

RALPH NADER RADIO HOUR EPISODE 439 TRANSCRIPT

Tom Morello: I'm Tom Morello and you're listening to the Ralph Nader Radio Hour.

[Music]

Sari Horwitz: It has rich characters. It's got this hero, Joe Rannazzisi. It's got these sort of characters in the executive suites who are so calloused and ignoring what's going on right in front of them. It's got David and Goliath figures. It's got a government that's ignoring what's happening, and a government that does in our hero Joe Rannazzisi, who is trying to protect us.

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: Hello there, Steve.

Steve Skrovan: Nice to have you with us as always, and also nice to have with us is the man of the hour, Ralph Nader. Hello, Ralph.

Ralph Nader: Hello, everybody. We've got some Pulitzer Prize-winning reporters ready to go on this program.

Steve Skrovan: You are so right. And probably the most consistent theme on this program is the distinction we make between corporate crime and street crime. We make the case that corporate crime, often not as dramatic and visceral as street crime, steals far more money and kills many more people. It's just hard to put on a movie poster. But if you want to talk about American carnage, the main killers are not coming from Mexico or MS-13 [an international criminal gang]. We want to blame Colombian drug cartels. The most destructive drug cartels operate out of air-conditioned boardrooms right here in America. And the drug lords wear suits and ties and push their product on American doctors who legally prescribe them to their American patients in pain. It's an inside job. Our guests today will be journalist Sari Horwitz and Scott Higham in their new book, *American Cartel*. They follow the plaintiffs' lawyers and the DEA agents who teamed up to take on the opioid industry to stem the flood of fentanyl, oxycodone and other pain relief drugs that have drawn so many Americans. Their fight against Big Pharma is the stuff of a Hollywood movie where they track down the corporate drug dealers who couldn't hide in their boardrooms anymore. As always, somewhere in the middle, we'll check in with our corporate crime reporter, Russell Mokhiber. But first, even after thousands of overdose deaths, how are pharmaceutical manufacturers and distributors still trying to wiggle their way out of accountability? David?

David Feldman: Sari Horwitz is a four-time Pulitzer Prize-winning investigative reporter who has been at the Washington Post for four decades, where she has covered the Justice Department and criminal justice issues. Scott Higham is a Pulitzer Prize-winning investigative reporter, also for the Washington Post. His investigation into the opioid industry with 60 Minutes received the Peabody Award, an Emmy and the DuPont-Columbia and Edward R. Murrow Awards. They were both lead reporters on the Washington Post's "The Opioid Files" series, which was a Pulitzer finalist for public service in 2020. They are co-authors of *American Cartel: Inside the*

Battle to Bring Down the Opioid Industry. Welcome to the Ralph Nader Radio Hour, Sari Horwitz and Scott Higham.

Scott Higham: Great to be here.

Sari Horwitz: Thank you for having us.

Ralph Nader: Welcome indeed, on the occasion of your new book, *American Cartel: Inside the Battle to Bring Down the Opioid Industry*. This is a book, listeners, that goes into great detail about all the problems of trying to enforce the criminal laws and the tort laws against corporations bedecked with very powerful law firms who have great skill in diluting the Justice Department's enforcement intensity, weakening the personnel at the Drug Enforcement Administration and trying to block and delay the civil justice lawsuits. Sari and Scott, there's one question in all the articles and books written on this that I would like your enlightenment on. There are over 500,000 Americans who have died in the last 20 years because of what are called opioid overdoses. Tell us what is the nature of the demand here. You have these people in varieties of pain and they are told by their doctor that this opioid or that opioid would relieve their pain, but walk us through the process where they end up in overdose fatality situations. Are these physical-only pains, are they psychological pains, are they anticipatory pains? Could you tell us about the demand side here? Let's start with Sari.

Sari Horwitz: Okay. Hi, Ralph. Nice to be here with you and with Steve and with David. And that's a great question. So for years, for decades, for a century, opioids were known to be highly addictive and dangerous drugs. And beginning in the mid-90s, starting with Purdue Pharma and the Sacklers, companies began to push out the message to doctors that these were not addictive drugs, that less than 1% of people got addicted. And what's different about our book than other books in telling the story is that we always hear about the Sacklers and we hear about Purdue Pharma, and I don't think people realize/I don't think people know the story that so many American companies are behind this epidemic. So many well-known American companies fueled this epidemic that led to what you're talking about, the addiction of millions of people, millions of Americans. Companies we know – Walgreens, Walmart, CVS, Johnson & Johnson – and then there were some companies Scott and I really didn't know very much about – Mallinckrodt, based in St. Louis. And while this started or may have been ignited as many believe with the introduction of the drug OxyContin, these other companies together really fueled this crisis, and I don't think most Americans know that. Mallinckrodt, for example, manufactured 30 pain pills for every one pill that the Sacklers sold. And these companies either broke the law or skirted the law and regulations by the DEA because there was so much money, billions of dollars, in the opioid market. And Scott, do you want to add anything to that?

Scott Higham: Well, I mean that was super eloquent, Sari, and I think what we found, Ralph, in our investigation — and Sari and I've been investigating this industry for five years and it took us two years to report and write this book — is that this epidemic didn't have to happen. This could have been prevented. There were guardrails that were put in place under federal law, federal regulations, the Controlled Substances Act, to prevent these drugs, these very dangerous, highly addictive drugs from leaking out of the supply chain, from manufacturer to the distributors, who are the wholesalers, the middlemen, to the pharmacies on the retail level. And those guardrails were basically removed by the drug companies themselves, by their lobbyists, by their attorneys

and by their allies on Capitol Hill. And it's kind of an astounding story. The more that we dug into it, the more astounding it became.

