

## **Ralph Nader Radio Hour**

### **Episode 524**

#### **“Apartheid Education/Gas Station Heroin”**

**March 23<sup>rd</sup>, 2024**

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

**Hannah Feldman:** Thank you very much, Steve.

**Steve Skrovan:** And of course, we have the man of the hour, Ralph Nader. Hello, Ralph.

**Ralph Nader:** Hi. Well, listeners, you're ready to take in a legendary critic and practitioner of our public school systems.

**Steve Skrovan:** In 1967, a young, aspiring fiction writer named Jonathan Kozol took a job teaching fourth graders in Roxbury, Massachusetts, in the Boston public school system. That year, he was fired for teaching his students a poem by Langston Hughes. He wrote about the experience in a book entitled, *Death at an Early Age*, which ended up receiving a national book award. Since then, Mr. Kozol has written five more important award-winning books about the state of public education, and race/class divides, and he remains one of the most eloquent and outspoken advocates for equality and racial justice in our nation's schools.

According to Mr. Kozol, not enough has changed. And in many ways, believe it or not, many things have gotten worse. Undeterred, he has written a new book entitled, *An End to Inequality: Breaking Down the Walls of Apartheid Education in America*, in which he outlines ways we can bridge the gap between public schools in poor neighborhoods and those in more affluent ones. He will be joining us to discuss race, class, charter schools, vouchers, busing, and many other issues that have animated Mr. Kozol's long and storied career.

In the second half of the program, we welcome Matt Wetherington, a nationally recognized lawyer focused on high stakes cases involving personal injury, wrongful death, and class actions. Mr. Wetherington currently represents plaintiffs in a wrongful death lawsuit against more than a dozen defendants, including manufacturers, distributors, and retailers of Kratom products.

Kratom is an herbal supplement that has taken off in the US as an alternative to prescription pain pills. But like other supplements, the FDA doesn't regulate Kratom. And according to the *Washington Post*, Kratom products have been linked to more than 4000 deaths—that's 4000 deaths across the country between 2020 and 2022.

We'll speak to Matt Wetherington about this latest, rather outrageous consumer protection battleground. But first, how do we end racial apartheid in American public schools? Hannah?

**Hannah Feldman:** Jonathan Kozol is a leading advocate for equality and racial justice in our nation's schools, and he travels and lectures about educational inequality and racial injustice. Mr. Kozol is the author of nearly a dozen books about young children and their public schools, including *Death at an Early Age*, for which he received the National Book Award, *Savage Inequalities*, and *The Shame of the Nation*. His latest book is *An End to Inequality: Breaking Down the Walls of Apartheid Education in America*.

Welcome to the *Ralph Nader Radio Hour*, Jonathan Kozol.

**Jonathan Kozol:** Thank you. Delighted to be with you.

**Ralph Nader:** Welcome, indeed, Jonathan. You and I go back a long way. I remember when your first book came out, it just stunned people. You had come back from a Rhodes Scholarship, and you were teaching in Boston, and you absorbed more than you ever thought you would about the conditions there in the schools. And you wrote the book *Death at an Early Age*.

The one that I have many copies of is the second book called *The Night is Dark and I am Far from Home*. That's because I bought the remainders of your book, and I still give it out to people to show them what indignant writing, backed by irrefutable evidence, is like. There's too much cool writing in America today about ghastly situations in our nation's public schools.

But I'd like to start, Jonathan, by reading a segment from the cover of your book, because it really gives the reader a background of what the book is about. So here we go. I'm quoting from the jacket cover.

"When Jonathan Kozol's 'Death at an Early Age' appeared in 1967, it rocked the education world. Based on a Rhodes Scholar's first year of teaching in a Boston Black community, the book described the abuse and neglect of children for no reason but the color of their skin. Since that National Book Award-winning volume, Kozol spent more than 50 years visiting with children and working with their teachers in other deeply troubled and unequal public schools. And now, in the culminating work of his career, Kozol goes back into the urban schools, where racial isolation is at the highest level since he became a teacher and is now compounded by a new regime of punitive instruction and coercive uniformity that is deemed to be appropriate for children who are said to be incapable of learning in more democratic ways, like children in more privileged communities."

The first question is, whatever happened to *Brown v. Board of Education*, which supposedly desegregated our schools starting in 1954?

**Jonathan Kozol:** To be quite bluntly, as I say in the book, the Brown decision is now like the ghost of Christmas past. Most school officials have pretty much turned their back on the legacy of Brown and the dream of Dr. King, who was very explicit in his condemnation of segregated schools.

I find it particularly heartbreaking that segregation is now at its highest level since the early 1990s. And many of the schools I visit are far more deeply segregated than the one that I described in *Death at an Early Age*, in which there were at least a handful of White children in the school.

Worse, however, than mere physical isolation is what I call the disparate agenda that has been developed and enforced in primarily Black and Latino schools in which, as you just quoted, the children are perceived as if they were defective little people who cannot learn in the normal ways that children learn in good suburban schools. It's an agenda which is, in part, a matter of shaming the children. There's this constant fear of failure instead of an invitation to learn for the joy of learning.

