scientific curiosity goes off the scales trying to manipulate viruses to make them even more deadly in order, presumably, to find out more about how they would behave and unlock some of the secrets to counteract it. And you think it should be banned, and you filed a lawsuit against the National Institutes of Health. Tell us about that.

Andrew Kimbrell: So, once the ban was lifted in 2017, they began to approve again some of these hair-raisingly dangerous experiments, including the experiments that took bird flu, which is not easily transmissible [and] made it transmissible like COVID is - through the air. And bird flu has a 60% fatality—[that's] six zero percent fatality in humans. So, if it had been that which had escaped, instead of the SARS2- COVID, 60% fatality, that's the kind of risk we're talking about. So whatever benefit, and I think there are virtually none, but whatever benefit they might campaign [for] can't possibly balance those risks. So, it's really important that we ban this research. We litigated against the NIH, because not only are they continuing to fund Dr. Fauci and Dr. Collins, NIH, Fauci obviously, NIAID, they continue to fund this research, support it and they are approving these experiments in secret! There's a great editorial by Mark Lipstitch and Tom Inglesby--Lipstitch being the well-known epidemiologist at Harvard and Inglesby at John Hopkins in the *Washington Post* saying, we can't have this. We cannot have secret funding of this most dangerous research imaginable, the most dangerous GMOs imaginable, though viruses are not technically organisms; they're biological entities. How can we do this? We shouldn't be doing this in secret. So, we, FOIA'd, [Freedom of Information Act] the government and said, we want to know all these experiments you're funding because you're doing it in secret and the public needs to know. We need a vibrant public debate on this.

Andrew Kimbrell: NIH turned us down. They said, "We're not making it public." So, we've sued them [with a] FOIA suit saying, we want all this information; you can't keep it secret anymore. So we're litigating and we will keep litigating until we find out. And I believe that, and I'm convinced because I've seen several of the other experiments that we have had access to, that they're being approved illegally. They don't comport with NEPA. They don't comport with many of our other laws. And so we need to make sure that...

Ralph Nader: Anthony Fauci was asked about this recently by a reporter and he denied direct funding of Wuhan Institute on gain of function. He said they funded something else in the Coronavirus area. Can you explain what he meant by that?

Andrew Kimbrell: Well, it was a nice piece of evasion. So, what happens is the NIH provided

the funding, but that funding was to this EcoHealth Alliance, run by Peter Daszak. And then Daszak used the subgrants of that NIH and...actually, NIAID [National Institute of Allergy and Infectious Diseases] money, to fund the Wuhan Institute for Virology to do...and we have the contracts; anybody can Google them up. They're public information to do this gain of fatality research on SARS and other Coronaviruses. So technically he was right, because he did not directly fund it. But he indirectly funded, knowingly funded it through the EcoHealth Alliance and Peter Daszak.

Ralph Nader: How much was involved in dollars?

Andrew Kimbrell: What we've been able to trace is about 657,000 dollars from the EcoHealth Alliance to this research and about 559,000 dollars in change from the USAID to the WIV, Wuhan Institute of Virology, for this research, so over a million dollars.

Ralph Nader: The reason why I asked is China is now a pretty wealthy country in its ability to fund research and development, for sure. What's it doing getting over, a little over a million dollars from the US taxpayer, NIH? There must be more to it than just money. There must be scientific exchanges, visits of US scientists there, research being done there that wouldn't be allowed here or would be likely to be disclosed under our Freedom of Information Act. Before we get to Steve and David, could you just comment briefly on what I just said?