And it all began with a DEA agent, kind of a legendary DEA agent at the Drug Enforcement Administration, whose name is Joe Rannazzisi. He's a pharmacologist and a lawyer and a street drug agent. And he tried to take these companies on. He was in charge of the division that polices the pharmaceutical industry at the DEA, and he saw these drugs just spreading throughout the country. And he started going after the drug distributors and the manufacturers. And those companies, as you said, at the top of the program are enormously powerful, have a legion of brilliant attorneys representing them, legions of lobbyists working Capitol Hill, and a lot of members of the House and Senate who are beneficiaries of their largesse, receiving lots of campaign contributions.

Ralph Nader: Just to clarify, the reason why the DEA entered into this enforcement process is because these companies, and I'm going to quote from your book, these companies, quote, "were required under federal law to maintain effective controls over the narcotics they distributed, and they needed to set up systems to detect and stop enormous and clearly illicit orders of pain pills. They also demanded, that is the DEA, "that the distributors know their customers and be on the lookout for telltale signs that pills were being diverted to the streets through illegal channels, such as pharmacies filling prescriptions from patients who lived in different parts of the country." So you have the manufacturers, the distributors, the pharmacies, and the doctors, all players in this network. So I want to try to illuminate parts of your book by just asking questions about location and players. Tell us about the Florida situation. Governor DeSantis brags about Florida standing for freedom, yet it was the real hotbed for distribution, overdistribution of these opiates, where there would be cars with license plates from Alabama and Tennessee and North Carolina coming to Florida. Tell us about the situation in Florida, Scott.

Scott Higham: Well, it was the Wild West, Ralph. There were no regulations down there. People who were drug users and drug dealers quickly realized that that was the place where they could go because there was a bevy of corrupt doctors, pill mills, basically storefront operations that were disguised as pain management clinics, but they were really drug-dealing operations. And so, so many people started flooding into Florida to pick up these prescriptions and then they would take these prescriptions and travel back north and get them filled. And one of their favorite places to go to were a number of pharmacies that were in the center of Florida. And I could tell you one story about what happened at a CVS and then Sari could tell you another story that happened at a Walgreens, both of these in the Orlando area. In the CVS stores in Sanford, Florida, which is where you get the Auto Train to go back up north, there were a lot of drug dealers and drug users lining up at the door of these two CVS stores at 8 o'clock in the morning. They had out-of-state tags, they were using drugs in the parking lot, and there was a woman who was a character in our book by the name of Ruth Carter who was a very aggressive and reliable DEA investigator. And Joe Rannazzisi sent her down there to figure out what was going on. She was shocked by what she saw when she got to the CVS store. And she went in to talk to the pharmacist and she said, "Don't you understand what's happening here?" And the pharmacist, in her defense, said, "Well, at 2 o'clock we cut off all sales of oxycodone." And Ruth Carter said, "Well, why do you do that?" And the pharmacist said, "Well, because we want to save medication for our real pain patients." And not far from this CVS was a Walgreens that Sari can tell you about that is another kind of astonishing story in our book.

Sari Horwitz: It's another Florida story, but I want to pick up on something you said, Ralph, about the distributors. Under the law, these distributors — and we really focus on the big three — AmerisourceBergen, Cardinal Health, and McKesson. They were under the law, supposed to check when pharmacies ordered suspicious orders; a CVS or a Walgreens pharmacist ordered maybe 10,000 pain pills one month and maybe 500,000 the next month. They were supposed to wonder what's going on with that pharmacy; and stop the order, stop the shipment, tell the Drug Enforcement Administration. They didn't do that. They just kept shipping, shipping, shipping. And so that's why Joe Rannazzisi focused on the distributors. And they were mostly shipping, at one point in our book, to Florida. And we tell the story about a police chief in Oviedo, Florida, who was very upset about what's happening with Walgreens because these two Walgreens stores, people would come in and the customers would have more than one prescription from different doctors, different states to fill that were clearly suspicious. And the parking lots were just filled with illegal drug sales and illegal drug use. People were coming out with their prescriptions, crushing the pills, snorting them, injecting them, and then getting high and going out on the road, which was clearly a danger. And so the police chief, a guy named Jeffrey Chudnow, wrote a letter, which Scott and I obtained, to the top executives at Walgreens — the chairman, the president, the CEO. And he said, "Please, I'm begging you, help me do something about these stores of yours, because we have this huge problem and it's clearly diversion, and clearly these pills, these addictive, dangerous pills are getting onto the black market." And none of these executives responded to him.

Ralph Nader: Yeah. It is curious. Before, in the 1990s when people had pain, they would take Tylenol, they would take ibuprofen, and in more drastic cases, they would take morphine. These are vested interests. Did they ever speak up when they started losing sales or being overcome by the opioid manufacturers, or were they both the same, they produced the same products? Sari?

Sari Horwitz: You're talking about people who make, what, Tylenol or aspirin?

Ralph Nader: Yeah. I mean, in other words, millions of people decided that they weren't strong enough, Tylenol and ibuprofen, and they wanted to take something stronger and quicker, so they're competing economic interests. Was there ever a corporate lobby in the traditional painkillers that stood up, blew the whistle, objected to these opioid manufacturers and distributors?

