

RALPH NADER RADIO HOUR EP 434 TRANSCRIPT

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

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

David Feldman: Hello, Steve.

Steve Skrovan: Good to have you here as always. And it's also good to have the man of the hour, Ralph Nader. Hello, Ralph.

Ralph Nader: Hello, everybody.

Steve Skrovan: Today our guest will be Peter Maybarduk, the director of Public Citizen's Access to Medicines program. Public Citizen is one of many organizations, including health groups in Peru, Columbia, the Dominican Republic, and Chile, who've been calling for Joe Biden to step up and bring down the barriers that prevent equitable access to COVID vaccines and treatment.

In May 2021, the Biden administration promised to support waving intellectual property protections for COVID-19 vaccines at the World Trade Organization. Patents and other intellectual property laws make it easy for Big Pharma companies to price gouge on vaccines, tests and treatment and make it hard for people to access affordable generics. We'll ask Peter how the Biden administration measures up and about his work at Public Citizen and the United Nations organization, the Medicines Patent Pool.

Now, I always refer to the US Chamber of Commerce as the Death Star. Recently, the Death Star has been attacking the head of the Consumer Financial Protection Bureau, Rohit Chopra, for cracking down in corporate crime, or as they put it, trying to "radically reshape" American finance. Apparently, that's a bad thing. Why would a respectable business organization do that? Maybe because the Chamber represents a rogue's gallery of corporate criminals, law breaking big banks, corporate polluters, big tech monopolists, and wage thieves. Public Citizen's Rick Claypool has written a report detailing that corporate crime spree.

And then in the second half of the show, he'll join us to tell us why the Death Star is launching an advertising drive and screaming their head off about corporate crime enforcement. As always somewhere in the middle, we'll check in with our corporate crime reporter, Russell Mokhiber. But first, our guest has a relatively cheap plan for vaccinating the world. Who is trying to stop him, David?

David Feldman: Peter Maybarduk is the director of Public Citizen's Global Access to Medicines program. He is also on the governance board of the Medicines Patent Pool, which is a United Nations organization dedicated to increasing access to life-saving medicines to lower-income countries. Welcome to the *Ralph Nader Radio Hour*, Peter Maybarduk.

Peter Maybarduk: It's great to be with you.

Ralph Nader: Welcome indeed, Peter. Our listeners who have been vaccinated and boosted are especially interested in what you're going to say. They go down to their doctor's offices or their drugstore to get vaccinated, and they get a sense of what single-payer is because they just show

whatever card they have to show, and they don't have to pay for their vaccination. But the government has to pay. The taxpayer has to pay.

So, I want you to talk about the link between the taxpayers' billions of dollars providing research and development findings for these drug companies to produce their drugs, including the vaccine, and how much is a taxpayer being charged for each of these vaccinations when drug companies like Pfizer and Moderna hand line contracts with the government procurement officials. So, I want people to understand--before you go into how to expand the access to these drugs, including the vaccines, to the people around the world--that you, the taxpayer, funded a lot of the research and development that Pfizer is taking credit for. And what is Pfizer making per shot here?

Peter Maybarduk: Certainly. Well, when some of us think about pharmaceutical research, you might think about a pharmaceutical corporation. But in fact, the world's leading funder of biomedical research are the publicly funded National Institutes of Health (NIH) with a budget of about \$40 billion per year that is instrumental in the development of most, and some would say all, new medicines at some stage in their life cycle, either via the involvement of federal scientists or early-stage research grants that lead to medicines or later-stage development.

We can look at the example of the NIH Moderna vaccine and it is the NIH Moderna [COVID-19] vaccine, the People's vaccine, not just the Moderna vaccine. And that's because early on it was NIH and other public entities that were funding coronavirus research, \$700 million in early coronavirus research publicly. It was understood that there would be another coronavirus related threat as far back as 15 years ago. You recall that SARS (severe acute respiratory syndrome) and MERS (Middle East respiratory syndrome) were coronaviruses as well. By comparison, pharmaceutical corporations did very little investigational research into coronaviruses.