Andrew Kimbrell: Well, yes, yes, and yes. During the 2014 moratorium, it was useful to outsource these gain of fatality experiments to the WIV. Dr. Shi Zhengli, who is the director of the WIV, worked closely with Ralph Baric and Peter Daszak, and others to do exactly this kind of research at the University of Chapel Hill, University of North Carolina. And so it was very convenient to be able to outsource it to them. Unfortunately, China, though is of course quite wealthy, does not have a BSL-4, that's Biological Safety Level Four Laboratory. There was no BSL-4, which is the highest form of Biosafety that you can have. They were building one at the WIV, but it wasn't ready. So, Dr. Shi Zhengli has admitted that her work, taking these viruses and making them more transmissible, I mean infectious and fatal, this work was done at BSL-2 often. BSL-2, Biological Safety Level 2, is approximately the security you would find in your local dentist's office. The State Department [US Department of State] visited, various State Department officials visited China, and in 2018 sent a cable, which is in the public domain, you can look it up saying, "We're very, very concerned about this research being done with improper training, improper biosafety rules." So this was known that this was happening. So they outsourced it because it couldn't be done here, and they could hide it. It was sort of being laundered through the EcoHealth Alliance. And meanwhile just incredible, this incredibly dangerous research on pandemic viruses and creating basically a new pandemic virus was done at a Biological Safety Level 2. That is gross negligence. And now that we have what I would call...

Ralph Nader: Just a quick, one phrase answer. Are the contracts between NIH and Wuhan public?

Andrew Kimbrell: Yes.

Ralph Nader: Okay. Steve and David, we're listening to Andy Kimbrell, a successful litigator who has won cases against Monsanto and other giant companies in federal court and the Supreme Court once. What do you want to ask him?

David Feldman: I want to push back here just for the sake of argument. It's my understanding that the Wuhan Lab Leak Theory is based entirely on circumstantial evidence, is that correct?

Andrew Kimbrell: No. It's based primarily in circumstantial evidence, but it's also based in scientific evidence. I talked about Nicholas Wade's article; it's important to the changes that we see from SARS, the original SARS 2002-2003, to what we now know is SARS 2 or COVID...

David Feldman: There's no - sorry to interrupt. I have very little time to ask this question. There's no evidence regarding COVID-19 that it leaked; it's just it could have leaked. So, is that fair to say?

Andrew Kimbrell: Yeah. We think there's a preponderance of the evidence that it did leak and that is...

David Feldman: Based on your knowledge, you have immense knowledge about gain of function and the possibilities of a lab leak. But there's nothing you can point to specifically, other than the potential of a lab leak. Is that fair to say?

Andrew Kimbrell: Most civil trials, as you know, we don't often have a smoking gun, so we have to go by the preponderance of the evidence. And the preponderance of the evidence here is for a lab leak because they have not found a host animal. There's not a single, not even Peter Daszak or people who ridicule the lab leak, a few left, they have not come up with a single host animal. They don't even have a hypothesis of how it went from bats into humans, so they don't have an opposite of a hypothesis. And what I... the point I want to make again is that even if it's possible or probable that it was a lab leak, and we have four million counting who are dead, isn't that enough to at least have a moratorium on this research? Until we understand more of its threats. Isn't that enough to at least ban it until we have international regulations? We have no biosafety rules that have legal standing in this country, right?

David Feldman: So, this is more about...it sounds to me like this is more about banning gain of function research than it is about finding out where COVID came from.

Andrew Kimbrell: As far as I'm concerned, the minute anybody says, and as Ralph pointed out correctly, scientist after scientist now say that it's either possible, probable, or near certainty, then we immediately have to not let this deflect us from saying, "This research is secret," That's why we sued the NIH. It has to be public, but it also has to stop until we really understand the risk-benefit, we've had a robust public discussion, and that we have international rules that are enforceable. We do not have biosafety rules in this country that have the force of law; let me repeat that. We have no biosafety rules in this country that have the force of law and yet we're funding this research; that's inexcusable and...