Sari Horwitz: Yeah. We never saw any objection to that. I mean, opioids just became — they were just so popular and the big lobby groups for the chain pharmacies, and for the distributors, and the manufacturers all were on board together in terms of opioids. And in terms of lobbying Congress to change the law, they were all working together to get Congress to change the law to sort of defang the DEA and make it harder for them to come after them when they were flooding the country with opioids.

Ralph Nader: I want you to tell us who Jamie Gorelick is in this context.

Scott Higham: So Jamie Gorelick was Deputy Attorney General under the Clinton Administration, and then after she left, she went into private practice as a partner in a big white-shoe law firm in Washington, D.C. A lot of people go from government service into private industry. She followed that well-worn path. And a lot of people call that "the revolving door," and I think what Sari and I found is that it doesn't really revolve that much anymore. It's just kind

of like a one-way street directly from government service right into private industry. And in this case, right into the opioid industry and to the law firms that represented them.

Ralph Nader: And that's one of the most revealing parts of your book, that the swarm of former Justice Department officials and lawyers and former officials of other federal agencies who left the federal government went into private practice or private business, and then were called on to bounce back and exert their influence in great detail to weaken the Justice Department's resolve and to eventually fire the principal hero of your book, Joe Rannazzisi, as head of the Diversion Enforcement section of the Drug Enforcement Administration. The swarm that you described is really quite stunning. It's like it was a regiment, a brigade of law firms and PR firms, and other former inhabitants of the federal government. This raises the question of the law firms. What are the law firms' role here, such as Covington & Burling, which you describe as a, quote, "prestigious Washington law firm", end quote. I've never figured out, Sari and Scott, how reporters have fallen for that word. They would never say the prestigious litigation group of Public Citizen. These are hired guns. They'll do anything for money, including destroy records, as we documented in our book (Verdicts on Lawyers) on Covington & Burling many years ago, by Mark Green. Tell us the role of Covington & Burling and Attorney General Eric Holder during the period that you described in your book. He used to be a partner there; he went to become attorney general, and then he went back to Covington & Burling. And the swirling battle that you describe is to weaken the ability, the legal authority of the DEA to pursue criminal action against these executives of these corporations, the manufacturers, the distributors and the pharmacy chains. Tell us something about this ex-Justice Department law firms. I think our listeners would be fascinated with the detail.

Sari Horwitz: Ralph, that's such a great question and it is a part of our book. And let me just tell you one story first, an overall story about these law firms. So Scott and I in the process of doing this work, heard there was a confidential DEA database that showed exactly where each pill went, from the manufacturer to the distributor to the pharmacy, and it showed that the companies knew exactly where these pills were going, even though they said they didn't. And we wanted to get that. And it was given to both parties in a big, massive lawsuit that was based in Cleveland. And so we tried to get that FOIA, thank you Public Citizen, and we tried to get it through traditional ways reporters get information. We had to file a legal motion because we couldn't get it through FOIA.

So the Washington Post wanted to pair up with a law firm in Washington to represent us, and they went around to all the big firms to work with someone, a big firm to represent us in this legal matter to get the database, which is called ARCOS (Automated Reports and Consolidated Ordering System) Every law firm, every big law the Post went to was conflicted out because they were representing a drug company in litigation. And I mean, that kind of says it all, right? I mean, we had to go to a lone practitioner in Akron, Ohio, a woman named Karen Lefton--we have a chapter about her in our book--to represent us because nobody in Washington could. All those firms, Covington being one of them, represented either a manufacturer or a distributor. In terms of Covington, which you mentioned, they represented McKesson. And so we went to this lone practitioner who sued, lost at the district level, went to the Sixth Circuit, and won, which is an amazing David and Goliath story. She wasn't from a big firm, she was all on her own, and she was able to get us and therefore, the public this incredible database that we put online. There's no paywall. Everyone can go in there and put in their city, actually down to the county level, and

see which manufacturer, which distributor, which pharmacy in their area was dispensing and distributing these pain pills.

As far as the revolving door, which you talk about, another really important character in our book is this man named Linden Barber, who was working in the General Counsel's Office of the Drug Enforcement Administration. He worked very closely with Joe Rannazzisi. He knew exactly the weaknesses of the DEA and knew how the DEA worked, and he was helping Joe go after these companies. But he was lured away with huge salary and he began working on the other side, representing the drug industry. He not only worked against the DEA, and this is the height of the opioid epidemic, Ralph and Steve and David, this is when tens of thousands of people are dying, and the people who are supposed to protect us in the government go to the other side. And he not only did that, but he helped write a law that then undercut the DEA's effort. I mean, it's just a stunning story and it's just Washington at its worst.

Ralph Nader: Yeah. The money went to Congresswoman Marsha Blackburn and Congressman Marino, and they spearheaded this bill that was called S.483 and they lost on the first round. But on the second round, they got it through. So are things worse now in two areas--are the deaths from overdoses still increasing, and what is it about yearly now? And are these companies, after you've exposed them down to their underwear, are they still at it? Scott??

Scott Higham: A lot of these companies, Ralph, as you know, are now the subject of the largest civil action in American history. There are close to 4000 cities, towns and counties and Indian nations that are suing two dozen companies, including many of the ones that we've mentioned during the program. And so those companies have changed their conduct. Some of them have filed for bankruptcy protection, and they're out of the business entirely. Johnson & Johnson has gotten out of the opioid business entirely. Mallinckrodt is in bankruptcy. Purdue Pharma is in bankruptcy. A lot of these companies are trying to settle their way out by paying big dollars to these communities. And that's really important, because so far, it looks like it's going to be maybe \$30, \$40 billion that the companies are going to pay that is going to go back into these communities for drug treatment programs that help addicted babies, et cetera.