It's what I call a coercive uniformity. All the children are to behave in a way that's mandated by rules that have been passed down over the past approximately 25/30 years. The book describes the ways in which children are denied the opportunity to learn out of curiosity, to ask discerning questions. The punitive agenda is sometimes draconian in its nature, but children who commit minor misbehaviors are sometimes sent to what are called the calm-down room, which is a wonderful euphemism. What it is, in reality, is typically a storage closet in the hallway in which the child is left to sit there all alone, doors locked. Children will cry for their mothers. They wet their pants. This is considered acceptable in these deeply segregated schools, not all of them, but certainly many. I walked into a school right here in Boston's Black community, where I asked the people who were escorting me, what's that little closet used for? And they just calmly told me, that's the lockdown room.

That's only the most minor form of punishment. A lot of the children are also subjected to corporal punishment, which is still permitted in more than half the states. A teenage girl, for example, in a Texas school, slipped out of the building briefly to get a breakfast taco, was told that she had just broken the closed campus rule and brought to the principal's office, where two adults held her down, made her bend over with her buttocks raised so she could be beaten on her bottom.

One other form of punishment is the frequency of juvenile arrest, of calling in the police to deal with a minor problem that could have been handled by a counselor if the school could afford a counselor. In one story I tell in the book, a little girl, six years old, who had a minor tantrum in her classroom, was brought into the principal's office, and somebody started reading a story to her and calming her down. But by that time, they had already called the police.

Officer comes in, puts her in zip ties, literally drags her out of the building, pushes her into the back of the patrol car, and brings her to a juvenile center, a detention center, where they actually take a mug shot of this little girl. She's so small that she has to stand on a stool in order for the photographer to capture her face, her head and shoulders—just extraordinary.

We hear a lot about the school-to-prison pipeline, but this is a case where the prison is already there. It's right there. Don't have to wait 20 years. Children get a taste of our racist penal system when they're barely out of diapers.

**Ralph Nader:** Let's broaden this a bit, Jonathan. In California right now, a majority of public school children are from minority backgrounds. They're Latino, Black, Asian-Americans, and

other minorities in the public schools. So is this segregation due to residential segregation? Is it due to class rather than just race?

**Jonathan Kozol:** I happen to believe that race is at the heart of it. I may be stubborn on this point, but I don't think it's merely a matter of class. I think the racial differentials are too obvious. For example, I spoke of children being arrested in school. That's far more common in the case of Black and Latino children. Little Black girls, for example, are 3.6 times more likely than White girls of their age to be arrested and hauled into the prison system at an early age.

Of course, financial inequity is a big part of it, but it tends to follow racial lines. The suburban schools around Boston, which are very well-funded, tend to be progressive and enlightened school systems with mainly White children, where the kids are able to enjoy the school day. They're able to look forward to Monday morning. They are also invited to pursue their curiosities and ask questions. I call it interrogate reality. As grown-ups, they will be capable of exercising sensible irreverence in the face of political tyrannies, like the one represented by Donald Trump.

So it's like two worlds of education, and race is the great divider, I'm sorry to say.

**Ralph Nader:** Let's look at that a little closer. You go into poor neighborhood schools, there's a much higher amount of lead in the drinking water. You cite a study by the California Public Interest Research Group that I helped start, showing enormous percentages of lead from the drinking water fountain. This has been a recurring problem all over the country. It's like the old story, we can send a man to the moon, but we can't clean up the drinking water in schools.

Then there are other toxins as well. There's asbestos still. There are chemicals used for cleaning, that are not appropriately chosen and used. You have underinvestment in sports equipment. You have desks that aren't adequately repaired. You have poor food in the cafeterias—a lot of it is junk food that caters to taste rather than to nutrition.

In a place like Boston, where minorities vote, the teachers and superintendent are often minorities, how can all this amount to such a lack of power to redirect public investments into these inner-city schools?

**Jonathan Kozol:** It's all a matter of corporate priorities. The fact is, in the case of lead poison, for example, this has been studied and documented for decades. Years ago, I was told by pediatricians and neurologists that exposure to lead paint poison—typically crumbling from the walls and ceilings in these old, decrepit schools in the older segregated neighborhoods—and the damage it inflicts on children is often irreversible in terms of their learning ability and in terms of their behavior.

I call it cognitive genocide, because it simply doesn't happen with the same frequency in the wealthy districts, which can use their local property taxes or issue bonds to make significant repairs in schools that are archaic, or get rid of those schools and build new ones. I go back and forth between the inner-city and the suburbs so I see the difference before my eyes.