David Feldman: I guess the point I'm making, and then I'll be quiet, is there's a lot of dirt in the eyes of the American people when it comes to the Wuhan lab leak theory. Because on one side, we have responsible people like you and Ralph, who want to ban gain of function research. And that's...I agree with you on that. However, that may not be the cause of COVID - 19, and people have separate agendas that they bring to the Wuhan lab leak theory. Because you're now on the same side of the authoritarian right that wants to go to war with China, by any means, for any reason necessary and to offer up some excuse for Donald Trump crapping

the bed on COVID. If it's a Wuhan lab that leaked this into the world, then it exonerates the Republican Party and Donald Trump and gives us an excuse to go to war. So we all have an agenda we're pushing and it just with all...again, you're a brilliant man.

Ralph Nader: You made your point. You made your point there.

Andrew Kimbrell: I think...we didn't sue China, by the way. We sued the NIH, for continuing to fund this research in a secret way to hide it from the American people. That's inexcusable. So, you could just as well call it the Fauci virus or the Peter Gazette. Don't go after Chinese, go after EcoHealth Alliance, their headquarters in New York City. Tell Fauci and Dr. Collins, this is unacceptable. This is as much an NIH, USAID-funded research; it hasn't anything to do with China. Has China behaved well? No, they covered up. Has the WHO behaved well? No, they covered up. The virology community covered up. But believe me, this is not...I mean, they outsourced it to China because it was illegal here. So, this, you can't escape the absolute focus of the NIH and NIAID in this possible and I think probable leak. So, there's no excuse for xenophobia; there's no excuse for anti-Chinese violence. That's terrible; it's repulsive. That shouldn't keep us from the truth about what happened here. And by the way, as I said, we've sued Donald Trump dozens and dozens and dozens of times, often successfully I'm happy to say. But even a blind squirrel gets an acorn occasionally. I supported Donald Trump on TPP. I think TPP, Trans-Pacific Partnership, was one of the greatest dangers to our democracy. Now Trump is a greater danger, but that was right. We shouldn't have this knee-jerk reaction that everything the Trump administration did was wrong and therefore we have to support the opposite. Otherwise, you would support the TPP. And I know Ralph doesn't; I don't know how you feel about the Trans-Pacific Partnership. I thought it was an enormous danger to our economy, to our democracy. So, you can't have this knee-jerk thing [i.e.,] "Oh well, Trump is for it, so we have to hide it; we can't talk about it." It's very important that we begin the difficult but important process of banning this research until we have international regulations, until we've had a robust public discussion about the benefits and the risks, which threaten every one of us, every minute of any day. Because we don't know what, as Ralph pointed out, leaks are happening all the time. So, this is a clear and present danger, every day, every hour that we all face and I think it's finally getting the exposure it needs and hopefully, we can get the House of Foreign Affairs Committee [that] has just recommended a ban. Hopefully, Congress gets its act together. If not, we'll continue our litigation to try and make sure that whatever they do approve is public and comports with federal law.

Ralph Nader: On that note, we're out of time. We've been talking with Andrew Kimbrell, who is the executive director of the International Center for Technology Assessment, has brought many lawsuits against corporations like Monsanto with considerable success and his documentary, which has been out for two and a half years but it's an evergreen. It's called *A Dangerous Idea: Eugenics, Genetics, and the American Dream*. You can access it by going to adangerousideafilm.com. Thank you very much, Andy.

Andrew Kimbrell: Thank you, Ralph. Always great to hear your voice. Thank you, guys.

Steve Skrovan: We've been speaking with the director of the Center for Food Safety, Andrew Kimbrell. We will link to his work at ralphnaderradiohour.com. Let's take a short break. When we return, we're going to get an update on the fate of corporate prisoner, Steven Donziger. But first, let's check in with our corporate crime reporter, Russell Mokhiber.