Ralph Nader: Okay. We're going to get to that, Scott. I'm just talking about the criminal part of your book, the criminal prosecution. You're talking quite properly about the civil lawsuits. I'll get to that in just a moment once we wrap up the criminal. Now, no executive was criminally prosecuted and convicted in this whole massive story of opioid overpromotion, looking the other way, and tens of thousands of people dying every year. Is that correct? Not one executive?

Scott Higham: Yes. And so when we talked to the families, Ralph, about their losses, what's happened to their communities, whether this money is going to make a difference, they all say, Well, okay, the money's fine, but where is the accountability? Where are the criminal charges? And almost every family asked these questions. And there are 40,000 Americans who are in jail on marijuana charges, and not one executive of a Fortune 500 company that was involved in the opioid trade has been charged with a crime. And there is a lot of evidence out there now that's come out in discovery, internal emails, documents, memos, and internal audits that show what they (these companies) knew, when they knew it, actions they took, actions they didn't take. There's a lot of material that's on the table. And the DEA agents, who are some of the heroes in our book, went after these companies, and the more they dug, the more they realized that they weren't looking just at civil cases anymore. They were looking at potential criminal cases...that

there was intent, that there was knowledge, that they knew exactly what was happening, that some of these companies had done audits and then tried to cover them up and not let anybody see these audits, because they showed exactly what they knew about their pill distribution and manufacturing, and they were shut down by the Justice Department.

Ralph Nader: Yeah. Well, you properly put the burden on the Justice Department. I think your pages on the Justice Department reveal chronic transpartisan institutional corruption. That is, it doesn't matter who is running the Justice Department--Democrats or Republicans--these corporations get off with non-prosecution agreements, they get off with deferred prosecution agreements, no grand jury indictments, no prosecution. And this is a chronic problem in the Justice Department, where the prosecutors around the country who want action go to the central headquarters (they call it main justice/nickname for the DOJ) and it never emerges, and it's delayed. And you write in great detail about this, but the question that remains in people's minds about the failure of the corporate criminal laws, which are antiquated; the budgets to prosecute corporate criminals in the Justice Department and other regulatory agencies are miniscule up against the corporate crime wave that your newspaper and others chronicle regularly, not just in the opioid area. And to make matters worse, the Justice Department has been opposing for decades our proposal to establish a corporate crime database like they have a street crime database. So this is unfinished business coming out of your book, but you certainly have launched further documentation of it.

Now let's go to the civil lawsuit part. These are, listeners, civil lawsuits in courts of law around the country. They've been consolidated, there have been settlements, now increasingly reported in the press at various counties, cities; states are settling for the cost to them of the overdose disaster. I'm quite skeptical of that; the deterrence just isn't enough I mean, some of the companies have gone bankrupt like they did in the asbestos litigation, but basically the real deterrence as one corporate executive told me is jail, pinstripes for the executives. That's the only thing they're afraid of. Everything else is deductible, depreciable; it doesn't reach the executive suite. However, it's good that these cases are there, they get a lot of information out for the press to cover, and they keep the belief in justice and accountability flame alive. But tell us about the story of another one of your heroes, Paul Farrell, a small town lawyer in West Virginia.

Sari Horwitz: Yeah. I want to tell you about him because he's one of the great heroes of our book. But before I do that, can I just get back to one other thing you asked Scott that didn't really get covered? Do you mind? You asked him a little bit about where we are right now with the opioid epidemic. And people think this is history, that our book is history, or that these stories are history. But right now, we are in the middle of the worst drug epidemic ever in American history with fentanyl, which is really linked to what happened with prescription pills. Last year, 100,000 people died from overdoses, the vast majority from fentanyl. It's pouring over the southwest border. And Scott was just down there and saw that the way fentanyl is coming in is in counterfeit pills that look like the pills Mallinckrodt made. They've gone bankrupt, as you said no corporate executive went to jail. But these pills now that look like Mallinckrodt M's with an M on them and the 30 milligram, the 30 on the back, they're coming in with fentanyl; kids are taking them at parties, not knowing what's in them, and dying. And just to put this in context, 200 people are dying every day, mostly from fentanyl. That's like a Boeing 737 completely filled with 200 people, crashing and killing everybody on board every day. And if that happened,

people would consider that a crisis. And I think that they have to realize that's still happening in this country.

Okay, let me go back now to answer you about Paul Farrell. So small town lawyer, Huntington, West Virginia, sees the devastation in his community and decides to start suing. And he looked at the documents and what Joe Rannazzisi had tried to do with the distributors and so he starts bringing cases under the public nuisance law. The public nuisance laws have been used for toxic waste, for crack houses in a community, and he starts using that and saying these companies were creating a public nuisance. And then he files many lawsuits, other lawyers file lawsuits, and they're all brought together eventually in this Multidistrict Litigation in Cleveland. As Scott said, 4000 cities, towns, counties, Native American nations, all up against 24 drug distributors and manufacturers, pharmacies. There have been some trials. They've won some trials, they've lost some trials. There have been settlements. The \$26 billion from AmerisourceBergen, Cardinal Health, and McKesson, and Johnson & Johnson is going to be paid out to communities over 18 years. Hopefully that money will really get to the communities they're supposed to go to. There's an oversight board that's supposed to make that happen. That's yet to be seen. These communities desperately need the money for prevention and education programs and treatment. So we'll see if that happens. But as you said, the one thing that hasn't occurred is a prosecution of a company executive.