It's not just gross assaults on a child's learning ability. Lead is obvious and other toxins. But it's also simply demeaning to the dignity of children. Gross and ugly bathrooms, for example. In Boston, there was one school where a girl, I think she was a sixth grader, said that she never used the bathrooms because they were so vile. So what did she do? She just sat all day and held it in. She taught herself a trick, which she called the pee dance, whereby while she was sitting in her chair, she would lift one leg up and then the other to try to prevent herself from urinating. When it didn't work, she'd have to go to the nurse's office for a change of clothes.

This happens very, very seldom in affluent White communities. I often say that beautiful environments refine the souls of children. Ugly, degrading environments soil their mentality. And then the excuse, of course, we always hear in the big cities is that finances are scarce. We would love to make these corrections, we would love to build new buildings, we would love to clean out the lead, but we just don't have enough resources to do this. I call it the myth of scarcity. It's like starvation funding for minority children in one of the richest nations in the world.

**Ralph Nader:** On that point, I've often said to groups who are trying to improve things in the inner-city, why don't you go after the military budget when they say there's no funding? Why aren't you challenging this proposed \$14 billion in weaponry to Israel to slaughter the Palestinians? Why don't you broaden the competition for the tax dollar, which goes to the plutocracy and to militarism? As Dr. Martin Luther King pointed out, it goes to trivial expenditures. It goes to waste and corruption.

Because I think if they just stay in their silo and try to beat against the walls, they're not going to get the media attention and they're not going to get the attention of the ruling classes until they are seen as a major confrontation in how public budgets are divided in terms of coming back home where the taxes originated from working people. What about that?

**Jonathan Kozol:** I absolutely agree with you. I'm thinking of all those billions of dollars that are going to Ukraine, for example.

The thing that's most maddening to me, though, is the following. The people who run the urban districts keep saying that they've just come up with a new reform, and this new reform is going to solve all our problems. And the new reforms, I'm thinking of things like No Child Left Behind, the testing law that George W. Bush got through Congress, unfortunately, with the support of Democrats. In my book, I list about 30 of these sort of magic pills that were supposedly going to prove that separate need not be unequal, that we could make what I called the search for perfectible apartheid. But apartheid cannot be perfected.

The one hopeful part of my book, however, is the following. In Boston, after the activist, militant Black parents had tried in vain to achieve some kind of racial integration within the city and found that it was impossible because of the vile, racist practices of the Boston School Committee. At that point, they looked out to the suburbs and they became the core group, Black and Latino pressure for opening up the suburban districts to their kids and allowing them to ride the bus to beautifully-funded districts.

I know there's a kind of stigma on busing, for which we can thank Joe Biden, because when he was in the Senate, he became one of the most vocal forces in putting a taint on the idea of busing. He sometimes has said he was in favor of integration, except that he was opposed to the one and only way by which to make it possible.

The program here in the metro-Boston area now sends 3000 children into a voluntary integration program with more than 30 of the surrounding suburbs. Almost 100% of the Black kids in the program graduate from high school in four years. None of this five, six, seven-year delay. And almost all of them go on to four-year colleges and then into successful professional careers. A number of them have become teachers.

These are spectacular numbers compared to typical inner-city numbers. But it's more than that. The program has also been very specific in demanding that the suburban districts develop genuinely multicultural curricula, not just on a tokenistic basis, but they explicitly refer to the program as an antiracist program. And I taught in it for two years, so I know this firsthand.

**Ralph Nader:** This sounds like a very successful model program. Why isn't it being diffused to other places in the country or to other areas in the Greater Boston area?

**Jonathan Kozol:** I ask exactly that question in the book. The interesting thing is that the parents of the White suburban kids in this metro-Boston area have largely welcomed the program. They've gone to great extremes to make sure that the Black and Latino kids are not forfeiting their cultural identities. They try very hard to pair parents together, suburban parents and the parents of the kids from the city, to create more than just... they don't use the word desegregation because it's not simply a matter of moving bodies from one district to another. They use the word integration in a broad cultural sense. They're trying to create a truly just metropolitan community.

The kids I know in the program find it very easy to make friendships across the lines of race and class, friendships that often endure well beyond their college years, so that the minority kids, when they're looking for entryways into the professions, can network with their former White classmates. It opens up just a world of opportunity that too many of the kids who are trapped in inner-city schools just would never be aware of.

The opposition comes from political figures, legislators, and others who are perfectly happy with the system as it stands, and see no reason to invest the money it would take to make it possible to expand to this kind of program. I would say, why not come up with a \$500 billion grant to entice districts all over the United States to create the kind of model that I've described here in Massachusetts?

**Ralph Nader:** We're talking with Jonathan Kozol, just out with his book, *An End to Inequality: Breaking Down the Walls of Apartheid Education in America*.

Before we get to what is actually taught on a daily basis in these schools, Jonathan, I know some of our listeners are wondering what your take is on charter schools and how this has affected your view on what's happening in public schools.

**Jonathan Kozol:** I'm opposed to charter schools for a number of reasons. One of them is that they are almost intentionally bastions of segregation. If you create a school that is called, or might as well be called, Black Academy of Potential and Success—they throw around those words—you're not going to get many recruits from the White community. These are schools that target the least empowered people in our nation.