Russell Mokhiber: From the National Press Building in Washington, D.C., this is your *Corporate Crime Reporter* “Morning Minute” for Friday, August 13, 2021; I’m Russell Mokhiber. Geometric Energy Corporation, a Canadian startup that provides technology services, is making space advertising possible with the help of Elon Musk's SpaceX [Space Exploration Technologies Corp]. CEO Samuel Reed told *Business Insider Magazine* that the company is in the process of building a satellite called CubeSat. One side of the satellite will have a pixilated display screen where the advertisements, logos, and art will appear. The company plans to load the CubeSat onto a SpaceX Falcon 9 Rocket, which will take it into orbit and release it before the rocket reaches the moon. Once in orbit, a selfie stick attached to the side of CubeSat will film the display screen. This footage will be live stream on YouTube or Twitch. For the *Corporate Crime Reporter*, I’m Russell Mokhiber.

Steve Skrovan: Thank you, Russell. Welcome back to the *Ralph Nader Radio Hour*. I’m Steve Skrovan, along with David Feldman and Ralph.

David Feldman: Now we turn back to the fate of human rights attorney and corporate prisoner, Stephen Donziger, who appeared on our program in March while still under house arrest in New York. Despite an obvious lack of due process, US District Judge Loretta Preska, ruled that Donziger was guilty of six contempt charges brought against him for refusing to hand over evidence. Now, he faces six months in real jail. Here to give us an update is one of his attorneys and human rights champion in his own right, Martin Garbus. Welcome back to the *Ralph Nader Radio Hour*, Martin Garbus.

Martin Garbus: Thank you. Thank you for having me.

Ralph Nader: Martin, many of our listeners know about this case that chevron is prosecuting against Steve Donziger. But can you just summarize this case starting in the oil spill in indigenous lands and Ecuador and the western Amazon. Just to bring it up to date and then we'll focus on the latest contempt charge by one of the judges.

Martin Garbus: Chevron had a drastic oil spill in Ecuador and Steve Donziger went down to Ecuador, spent about 10 years, and ultimately got the judgment against Chevron. He's dragged to New York, to enforce the judgment on Chevron, and ultimately, they appear before Judge Lewis Kaplan. And Kaplan, rather than enforce the judgment, finds to disallow the judgment. And he lists a series of things that Donziger has done, which in Kaplan's eyes, means that Donziger should be punished. At one point, Kaplan asked Donziger to turn over his secret, his files, you know, his IBM, computer files. And the computer files have all of the private, privileged, confidential information between Steve and his clients, and Steve and his lawyers. Steve refuses to do it, claiming that it's all privileged material and Chevron is not entitled to see whatever conversations or emails Steve exchanged with his lawyers or his clients. Kaplan orders him to do it; Steve refuses. Kaplan then asks the US attorney to prosecute Berman. Berman refuses to prosecute. Kaplan then...and we have to get into some detail. Kaplan then has an option, a requirement basically, to go to the wheel and get another judge because he can't do the criminal work, having just done the civil work. Kaplan ignores the wheel, and Kaplan goes to Judge Preska, a member of the Federalist Society, a society substantially funded by Chevron, and then a lawyer is appointed. The lawyer who is appointed is a former Chevron lawyer, and that law firm, Seward and Kissel, is seeking to get Chevron's business. So when they meet with the government they say, "Okay, we'll take the case at 50% of our normal fee

and we will then prosecute." Now, the claims that we make and Judge Preska admits, by the way, in her decision that there has never been a case like this in the United States where you have had a criminal case where the prosecutor is from the private firm that Donziger had been fighting with, namely Chevron. And that Seward and Kissel have an extraordinary interest in this case to get more Chevron business. They choose Rita Glavin as the lawyer. Rita Glavin's husband had worked for Exxon. Rita worked for Chevron while she was at Seward and Kissel. And Seward and Kissel sends out pronouncements about them now representing Chevron. So for them, it's a windfall; the case is paid for basically by Chevron. In other words, Kaplan is aware that Berman has just said no. And the question then is, who's...because he doesn't have funds, allegedly. So, Kaplan then gets Chevron involved. Bulk of the cost of the criminal prosecution is picked up by Chevron. Now, Ralph, you and I have been around this area for a long time. What I have told you is incredible and is totally beyond belief, that something like this could happen.