Ralph Nader: There's a good analogy here with the tobacco settlements. Hundreds of billions of dollars are supposed to go to smoking cessation programs, et cetera, and a lot of the states just diverted it to pay for other expenses in the state budget, Connecticut being pretty notorious on that. So are there any guarantees in the settlement that this is not going to be dissipated away from helping opioid patients?

Sari Horwitz: In this settlement agreement that they came together in February, what happened with tobacco was a huge issue, Ralph, and they didn't want the money to go to the attorneys general to spend on other things. And so there are specific formulas that have been worked out in the agreement for each community. This is very different than the tobacco settlement, so that the money will literally get on the ground to these local communities. And like I said, there's an oversight board that's been set up to make sure that happens, and we're going to all watch that very carefully.

Ralph Nader: This gets me back to my most puzzling question in this whole disaster. And help me out on this, either Scott or Sari. Exactly how does the process commence from the patient to the doctor or to the pharmacy, getting the opioids, going back home, no guidelines, overdose, dying. How does that happen again and again and again without word of mouth if nothing else, alerting more and more people to be very, very careful of taking these opioids? Could you just trace me? You've probably interviewed some of these patients who had near-death experiences. What is the exact process here? And the doctors don't seem to have much of a grip on their patients once they prescribe and go back home.

Scott Higham: Well, the process has changed obviously, Ralph, because of these lawsuits, and the bankruptcies, and the fines, and the settlements. And so the process that is in place today was not in place during the height of the epidemic. And Florida was one of the worst places. And there are these things called prescription drug monitoring programs, PDMPs, that are in place now in almost every state in America, but back then they were not in place. And what that meant

was if I'm a drug seeker, I can go to Dr. Nader and get a prescription for oxycodone, and then I could go down the street and get a prescription from Dr. Horwitz for oxycodone, and then I could go down the street and get another prescription and another one and another one. And there was no database for any of these doctors to see that I was doctor shopping. And many of the doctors in Florida were corrupted by the money. They were trading prescriptions for sex with women. They were trading them for cash. A lot of these storefront operations that we talked about earlier had pistols behind the counters and attack dogs and security out front. And so it was really like a Wild West. And without a monitoring program, without a computer database, people were free to go to the doctors that they knew who were corrupt, get these prescriptions; they could get multiple prescriptions and then they would go back and take them to pharmacies and fill them.

But the problem is that there were so many corrupt doctors that when Joe Rannazzisi and his team at the DEA tried to stop them, they realized that it was like playing like Whac-A-Mole. Every time they would arrest a doctor, another corrupt doctor would take that person's place. And so they started moving up the food chain to the drug distributors and to the manufacturers, and ultimately to the pharmacies too. A lot of people don't realize that pharmacies have what's called the corresponding responsibility. So if I go into a pharmacy with five different prescriptions from five different doctors from two different states, that's a huge red flag. And the pharmacist is under no obligation to fill those prescriptions. In fact, they're under an obligation to not fill those prescriptions, and that's why a lot of these pharmacies now are targets of these lawsuits. But every state in America, for the most part now, I'm not sure if it's every single one, but almost every one now has put in these monitoring programs. Florida was one of the last to enact it, and that was the place where most people went to get their prescriptions. That's where the preponderance of the drugs were being sent by the manufacturers and by the drug distributors. And then those drugs were then taken back up north to Appalachia, to Ohio, to New England, and millions and millions of people got addicted. And that basically set the table for, as Sari was saying before, this epidemic that there's not an end in sight, it doesn't seem, to the fentanyl epidemic, because the cartels have just picked up right where the pharmaceutical industry left off. I was down on the border, like Sari said, a couple of weeks ago and a veteran DEA agent down there said, "We weren't defeated by the drug cartels. We were defeated by the K Street cartel,"

Ralph Nader: Meaning, the corporate law firms and the PR firms, for listeners who don't know what K Street represents in Washington, D.C., it's the street of the lobbyists on Congress and on the Justice Department and other agencies. Let me ask you a personal question. In your investigations, you were pretty no hold bars here, and digging, digging. What was the corporate reaction of these companies to your investigation and to your completed book? What was the reaction by the law firms? Were they trying just to ignore it so it doesn't get much attention? What was the reaction before the book is out, to your digging, did they try to reach your editors at all? When I was digging into the auto safety situation in GM and getting legislation and safety standards, Lloyd Cutler of the firm Wilmer, Cutler & Pickering, actually met on more than one occasion with the editors of the Washington Post saying, "Why are you covering this guy?" So it's not entirely hypothetical. Did you get any reaction?

Scott Higham: Well, Sari and I have been investigating this industry for quite some time now and there has been pushback along the way. Purdue pushed back on us. A number of the

companies issued lengthy statements and letters to the Washington Post. And we've posted those on the website for our book, *American Cartel*, so you can see what the companies have been saying in their defense. And all these defenses pretty much all sound like they've been written by the same PR firm. They all say the same thing and they all blame everybody else except for themselves.

Ralph Nader: And what's the name of the PR firm?

Scott Higham: Well, and I'm not saying a specific PR firm, but they sound like they've been written by the same PR firm.

Ralph Nader: I see. Okay.