Later on, it was federal scientists that collaborated with Moderna over the course of four years to develop what became the NIH Moderna vaccine. Operation Warp Speed then paid for its development and later its purchase and distribution. And in the end, taxpayers paid for about 99% of the development of the NIH Moderna vaccine and paid Moderna about \$10 billion in public money to bring that vaccine across the line. Moderna meanwhile has about \$35 billion in supply deals lined up through the end of 2022.

So, when we look at the world's most effective COVID vaccine, which is NIH Moderna with Pfizer and others close behind, that's really been a public project through and through, even though we are privatizing the profits and not retaining for the public nearly enough say in how those vaccines are ultimately used and shared with the world to stamp out the pandemic.

Ralph Nader: Not to mention the price; let's go to the price now. People go and get a vaccine. They don't have to pay. The government has signed the contract with Pfizer, Moderna, et cetera, to pay so much per dose. Give them an idea of the gouging. There was a letter to the editor recently of the *Washington Post* by some medical professors that gave staggering figures here. Can you help us with that one, Peter?

Peter Maybarduk: Well, as I said, since there's been about \$10 billion in public investment in the vaccine, Moderna and Pfizer and others say they're going to be increasing the prices of the vaccine as we move out of the acute pandemic and into the endemic. Moderna has charged the United States around \$15 to \$20 per shot. In some cases, low-income countries were actually charged more. Botswana, for example, where the Omicron variant was first detected, was charged \$29 a shot. So, the burden is not evenly shared. But when you think about the fact that

the public paid for it in the first place, anything over the cost of manufacturing is essentially a public rip-off. Pfizer, I think, is slated to quadruple revenues and double profits over the course of the coming year. So, it's been an incredibly lucrative period for corporations with not enough accountability for the public.

The other challenge now, of course, is there has been this period of government investment to the tune of billions in purchasing the shots. For example, the US government is searching the couch cushions for money to pay for its continuing pandemic response and is diverting \$5 billion in other pandemic response activities in order to pay Pfizer for its COVID treatment, so that the US government can launch the Test to Treat program and continue to provide medicine free to the people. But that comes at all kinds of costs, right? It comes at a cost of our government's ability to provide other services. And we're now entering a position, where in part because of GOP obstructionism and in part because of White House and Democratic mismanagement, that the US government is not going to have continuing funding to provide these medical interventions for free indefinitely. And so, we're going to be seeing and feeling that pinch more in the future out-of-pocket when we go and seek either a booster shot or a course of treatment.

Ralph Nader: Have you seen any of these contracts that Pfizer attorneys and Moderna attorneys hoist on the federal government? And if so, doesn't it make sense to make them public?

Peter Maybarduk: Some have leaked, including contracts with a number of countries over time. We've reviewed and analyzed some of those contracts. The Pfizer contracts, for example, it makes a great deal of sense to make them public. I think an overarching problem here, Ralph, is that we are still in the middle of a pandemic that has cost 15 million people, and counting, their lives, according to the World Health Organization (WHO). And the response in many areas is not really being dictated by governments. It's being dictated by corporations.

And what I mean is Moderna and Pfizer and others have decided when to sell their vaccines to whom, at what price and under what terms and conditions. And then they keep those terms and conditions secret, and they retain the right to penalize governments that speak out about the terms and conditions of the contracts. So largely, we only know what we know through the occasional leak, but what we know from those leaks, in addition to sometimes issues of price, is that the companies are retaining for themselves. Pfizer, for example, is retaining for itself; it can prevent a country from accepting vaccine donations. So if it doesn't have enough vaccine under its contract, or if Pfizer is late in delivering vaccines, as the corporations have frequently been, countries can't necessarily just accept a vaccine donation through another service without the express permission of these corporations.

Ralph Nader: Peter, what is the leverage that Pfizer and Moderna have over all these governments? Some of these are command economies run by dictators. Some of them are leftist governments in South America. Can't they say, Hey, you're not going to push us around like this. The WHO can require compulsory licensing. Well, you've looked into how Pfizer silences governments all over the world in vaccine negotiations. Give us a sense of what's the leverage here and why can't the WHO invoke its emergency powers?