Ralph Nader: Which makes me ask Martin, why hasn't there been a determined effort? Since this is a worldwide recognized case now, with all kinds of Nobel Prize Laureates supporting Steve's side of it. Why hasn't the judge been asked to recue himself on the basis of demonstrated and relentless bias against Donziger?

Martin Garbus: We have made that motion five times before Preska and we have lost. You're asking the larger question, and that's hopefully one of the reasons you and I are talking, to get some kind of awareness of this. She wrote a 245-page opinion when she convicted Donziger. And you will find in that decision this entire discussion that we had. We also asked, [because] there's a requirement that anybody who prosecutes a case for the US Attorney's office should be obligated to tell the US Attorney's Office what's going on; should be obligated to seek guidance, so that they don't get excessive, and should be obligated to take orders from the US Attorney's Office, who is allegedly a US attorney prosecution. I spoke to Zack Bannon, a US attorney, and I wanted to subpoena somebody from DOJ who could tell us who supervises her, who looks at her bills, who chooses what legal paths she should pursue, and Bannon said, "No one." So she's a totally free-floating attorney. The Supreme Court cases are clear if you have a prosecutor in this position, or appointed by the government, it has to be a disinterested prosecutor. There's no one less disinterested than Rita Glavin. She, of course, was just involved defending Andrew Cuomo; she was the chief lawyer. There's an article in today's *Washington Post*, which basically vilifies her. And her previous experience was she was involved in the prosecution of Ted Stevens, the senator from Alaska. And because of her conduct, the conviction at that trial was reversed, and she was castigated for withholding information. She's done the same thing here; we have tried to get into the background of her support. There's one other element that becomes very relevant in this [which is] Berman is fired by Trump and Barr. He's the US Attorney in the Southern District. Berman is fired because he refuses to prosecute Trump's enemies, and he refuses to defend Trump's friends. Also involved is Giuliani. But his law firm, Bracewell, was one of the chief lobbyists for the oil industry. So the relationship between Trump, Barr, and Giuliani and the prosecution of Donziger is something we have tried to get into, and Preska has refused. So, it's an extraordinary case. I mean it's a cross between Kafka and Gilbert and Sullivan, except that the damage is horrendous.

Ralph Nader: Martin, people may want to know more about who is supporting Steve. I mean, there are bar associations around the world, lawyers. What's the website where they can get

more details, before I ask you my next question?

Martin Garbus: I think its Donziger.com. I'll try and get you the more precise information. I think that's what it is. He's trying to raise funds, not for me, but to get other lawyers to help him. He has had worldwide support. On August 6th, which was the anniversary of a two-year confinement, there were demonstrations in 12 cities; lawyers throughout the world have spoken up on behalf of the case. As you said, 67 Nobel Prize winners, leaders of the bar, but it's had no effect on the Federalist [conservative] Judge Preska.

Ralph Nader: Or I might add, Chevron, which is the protagonist here, not wanting to be held accountable for Texaco's massive destruction of indigenous lands with huge oil spills to mess and disease and injury and contaminated food sources. And then Chevron bought Texaco and inherited all the obligations. So that's how Chevron got in. But it gets even more anomalous. Why hasn't the mass media, especially the *New York Times*, *Washington Post* [and] *Wall Street Journal* written this up? The *New York Times* has not reported on this case for about seven years and I'm not saying there's a connection here. But listen to this revealed fact by Chris Hedges: The *New York Times*, which has other businesses now--they're in the cruise business, the tourist business; they have an advertising agency where Chevron is one of its major clients.

Martin Garbus: Yes, and the lawyer who represents the *New York Times* happens to be from the law firm that represents Chevron. So if you look at the entire picture, the lack of reporting, the lack of attention, Steve has been remarkably successful in getting attention throughout the world. The *Jerusalem Post* runs articles; the *Guardian* follows the case rigorously. And as I said, he's built up a worldwide body of support. It's absolutely clear that the lesson of this is if Chevron is concerned, you get a judgment against us and you're going to pay, and that we can control both the judiciary and the prosecutor's office through money.