Scott Higham: Yeah. I don't know if they've actually hired the same PR firm, but it's all the same messaging and the same branding. And so, since the book has been published, we haven't heard anything from any of the companies. We reached out to the key lawyers for each of the companies in the book and only one attorney agreed to participate in our book. And we were hoping that we could get a number of the attorneys for the defendants to cooperate with us and to understand how they went about defending these companies and their strategies. And I thought it would, and Sari did too, that it would make for a much richer tale, but they declined.

Ralph Nader: Maybe that's a future book for you and Sari. The corporate law firms are the most powerful brokers, the advocates for corporate immunity and impunity, the drivers of congressional inaction on corporate crime, and the least covered, the least covered institutions--a great next book for you, Sari and Scott.

Sari Horwitz: Thank you for that suggestion, Ralph.

Ralph Nader: [chuckles by Ralph, Sari and Scott] As if you need another suggestion. Steve and David, you want to pitch in here? We're talking with the authors of *American Cartel: Inside the Battle to Bring Down the Opioid Industry*. Scott Higham and Sari Horwitz are they two indefatigable authors. Steve?

Steve Skrovan: Yes. And don't worry, I'm not going to give you an assignment for another book. I'm sure you're very busy. [Sari and Scott chuckle] What I wanted to know is, was there any talk within the corporate boardrooms - and maybe you didn't get this information - that "We're killing our customers and that's probably not a great business model." Were there any dissenting voices or whistleblowers, or was the profit motive just too strong?

Sari Horwitz: Steve, that is such a good question. Along with the database that we explained to you we got from legal action, we were also able in that same legal action that the Post took, to get thousands of internal documents and emails from these companies. And they're so revealing for people who read this book. Some are entertaining, but they're very revealing to the state of mind in these companies. And there were some cases where people on the ground would write to executives and say, "There's a lot of oxycodone being ordered; do we really mean to send this much to this pharmacy?" There were a few of those. But what really struck us and we found outrageous was that these companies clearly knew what they were doing. They knew where their pills were going. They knew that people were dying. And in several cases that we write about, they were laughing about it. They were mocking people who were addicted to their pills.

And we have a case, AmerisourceBergen, a drug distributor, where there's people/executives passing around an email that's a parody of the 1960s CBS sitcom, The Beverly Hillbillies. And they changed the words because many of these pills were going, targeted straight into Appalachia. They changed the words to make fun of the hillbilly heroin and the pillbillies. And I mean, it's not funny. It's outrageous. And then we have another case where a national sales person at Mallinckrodt is talking to a distributor and makes a joke about how these pills are so addictive; they're like Doritos. Keep ordering, we'll keep making them. And it's sick.

Steve Skrovan: Tell listeners about Dr. Evil, that little chapter.

Sari Horwitz: So many of these companies - and this came out in our reporting before we even did the book - made these inspirational videos for their sales force to sell oxycodone, hydrocodone. And they would have songs and they would do dances and they would be laughing. And remember, we're talking about a dangerous, addictive pill that's killing thousands of people. But we got ahold of a lot of these videos and this particular one is a company called Cephalon, and it's selling fentanyl product. This is not the fentanyl we're talking about on the street, but it's a legal fentanyl product. So they put together a conference in Texas and they showed a video with this comedian, Mike Myers, who played Dr. Evil in the Austin Powers movies, and they dub it over with the Cephalon executive. And he's basically really angry because someone has put a child-resistant packaging on the fentanyl. He's very upset about that. And he pushes a button and someone from around the table, the executive responsible for that packaging, plunges into a pit of fire. And then he gets on the phone--again, this is a character from a movie, Ralph-- and he gets on the phone and says, "Tell the street a billion in sales this year." So again, it's sort of trying to take a funny, a parody, and trying to get the sales force motivated. And again, it's a drug, they're trying to push this drug called Fentora for lower back pain, which was a radical reorientation of the drug's use against fentanyl for very, very serious pain.

Ralph Nader: This is pure evil, dramatic pure evil. Any interest in Hollywood in doing a movie on this ongoing catastrophe of corporate crime?

Sari Horwitz: It feels like a movie. We tried to write it so it would be accessible to most readers. And we tried to write it almost... it's like a John Grisham novel, but sadly it's true. It's a thriller and people won't believe some of the scenes in this, and it's true. Everything is true and we tried to write it in a cinematic way to pull readers in, just to see how outrageous all of this was.

Ralph Nader: Any interest from Netflix or Hollywood?

Sari Horwitz: Well, Ralph, you could make some calls for us if you want [laughs]. I mean, it has rich characters. It's got this hero, Joe Rannazzisi. It's got these sort of characters in these executive suites, who are so calloused and so ignoring what's going on right in front of them. It's got David-Goliath figures. It's got a government that's ignoring what's happening, and a government that does in our hero, Joe Rannazzisi, who is trying to protect us.

Ralph Nader: Yeah. I mean, it almost writes itself, the script. David?

David Feldman: Ralph, this is for you, but I'd like our guests to hear the answer. 98% of opiates are prescribed in the United States. Can it only be corporate greed? Isn't there something else going on?

Ralph Nader: Yeah. Corporations are more powerful in every sector of our economy and politics than any other country in the world, especially more comparably in any other Western country. They just don't get away with it quite as much in places like Canada, and England, Germany, Norway and France. They get away with a lot, but nothing like this. The British just put an excess profits tax on excessive oil company profits off of the sharp rise in gasoline and heating oil prices. We can't even get a hearing on that in the Congress. So your answer is not just corporate greed, it's intricate matrix of corporate power trying to nullify all the nodes of potential resistance, whether it's labor unions, consumer groups, legislatures, judges, you name it.