The second problem is that they are draining off far too much money from the public sector. It's part of a general attack on the public school system that's been generated by corporate forces over the past two or three decades or maybe longer than that, but I first became aware of it in the late 1990s. There's a theme that they can isolate and select the students they want, get rid of, the ones who cause them problems, and then get great publicity in the media, because their scores look better than those of the public schools in the same community.

**Ralph Nader:** But most of the studies showed the scores weren't all that better at all.

**Jonathan Kozol:** That's the point. They're great publicists. And as I said, they have conservative business groups backing them up, helping them to promote what I think is essentially a pedagogic myth. Meanwhile, the public schools are left with all the students that the charter schools don't want.

The heart of the issue is the following. In a democratic nation, if we still consider ourselves democratic, there has to be a well-funded, enlightened, socially-just public system. And the invasion of the public sector by these private forces is one of the trends that I have most regretted over the decades since all this began.

**Ralph Nader:** These corporate interests see the public school budget as a gigantic money pot that they can rake-off and make a lot of money with the consultants and the commercial forces that surround the charter schools.

I want to get to what's taught. How do you deal with the curriculum, standardized tests and pretests? It must be drudgery and lead to boredom, which often leads to disruption, especially if these kids come to school without adequate nutrition.

**Jonathan Kozol:** What you just described, of course, that whole regiment, rote and drill instruction, leading up to the next round of repetitive exams, is one reason why so many terrific teachers are quitting the urban schools, because it sucks all the joy out of being either a teacher or a student. They always use the verb, deliver – to deliver what I call mechanistic skills out of context from any sense of cultural capaciousness.

I'm thinking, for example, of urban schools I visit, where kids almost never are given the time to read books for pleasure. Instead, they're typically limited to what I call tiny chunks of test-aligned materials, might be just four sentences excerpted from a book, and the children never get to read the book. It's partially an assault on the humanities in general because they're not seen as useful in the marketplace. And the whole idea is to get these minority kids ready for their expected role in the bottom levels of the marketplace. This whole emphasis would be anathema in the good suburban schools that I visit. This is why so many Black parents are lined up to try to get their kids

into the program I described, which is called METCO [Metropolitan Council for Educational Opportunity]

Maybe I'm an old-fashioned guy, but I still think the book itself, allowing children to enjoy a book, to dig into a book, whether it's an old-fashioned classic or whether it's a more recent book like *Number the Stars* or Toni Morrison's *The Bluest Eye*, which are books usually within the reading range of fifth, sixth, seventh graders.

I think that when we deny this to children, we're creating a kind of cultural desert. But in my book, I have to be realistic because I'm always asked, *why don't you come up with upbeat suggestions?* I always say, "I'm not going to be forced into a phony optimism to please my critics."

The fact is, right now, we have a racist and autocratic education system keyed specifically to the historic victims of American society. And it's not going to change until teachers can expand their reach politically to the parents of their children, to the surrounding communities, to the unions, not only the teacher unions, but other unions of all sorts in order to transform the political leadership of this nation.

**Ralph Nader:** Well, we're out of time, unfortunately, Jonathan. We've been talking with Jonathan Kozol, brand new book out from the New Press, called *An End to Inequality: Breaking Down the Walls of Apartheid Education in America*, with a very interesting forward by Theodore Shaw.

Thank you very much, Jonathan. Is there any website that you have that people can get more information, or would you just prefer them to read the book?

**Jonathan Kozol:** I would urge them, just go out and get that book. Get the book before the usual forces can kill it, because I have plenty of enemies in this country. I'm very blunt in this book about what I consider a cultural crime against children whose only sin is that the color of their skin is different from that of the mainstream in America.

**Ralph Nader:** Well, the book is only 200 pages, and Bob Peterson, founding editor, *Rethinking Schools*, calls this book "Heart-wrenching examples and astute argumentation. This is Kozol at his best." Thank you very much, Jonathan Kozol.

**Jonathan Kozol:** Thank you, Ralph. It's been a beautiful, moving experience to talk with you again.

**Steve Skrovan:** We've been speaking to Jonathan Kozol. We will link to *An End to Inequality: Breaking Down the Walls of Apartheid Education in America* at [ralphnaderradiohour.com](http://ralphnaderradiohour.com).

We're going to take a one-minute break now. When we come back, we're going to warn you about a little thing known as gas station heroin. But first, let's hear from 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, March 22, 2024. I'm Russell Mokhiber.

A close family friend of Boeing whistleblower, John Barnett, said he predicted he might wind up dead and that a story could surface that he killed himself. But at the time, he told her not to believe it. That's according to a report from Charleston, South Carolina, television station WCIV. "I know he did not commit suicide," said Jennifer, a friend of Barnett's. "There's no way." Jennifer says he predicted what may happen to him days before he left for his deposition. "He wasn't concerned about safety because I asked him, I said, 'Aren't you scared?' And he said, 'No, I ain't scared, but if anything happens to me, it's not suicide.'"