Ralph Nader: You're touching on a very important factor here that if Chevron gets away with this over the last 10 years or so, it's going to be a prototype for other giant companies to go after their critics, turn them into corporate prisoners with the corporate judges, and then turn them eventually into political prisoners, because the political system is not intervening here to see that justice is done! There's very little interest in Congress in this case, some for sure but not enough. So beware people, this is a new breakthrough by corporate control and power. We're talking with Martin Garbus, who has been through many, many cases over the decades of civil liberties and civil rights. Martin, you're appealing this to the second circuit, this decision of criminal contempt by this judge?

Martin Garbus: Yes, we are. And the question then is, what is the power of Chevron? You have federalist judges, of course, throughout the legal system, so what is the power of Chevron in the second circuit? And of course, you and I both know that over the years, the Trump appointees are all over the place. One of the terrible things that happens here, you and I and your listeners know the difference between, let's say, Sotomayor and Clarence Thomas. We know the difference in their politics, but you get into a situation where a judge makes a finding of fact s and it's very difficult. The courts defer to judges with findings of fact. So if you get a totally prejudiced judge, in the pocket of the oil industry, whether it be Kaplan or Preska, reversing those factual findings are very, very difficult. And I should say Ralph, you of course were the model for the Donzigers that followed. You were the model for the people who have spoken out on behalf of things. Donziger is in your tradition in a culture that you started and the

kinds of pressure and penalties that you faced and adversaries that you faced with the automobile industry and energy business, Donziger is facing those things now. My memory of your history is nothing like this ever happened to you, though some bad things did happen to you.

Ralph Nader: Chevron is a peculiarly vengeful company. In anything it touches it corrupts, whether it's a vengeful judge who was a corporate lawyer and had relations with the energy industry. Judge Kaplan should recuse himself; he should be cited by the judicial accountability agency in New York [New York State Commission on Judicial Conduct]. And then the law firm that he hired, bypassing the prosecutor who didn't want to bring the case that the judge wanted to bring against Donziger, is also conflicted with clients like Chevron. I mean, this really smells very, very bad and I hope some of our listeners will call or email their senators and representatives and say you need a congressional hearing here [on] Donziger.

Martin Garbus: Absolutely.

Ralph Nader: Why don't you spell his name clearly, Martin?

Martin Garbus: It's donzigerdefense.com is the website. Steve is trying to raise money for this fight. Merrick Garland is now the Attorney General. There's no reason why Merrick Garland should not feel pressure to come in and then deal with this case. This administration should deal with it; Trump refused it. Well, Trump was the one who put this ball in motion. So, this is the kind of scandal, it's been kept below the *New York Times's*, *Washington Post's* attention. It's a Trump, Barr, Giuliani problem plus Chevron. I mean the powerful forces against Steve Donziger and the powerful forces of those who are against people like yourself, Ralph, and like Steve now, are enormous. But in our time, your and my time, we have never seen a prosecution like this [which is] a criminal prosecution funded by a vast oil company, after Steve and the Ecuadorian people, get a substantial judgment for the ghastly oil spills that Texaco did.

Ralph Nader: At the bottom of it, they don't want to pay the billions of dollars in the judgment that was rendered in Ecuador, and they tried to smear the whole process in Ecuador. Well, we've run out of time. We've been talking with Martin Garbus, who is the attorney for Steve Donziger in this case that you just heard about. Since Judge Kaplan bypassed the federal prosecutor who works for the Justice Department when Trump was president, you're right. Attorney General Merrick Garland now has a professional legal obligation to reassert the role in this case that was circumvented by Judge Kaplan when he went to a corporate law firm. I mean, it's unheard of! I mean he hires a corporate law firm with tax dollars, because he doesn't like the prosecutor's denial of his desire to prosecute Steve Donziger. This is incredible; this is like countries overseas that we have bad names for.