David Feldman: I want to circle back to what Ralph was asking you at the top of the segment. You write that the push to use opioids for pain management began in the 1990s. So before oxycodone, fentanyl, Vicodin, hydrocodone, was everybody just in pain before the 90s? What was used before that, and are there alternatives, non-addictive pain management tools that we can go back to?

Ralph Nader: Good question.

Scott Higham: Well, there's always been morphine, not for street use so much, but there's been pharmaceutical morphine for surgery. There's been pharmaceutical fentanyl in epidurals and used post-surgery. Vicodin has been around for a long time. Percodan and Percocet, which are basically oxycodone cut with either ibuprofen or Tylenol, have been around for a long time and have been used... I can remember in the 70s when I had my wisdom teeth pulled that I was given Percodan.

David Feldman: They're addictive, right?

Scott Higham: Yeah. It's the same drug. Oxycodone, hydrocodone, heroin, morphine, it's all the same molecule. It's exactly the same drug. Fentanyl, it's all...

David Feldman: Is there anything that they can give for pain that isn't addictive?

Scott Higham: Well, you can have high doses of ibuprofen, high doses of Tylenol. There's pain blockers that they're starting to use now. My brother was in a very serious car accident and they used pain blockers and that helped a lot with him. But there is a place for this medication in the medical field like if you have serious surgery or you were in a car crash like my brother. Or I had surgery on my neck when I was at Hopkins five years ago, and they gave me pharmaceutical fentanyl in my IV for pain. So, there is a place for this. It's just such a dangerously addictive drug, and I think that the younger doctors now coming up in the medical community are being taught very differently than their predecessors. I was in a concert hall one night in Washington and I was telling my friend about some of the things that Sari and I were finding in the course of our reporting and there was a young guy sitting behind us and he said, "I'm really sorry to butt in and I couldn't help but overhear your conversation." He's like "I'm a medical student and we're being told now at post-surgery just to prescribe five tablets of oxycodone, whereas in the past you would go home with a bottle of 30 or sometimes 90, with directions to take one every four hours." And that kind of overprescribing led to the addiction crisis.

David Feldman: We need pain. It's a diagnostic tool.

Scott Higham: Yes, this is true.

Ralph Nader: That's the body's signal that something is wrong. True.

Sari Horwitz: The fact that in 1970, it was well-known/widely known in the medical community, that these are addictive pills, and that is why the 1970s Controlled Substance Act was passed and the Drug Enforcement Administration was even created-- "Okay, we want to put these drugs on the market, but they have to be very tightly controlled in a closed system, where they're not going to leak out onto the street, where there's not diversion." Because it was well-known how addictive these pills were. And so that's why, as Scott said earlier, those guardrails were put up.

I just want to mention one other thing. When we were talking about movies, there is a movie out there called Dopesick, which a lot of people have seen. It's a good movie. It's on Hulu. But it's just on Purdue and the Sacklers, that part of the story. It's a very powerful movie because I think people can see what addiction does. There's a doctor in this movie that gives out--and this goes to your question earlier, Ralph on how does this all happen--a doctor that was convinced by a sales representative they weren't addictive and he's in a small town and he prescribes to his patients. He knows them all and he gives them OxyContin. And of course, they get addicted. Some die. He himself gets addicted. But this is the story, the prequel to our book. It's the story about the very beginning of this with OxyContin and Purdue and the Sacklers, and it doesn't get into all these other companies in America moving into this market.

Ralph Nader: Two quick concluding questions. One, have you been interviewed on PBS and NPR? It's one of our favorite questions for authors.

Scott Higham: Yeah, we were on Fresh Air yesterday with Terry Gross

Sari Horwitz: And Here & Now also on NPR.

Ralph Nader: Well, compliment yourselves because of the 65 books of great muckraking authors in the last two years or so, almost none of them were interviewed by NPR or PBS. So it's good that you were interviewed and reached that large, serious audience. The second question, because we have listeners from all over the world, are there any other countries that are doing a better job in dealing with these opiates?

Scott Higham: Well, shockingly, Ralph, opioids are just not a thing on the rest of the planet. There's heroin, obviously, but pain pills were never a thing overseas. The medical community throughout Europe, Asia, et cetera, much more conservative when it comes to pain management.

Ralph Nader: In other words, the medical profession and others in these countries stand as barriers to the kind of corporate greed that hit pay dirt in the US, right down to the victims through their doctors and pharmacies. It isn't that these countries had a legal prohibition of these opioids. You're saying that there were institutional safeguards. Is that correct?

Scott Higham: That's correct, Ralph.

Ralph Nader: Well, we're out of time, unfortunately. And I'm sorry, Sari, we didn't have time to talk about the devastating impact on the First Nations, first Native Americans who lost thousands of their citizens to this exploitation.

Sari Horwitz: Yeah, disproportionately hit the reservations. I did a big story on that and we've written about that and it's really horrific, Ralph.

Ralph Nader: And that's in the Washington Post, right?

Sari Horwitz: Yes. It is a story out of Oklahoma, the tribes there. But hundreds of tribes were part of the Multidistrict Litigation because they were disproportionately hit by the opioid epidemic.