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 Hannah and Ralph and the rest of the team.

Our next guest is going to fill us in on the latest dangerous product being peddled to people in pain. It's called Kratom. Hannah?

**Hannah Feldman:** Matt Wetherington is a nationally recognized lawyer focused on high-stakes cases involving personal injury, wrongful death and class actions. He currently represents plaintiffs in a wrongful death lawsuit against more than a dozen defendants, including manufacturers, distributors and retailers of Kratom products.

Welcome to the *Ralph Nader Radio Hour*, Matt Wetherington.

**Matt Wetherington:** Thank you very much for having me. It's an honor to be here with Ralph and Steve and Hannah.

**Ralph Nader:** Welcome indeed, Matt. This is the latest tragic chapter in the pain-relief industry that rose to media prominence with over 100,000 Americans now dying from opiates. The latest entry, which has taken a long time to publicize, is Kratom. What is Kratom? Where does it come from? And why is it banned in six states?

**Matt Wetherington:** Kratom traffics in hope. What the Kratom addicts and advocates say is that Kratom is an all-natural, safe alternative to pain medicine, but the reality is that it's basically gas-station heroin.

Kratom is a plant that is primarily exported from Indonesia and is sold in gas stations, smoke shops, and so-called health shops throughout the United States. It's freely available in a majority of states, despite the fact that it's illegal to import, despite the fact that the FDA seizes it on site, and despite the fact that several states have now banned it because it is leading to over 100 deaths a month that we know about. And it's going to continue to get worse.

**Ralph Nader:** Tell us what states have banned it, because our listeners come from all over the country.

**Matt Wetherington:** The easiest thing to say, because this is a live issue, is that probably about 14 states right now are considering Kratom legislation, including Florida and Georgia. And it's less about the facts on where it's banned, because the reality is that as it stands, Kratom is a nationally banned product, like it is a new drug that is not approved for any medicinal use anywhere in the United States, so step one there.

And less interesting than the handful of states that have banned Kratom, is how the states that have de facto made it legal did so. And the way they've done that is The American Kratom Association goes around and they say, Kratom is dangerous. Kratom is killing people and we need to make it safe and keep it out of the hands of children. What you need to do, Mr. Legislature, is pass the Kratom Consumer Protection Act (KCPA) and make it so that people can't buy Kratom unless they're over 18 years of age, or they can't buy Kratom unless it has certain labeling.

And in doing so, what the state does is makes it de facto legal to purchase when it was previously illegal to sell or manufacture in that state. So, under the guise of safety, they have tricked legislatures, and now they're trying to make a product that is dangerous, deadly and has absolutely no proven medicinal purpose, de facto legal on the federal level.

You can view the most up-to-date listing of the states that have made it illegal at [wfirm.com/kratom](http://wfirm.com/kratom). But what I can tell you is that Kratom is currently illegal in Wisconsin, Indiana, Arkansas, Alabama and Rhode Island. A variety of states have passed the "Kratom Consumer Protection Act," which is actually just a Trojan horse to make it legal when it was otherwise illegal in over a dozen states, including Georgia, Texas, Oregon, Virginia, Florida, Colorado.

**Ralph Nader:** Well, like a lot of regulation prohibiting addictive products, are these laws enforceable? Are they going to work in those states?

**Matt Wetherington:** It depends on which law you're talking about. So the bans will work. If you're not allowed to sell the product, then there's no longer an ability to go to a gas station and purchase it.

Where the problem comes in is enforcing the laws where it is de facto now legal because of the Kratom Consumer Protection Act. And in those states, enforcement is almost impossible. So Georgia has a version of the Kratom Consumer Protection Act that we are rolling back as we speak that makes it where you can sell Kratom as long as it meets certain "safety guidelines.. And guess who sets those safety guidelines? The American Kratom Association.

In order to get a Kratom safety badge of approval, you have to go through the American Kratom Association. And essentially you just pay a fee and get the badge and then you can sell a product that is similar to heroin and is killing 100 people a month with no problem.

**Ralph Nader:** Well, the industry is estimated to be, so far, a billion-dollar-a-year industry. And one of the apologists for the industry [Justin Brower of NMS Labs] said, "I think a lot of these Kratom deaths are really due to misuse, not to so much abuse. You can take enough Kratom; you can put yourself in harm's way and die." Your reaction to that?

**Matt Wetherington:** Number one, the Kratom industry is trying to put the burden on safety advocates to prove that Kratom is unsafe, rather than going through the normal model that literally every other drug has gone through, which is to prove a medicinal purpose before it can be sold anywhere.

They've put the cart ahead of the horse here by saying, until you can prove that it's unsafe, you can get this heroin-like drug at any gas station. I reject the premise that we have to be the ones that come out and prove that this is unsafe, when the reality is that they have the burden of proving that it has medicinal purpose. And their own doctors, their own experts have come out and said that they don't think there is one. It's just gas station heroin at the end of the day.