Martin Garbus: Now I've been in Chinese courts, Russian courts. I mean, this is as bad as anything that one has seen. And he hires the prosecutor who has a financial interest in getting a conviction. Preska has acknowledged that there is no other case like this in American legal history. Preska said, "However, that doesn't make it wrong."

Ralph Nader: The judge has already had Donziger under house arrest in his small apartment in New York City. He can't leave without some kind of electronic supervision. Isn't that correct?

Martin Garbus: Yes. And he can only leave at certain times, he can't...anytime you want to

have a lawyer's meeting, we have to get permission. We have to tell the probation department that we want to have a lawyer's meeting with him. He can't visit friends. I think the important thing for your listeners is that a cascade of letters should go out to Merrick Garland, to put pressure on him, to do something. As you pointed out, Nancy Gertner, a very eminent judge in Boston, has condemned this process. Other judges have condemned the process; bar associations have condemned the process. But this Federalist Judge Preska, coming out of the Trump, Barr, Giuliani experience has been totally resistant. This is the judge, by the way, who was nominated for the second circuit by Bush and the senate that at the same time it was approving other nominations by Bush, refused to approve this particular judge. So, she's more extreme than a traditional federalist judge.

Ralph Nader: I can hear some of our listeners saying, What about the ACLU here? Will the giant ACLU come to the aid of this case?

Martin Garbus: The ACLU has not come to the case. They're considering it; they've been considering it a while. I doubt it since they are so drowning in their other things. They agreed to do in amicus brief, and hopefully that will have some significance, with respect to the second circuit. But they did not come into the press prosecution, nor did they come into the Catholic prosecution.

Ralph Nader: Before we close, Martin Garbus, give the website once more so people can refer to it when they contact their members of Congress. I think this really needs a congressional hearing to get high media profile.

Martin Garbus: It's Donzigerlaw.com and you'll get information. But Steve desperately needs funds, not for me, but for other people to help in the litigation.

Ralph Nader: Thank you very much, Martin Garbus, and all the work you've done over the years. Books can be and are being written about you, and let's continue this reportage as this case continues to unfold. I have a minimal expectation that American justice will prevail especially when the media starts making this a top priority for revelation. Thank you.

Martin Garbus: Ralph, you have always been the warrior you are now; thank you.

Steve Skrovan: I want to thank our guests again, Andrew Kimbrell and Martin Garbus. For those of you listening on the radio, that's our show. For you podcast listeners, stay tuned for some bonus material we call "The Wrap-Up". A transcript of the show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

David Feldman: Subscribe to us on our *Ralph Nader Radio Hour* YouTube Channel. And for Ralph's weekly column, it's free. Go to nader.org. For more from Russell Mokhiber, go to corporatecrimereporter.com. Ralph wants you to join the Congress Club. Go to the *Ralph Nader Radio Hour* website, and in the top right margin, click on the button labeled Congress Club to get more information. We've also added a button right below that with specific instructions about what to include in your letter to Congress. The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran, our executive producer is Alan Minsky.

Steve Skrovan: Our theme music "Stand Up, Rise Up" was written and performed by Kemp Harris. Our proofreader is Elisabeth Solomon; our associate producers is Hannah Feldman; our

social media manager is Steven Wendt.

David Feldman: Join us next week on the *Ralph Nader Radio Hour*. Thank you, Ralph.

Ralph Nader: Thank you, everybody. Well, we're providing information but we're also getting more and more information from you the listeners. John Puma just told us quote, "Six giant corporations earn 90% of broadcast revenues" End quote. Hardly, a competitive free market. Not to mention, they're using our public property, public airways for free. No free market allows that kind of escape.

[Music]

Kemp Harris: Stand up, you know what right and you know what's wrong. Rise up, don't let the system pull s you down. Stand up, stand up, you've been sitting way too long. Stand up, you should step up. Step up, I think that you should step up. Rise up and take on the power. Stand up, stand up, you've been sitting way too long. Stand up.