Ralph Nader: It's shocking to read the news reports on what they did to the first natives. Well, Sari Horwitz, you won a Pulitzer Prize because you spent a lot of time on what we used to call Indian reservations, and it was called Justice in Indian Country. So you were coming back a second time to see another horrific wave of devastation over these innocent people. Anyway, what we're left with here is a great book, engrossing book, very personal book. I mean the portrait they painted of some great civil servants trying to stand up against this corporate crime wave is more than worth the price of the book. But what is plaguing all these corporate crime exposes is that the corporations and law firms ignore it. They don't try to rebut it in public and give it more attention as General Motors did to Unsafe at Any Speed. They've learned their lesson. They just wait it out in silence and hope that the impact will peter out. Well, it's not going to peter out because Sari Horwitz and Scott Higham are regular reporters on the Washington Post and not going to ignore the continuing ravaging of this corporate-produced pandemic. Thank you very much, Sari Horwitz and Scott Higham.

Scott Higham: Thank you for having us.

Sari Horwitz: Thank you, Ralph.

Steve Skrovan: We've been speaking with Sari Horwitz and Scott Higham. We will link to their new book, American Cartel, at ralphnaderradiohour.com. Now 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 5, 2022. I'm Russell Mokhiber.

The Consumer Financial Protection Bureau last week fined US Bank \$37.5 million for illegally accessing its customers' credit reports and opening checking and savings accounts, credit cards and lines of credit without customers' permission. US Bank pressured its employees to sell multiple products and services to its customers. In response, US Bank employees unlawfully accessed customers' credit reports and sensitive personal data to apply for and open unauthorized accounts. US Bank must make harmed consumers whole and pay a \$37.5 million penalty. "For over a decade, US Bank knew its employees were taking advantage of its customers by misappropriating consumer data to create fictitious accounts," said CFPB Director, Rohit Chopra.

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. Okay, we have time for a listener question, or actually more of a comment that we got off our YouTube page in relation to the interview we did last week with Bruce Fein over the January 6th hearings and the DOJ may be criminally charging Donald Trump. And this listener says, "Ralph Nader, let's get back to what matters most. Let's focus on workers' issues. Let's focus on the poor. Let's focus on economic inequality in the United States. Forget about Trump for a moment. Let's focus on economics. For example, let's focus on completely unaffordable rent in many cities and states right now." So, Ralph, what do you have to say to that?

Ralph Nader: Well said, except that we have focused on a lot of bread and butter issues in our programs. The listener might be interested in knowing we've had a standing invitation for the head of the AFL-CIO to come on the program and she has deferred and demurred and declined to do so. It's not easy to get some of these labor union representatives on the show, but if you can open the door for some of them, let us know. I'd advise the listener not to use the word economic inequality. That's a benign phrase. It's economic exploitation. That's what it's really about. When Tim Cook, the head of Apple, can make \$833 a minute, yeah, a minute on a 40-hour week, that's not inequality. That's greed and exploitation. On the rental situation, that is a real crisis and we've been trying to get the chief, specialist on this, a Princeton professor on for more than a few years. He has a special database internet operation on it, and he hasn't returned our calls. So if you can help on that, we do want to do something on renters, and especially what's been happening with high mortgage rates blocking entry into home ownership and when they remain as tenants, they get slammed with unconscionable rental increases now that the moratoriums during the pandemic have been lifted.

My last comment on your very intense observation on Trump--let's forget about Trump for a moment--the problem is Trump doesn't let the country forget about him for a moment. And he has legions of Trumpsters running for secretary of state, the state level to rig the next election. He has reams of legislators running at the state, local and congressional level. So we can have a combination of focusing on Trumpism and all it means to people where they live, work and raise their families. Thank you.

David Feldman: Sherrod Brown, he had hearings, I think it was yesterday, about high rent and that Princeton professor testified, and there is somebody else named Yentel who is even more compelling.

Ralph Nader: I just read the Washington Post. There wasn't a single report on that hearing.

David Feldman: Right.

Ralph Nader: There are so many hearings they don't cover.

David Feldman: It's the most important news. That's what I'm trying to do with my podcast, go through C-SPAN and do clips. The hearings are the single best source of news in America because people are sworn in. They're under oath.

Ralph Nader: Yeah. You can make a big media splash with whatever you do just excerpting because you don't have much competition. You have C-SPAN, but generally speaking, the Times and Post are not covering hearings, in part because they think they never go anywhere. They're

not entirely mistaken in that. They think they never go anywhere, and they're just bloviating politicians. But what they should do is pierce that impression and go to the actual witnesses and what they're saying.

David Feldman: The best sound bites are from these hearings. The best. It's facts and passion. I'm stunned.

Ralph Nader: Yeah.

Steve Skrovan: I want to thank our guests again, Sari Horwitz and Scott Higham. A transcript of this program 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, you can get it for free by going to nader.org. For more from Russell Mokhiber, go to corporatecrimereporter.com.

Steve Skrovan: And *You Are Your Own Best Teacher*, the latest book by Claire Nader, equips tweens to develop and apply their skills as young citizens, skeptical shoppers and lifelong learners. Go to inspiringtweens.com to learn more about the book. Read praise from Patti Smith, Amy Goodman, child advocate Robert Fellmeth and more, and order your copy of *You Are Your Own Best Teacher*. That's at inspiringtweens.com.

David Feldman: To order your copy of the Capitol Hill Citizen, "Democracy Dies in Broad Daylight", go to capitolhillcitizen.com. 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.

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

Ralph Nader: Thank you, everybody.