**Ralph Nader:** The Food and Drug Administration has declined to make officials available for interviews with the press on Kratom, but they put out a statement and the FDA said, "It continues to warn consumers not to use Kratom and has communicated the risk of serious adverse effect events, including liver toxicity, seizures and substance-use disorder, and that in rare instances, Kratom has been associated with death." What's the hesitancy of the FDA here?

**Matt Wetherington:** The American Kratom Association is run by a gentleman named Mac Haddow. Mac Haddow is a former chief of staff for the U.S. Department of Health. He has deep political connections, and is one of the most savvy political operators that we've ever seen, and that is despite the fact that Haddow himself pled guilty and went to prison for corruption in his official capacity at the Department of Health.

But they have an extensive lobbying organization with Kratom addicts and advocates throughout the country that are very effective at putting pressure on lawmakers and legislators. The FDA previously put out a statement that was even more damning of Kratom, but that was rolled back after a dear colleague's letter was circulated through Congress that had bipartisan support by Nancy Pelosi after Paul Pelosi, Nancy Pelosi's son, was hired as the chief of staff for the American Kratom Association.

So you've got those kinds of things happening, and they're doing it on both sides of the aisle. This is not a Republican or a Democrat issue. This is an issue where anyone with common sense knows that it is a dangerous product, but anyone who is willing to accept money and go and play the game is able to go and make a big influence because it doesn't take very much to influence these laws and to cause the various agencies to be stuck in the sand. Currently, the American Kratom Association and their organizations are just doing a better job than the victims who are reeling from addiction or death.

**Ralph Nader:** It's quite interesting. Eleven states have passed Kratom regulations, including age restrictions and labeling requirements, but there is no similar federal regulation. There's something strange going on here. Zigzag.

The *Washington Post* reports, "In 2016, the Drug Enforcement Administration announced plans to classify Kratom compounds as controlled substances, but shelved the idea after fierce backlash. The next year, the Department of Health and Human Services recommended restricting Kratom, a

recommendation that was later withdrawn." What's going on at Capitol Hill here? Have there been hearings?

**Matt Wetherington:** First of all, this is falling into that trap, though. We don't need federal legislation to say that something that is already illegal is illegal. That puts it backwards. If the Kratom Consumer Protection Act passes on a federal level or any kind of regulation that says that you have to have certain labeling or age restrictions on purchasing it, all you've done is made a product that should be a scheduled drug, freely available to the public de facto.

If nothing changes right now, Kratom remains a seize-on-site, FDA-unapproved drug that has no medicinal purposes and no safe use anywhere. If some sort of regulation passes, then all you've done is open the floodgates to make it even more available because it becomes de facto legal. So that's number one.

Number two is the process by which this is going through. What has really happened is that the Kratom addicts and advocates have hijacked this system to make it go backwards, where they're not willing to prove a medicinal purpose for this drug, and instead are categorizing it as either a food or a botanical product. The largest manufacturer of Kratom products sells it not as a food, not as a nutritional supplement, but as a "botanical specimen that is not fit for human consumption."

And it's put right next to energy drinks and next to all-natural healing products and aspirin, which implies that this is just as safe and is even a better alternative than these products that are right there, despite the fact that it is a drug that is illegal to import and the FDA has not approved it for use.

**Ralph Nader:** It's often merchandised to people who don't know all the facts as a way to ease their pain or anxiety. So run us through a specific case. Someone walks in with pain and anxiety to a gas station, fills up the tank, walks into the store. What does this package look like that has Kratom on it? What does it profess on the label? And if you can give us a case, an actual case, of how a person...

**Matt Wetherington:** Let me give you a specific example. So there's a gentleman in Michigan who has no history of drug use, no underlying health problems, and was working out at the gym. And his gym sold Kratom products. And the specific products that he purchased at that gym had marking on them that said "all-natural, feel good relief for pain".

That's what it said, all-natural pain relief. So he purchased and used that Kratom product as basically a recovery drink. It comes in packages that are about half the size of a normal energy drink. It's sold often in the same display area as energy drinks, except this one says, all-natural pain relief.

So the gentleman purchased that Kratom product and then he died. And he died because he thought he was taking an all-natural product that was supposed to help him recover after a workout. In reality, he just took it, but it was like heroin, and he had an adverse reaction to it and died.

Take Ethan Pope here in Georgia. Ethan Pope thought that it was an energy drink, and he started taking it as an alternative to traditional energy drinks that you would purchase and became addicted to it and then overdosed and died, at least according to a foreigner and subsequent toxicologist who reviewed his records and reviewed his autopsy and made that determination. Highlighted words weaken power of the issue, IMO. Could we just say the Georgia Bureau of Investigation autopsy revealed xyz?

What the Kratom addicts and advocates want to say is that each one of these people must have been on some other drugs. Maybe they were already on heroin and it was the heroin that killed them. Maybe they were taking a handful of other drugs and opioids and that's what killed them. But the reality is that there are dozens and dozens of these cases that we're working on right now where the only thing in their system was Kratom.

Or worst case scenario, they had coffee or an antihistamine in their system. And in those instances, the Kratom addicts and advocates want to say that, oh, it must have been the antihistamine that killed them. When instead of saying, maybe we should warn people that you shouldn't take normal over-the-counter drugs like Advil or aspirin or antihistamines along with Kratom, or you might die, they flipped the entire burden of proof for making something safe on its head. And it's truly impressive what they have done, but that doesn't make it right.

**Ralph Nader:** In all your work on pain relievers and dangerous nostrums, Matt Wetherington, what should people do when they have pain and anxiety? Do you think the normal over-the-counter medicines like Advil and Tylenol are rejected because they're just not immediate or effective enough? Or are people being misled by deceptive advertising and trapped and lured into these more powerful drugs like the opiates, like Kratom?

**Matt Wetherington:** I can't speak for the effectiveness or the motivation for anyone purchasing any kind of pain relief drug. What I can tell you is that the representations made by Kratom are false. And they've made those representations to a variety of people and they've got a message for everybody. If you are a healthy, functional adult, this is an all-natural product that keeps you from having to take normal Tylenol and Advil-type products.

If you are a drug addict that's currently on heroin, guess what, Kratom can be used as an alternative to help you taper down from heroin. If you are a person who just wants to live a healthy, all-natural lifestyle, guess what, Kratom is a nutritional supplement that will help you feel your best. And all of those statements are not medically proven and are not approved by the FDA.

**Ralph Nader:** Well, if it's illegal to import Kratom from Southeast Asia, how does it get in all these stores and in all the packages?

**Matt Wetherington:** Well, we only have to look to the indictments and guilty pleas of Kratom company owners who have pled guilty to illegally importing Kratom by marking it as fertilizer, or by marking it as soil, or marking it as tobacco. And those individuals who have pled guilty in federal court to doing it illegally and have laid it out in Technicolor detail that it is an illegal import scheme.

**Ralph Nader:** Name some of the major law firms opposing your litigation, which you're bringing under the law of torts.

**Matt Wetherington:** That's tough. We've personally seen over 80 defense firms, and they range from some of the biggest players. But what's interesting is that a lot of the firms, once they've gotten a better understanding of what Kratom is and how it works and the people who are selling it, they've withdrawn from representation and said that they're not willing to get involved.

**Ralph Nader:** Who are the hardline corporate firms remaining?

**Matt Wetherington:** I really don't want to call out any individual firm just because it's individual lawyers, not the firm, that were propagating this. And what I'm noticing is that the lawyers who are at those firms are tending to leave and open their own firms, either because they're being pushed out or because they see how lucrative Kratom litigation can be.

**Ralph Nader:** Well, you do depositions, Matt Wetherington, you know their names. It's not a secret. Name some of them. The problem with these corporate firms, Steve and Hannah, is in all other litigations, they're never mentioned by firm. Almost never. It's just the lawyer.

**Matt Wetherington:** What's funny is that you hear these names and they just kind of roll over your head. So, Squire Patton Boggs (SPB) is the primary firm that's handling them. They are an international law firm and they are one of the biggest players of this. And then several lawyers who were at Squire Patton have since left and opened up their own firms. But Arnall Golden Gregory (AGG) is another example of a pretty big firm that is handling these cases nationwide.

**Ralph Nader:** Do you file these depositions publicly in courts?

**Matt Wetherington:** That's just it. Getting these depositions is almost impossible, so it becomes a delay game.

Here's the way that the Kratom manufacturers litigate. You file a lawsuit; they immediately approach you and say, *hey, we would like to make this go away. Why don't you give us a number so that we can get rid of it.* But when a firm like ours comes along and says that we don't want your money, because our motto as a firm is "Causes, Not Cases." So when a family comes to us, they don't care about the money, they care about protecting the public.

We say, we don't want your money. We would like to take these depositions, but first we need some documents and some basic background information. So what do they do? They come out, and then they say, well, we're going to give you these documents, but you need a protective order, and you got to sign it. So most lawyers will then sign a protective order, which then makes it so that other lawyers can never know what's going on in the case. And we refuse to do that.

So then you've got to get a court hearing for a judge to then review the facts and determine that this is, in fact, something that's in the public interest and there shouldn't be a protective order. Well, guess what? It can take months, if not years, to be able to get that protective order fight completed. Like, we filed a case more than a year ago and just today got a hearing in June for the court to

finally review to understand the issues related to the disclosure of documents and information. Until then, it just turns into a stonewall. What they hope is that the firms either run out of money or run out of interest and/or are willing to just take a payoff and go away.

So there aren't depositions at this point, and that's the entire part of their tactic. And then once you do get the depositions, they'll go into bankruptcy. We've seen over two dozen Kratom manufacturers or distributors go into bankruptcy after litigation, and they say, *well, cool, guess what—there's no money for you, so you might as well dismiss your lawsuit.*

**Ralph Nader:** What you've just heard, listeners, is a very concise, fascinating description of how tort law is being disabled by delays and the maneuvers of corporate defense lawyers. And it isn't just in this case. It's in many other cases, including the Boeing litigation following the crashes of the 737 MAX in Indonesia and Ethiopia.

Matt Wetherington, you are a very rare tort lawyer who rejects immediate demands by defense lawyers of these corporations for secrecy orders, otherwise called protective orders. And when I was more active in the practice of law years ago, depositions were automatically filed publicly in a court of law, and anybody could walk in and look at them. That's a long time ago. Steve?

**Steve Skrovan:** Matt, you said it's gas station heroin. How chemically is Kratom like heroin?

**Matt Wetherington:** It acts on the same receptors. Kratom is a botanical. It's a plant that comes from Southeast Asia and it's been used for hundreds of years. It's been used in teas and coffees and things like that. And plain leaf Kratom may or may not be safe. But what we do know is that the Kratom sold in the United States is deadly.

And the reason why is because they will extract the part of the Kratom leaf that makes it addictive and has that drug interaction, and they will then multiply it by thousands and thousands of times. So that when you buy that little tiny bottle of Kratom, you're not getting like a leaf of Kratom in some water. Instead, you are getting an extract that has thousands of leaves worth of Kratom that is meant to get the user high, to get the user addicted, and to make sure that there is a stream of revenue for these deadly drugs.

How it's similar to opium and heroin is that it acts on the exact same receptors. In low dosage, Kratom acts as kind of a sedative. But as you get into higher doses, it turns into more of an energy-type drink that can cause users to feel euphoria, and then it just turns into a game of chasing that euphoria until they die.

**Steve Skrovan:** And this is illegal, so there are no dose regulations or measurements like that, I assume.

**Matt Wetherington:** Georgia will be one of the first states to pass some dosing regulations, which is where we're operating. But the short answer is that, no, it's just the Wild West out there for what they're selling. And what we're also learning is that what's put on the label, even when they do provide some sort of guideline as to what's in the product, which is rare, that it doesn't actually reflect reality. And when you test it, it's just completely different.

**Ralph Nader:** Hannah?

**Hannah Feldman:** I read the *Washington Post* article you both referenced earlier, and it frames Kratom as the supplement. And my understanding as a layperson is dietary supplements are kind of the space between the F and the D in the FDA. They don't really fall under any real oversight. Is Kratom being pursued as a supplement? Where does it fall on that spectrum?

**Matt Wetherington:** That's the big fight, honestly. Kratom wants it to be categorized as a food product and/or alternatively, a botanical. The FDA categorizes it currently as a drug. And if the Kratom advocates are able to successfully turn it into a supplement, then you're right, there's no regulations, they can just do whatever they want.

But the reality is that Kratom is, in fact, a drug. It has been scheduled in several states as a drug. And it needs to be regulated the same way as a drug, and that includes testing, determining what is the safe dosing, what is the medicinal purpose, and how people can access it in a safe way.

To be clear, I'm not anti-Kratom. What I am is I'm anti-selling a product that has not gone through the proper channels to ensure that the users can obtain it safely and know how to use it without dying.

**Ralph Nader:** Matt, in case our listeners want to know more, do you have a website? And if you do, can you give it slowly?

**Matt Wetherington:** Yes. It's [wfirm.com/kratom](http://wfirm.com/kratom).

**Ralph Nader:** Well, thank you very much, Matt Wetherington, a class action lawyer that believes in the public's right to know and doesn't like judicial secrecy pushed on his clients by corporate law firms. Thank you again, Matt.

**Matt Wetherington:** Thank you, sir.

**Ralph Nader:** And continue on.

**Steve Skrovan:** We've been speaking with Matt Wetherington. We will link to his work at [ralphnaderradiohour.com](http://ralphnaderradiohour.com). That's our show. I want to thank our guests again, Jonathan Kozol and Matt Wetherington.

For those of you listening on the radio, we're going to cut out now. For you podcast listeners, stay tuned for some bonus material we call "The Wrap Up," featuring Francesco DeSantis with "In Case You Haven't Heard," and a lot more from Jonathan Kozol. The transcript of this program will appear on the *Ralph Nader Radio Hour* Substack site soon after the episode is posted.

**Hannah 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](http://nader.org). For more from Russell Mokhiber, go to [corporatecrimereporter.com](http://corporatecrimereporter.com).

**Steve Skrovan:** The American Museum of Tort Law has gone virtual. Go to [tortmuseum.org](http://tortmuseum.org) to explore the exhibits, take a virtual tour and learn about iconic tort cases from history.

**Hannah Feldman:** 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 producer is Hannah Feldman. Our social media manager is Steven Wendt.

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

**Ralph Nader:** Thank you, everybody. Be active.