Peter Maybarduk: The leverage is shortages. The leverage is that in the first year of the pandemic, in particular, the first year after vaccines were introduced, there were very few sources of supply. And as you know, most countries did not receive significant quantities of vaccine at all initially, but this is an artificial problem as well. Prescription drug corporations have had many countries over a barrel because countries were desperate to get any initial

shipment of vaccine however they could to care for their most vulnerable and to begin to get vaccination rates up.

But of course, it's also the case that, as you say, governments can choose to share technology in the first place, to license patented inventions and to launch public production projects. The US government has tremendous authority, for example, through the Defense Production Act, through Bayh-Dole [Act], through a series of federal powers, to insist that corporations share their vaccine technology with the world, share vaccine recipes with the world, or to launch a public production program to ensure US preparedness in the future. So we could diversify supply and teach more manufacturers to produce and avert some of these shortages in the future. But as we've seen over the course of the past year/year and a half, many countries have been hesitant to irk the companies that way. We've sort of had a dual problem of corporate power and lack of international cooperation or an insufficient global response to adequately resource response to stand up new manufacturing and to liberate that technology for humanity. However, there are some very promising developments there, including, for example, a project called the mRNA vaccine technology transfer hub with a company called Afrigen in South Africa and contributed to significantly by the World Health Organization. It's just one example, but it's an exciting one, where mRNA, which is really the standout technology that pandemic far beyond 90% effective in reducing hospitalizations and death, has surprised to everyone, but it's been controlled right by Pfizer and Moderna and limited others.

The new WHO project is to teach the world how to use and make mRNA for a variety of medical applications--COVID vaccines, but potentially treatments and other interventions as well. They've set up a hub in South Africa, run by this company, Afrigen, and its folks. Fifteen manufacturers so far in other parts of the world can come to the hub and train and learn how to make mRNA. They've already reversed engineered Moderna and they're working... It's like Prometheus, they're taking fire from the gods; they're working on sharing that technology with humanity. So we have options. We've got to invest, and we have to look past corporate power and just insist that pandemic decisions are going to be made by governments accountable to people rather than by corporations accountable to shareholders.

Ralph Nader: I know some of our more informed listeners are now saying, what about the Russian vaccine, the Chinese vaccine, and the intense work being done in Cuba to develop various vaccines against various variants of the coronavirus COVID-19. What can you tell us about the Russian, the Chinese, which have been distributed around the world? They're not deemed as effective. And what's going on in Cuba?

Peter Maybarduk: Well, there's some promising results so far out of Cuba with Soberana and Abdala, some efficacy rates over 90%. We're waiting to see what WHO says once they get through the remaining clinical trial results before we take a position on the vaccines. But the initial results are promising. And what's also promising is that Cuba has committed to distributing tens of millions of doses to other developing countries, has committed to technology transfer that is using its own personnel, scientists, and staff to help train manufacturers and other parts of the world to make either the same vaccines or to learn the lessons of the Cuban vaccines to produce their own. So, I think Cuba politically is setting a very positive example for paths forward, and hopefully the vaccines will really prove to be low cost, high yield interventions that will support global response. I think we have less positive views of Sputnik and Sinovac (a.k.a. Sinovac-CoronaVac) and the other vaccines that have come out of China (Sinopharm vaccine) and Russia (Gamayela vaccine) so far just because of lower efficacy rates, as you say. And this

also has sort of been one of the challenges of the pandemic when Oxford AstraZeneca and the Serum Institute (in India) that was really expected to be the vaccine that powered the global response through the WHO COVAX program and others. And when they ran into both production problems and then India had its crisis and there was a need to keep more doses in India, the world was really left without a solution. Moderna and Pfizer were selling to high-income countries. And Moderna in particular was not at scale that way. And so you had many countries that didn't have elsewhere to go other than China and, to a lesser extent, Russia. But the problem with that was that it meant that we had sort of two levels of vaccine apartheid. One was just absolute scarcity. Rich countries were getting vaccines and poor countries were not. But then as the pandemic progressed, rich countries were getting the best vaccines and we were providing poor vaccines to poor people, essentially globally, which is intolerable, right? Everyone should have access to the standard of care and that requires getting a lot more serious about the power of corporations like Pfizer and Moderna and getting a lot more serious about standing up effective, diverse manufacturing around the world, and then the resources to distribute those tools.

Ralph Nader: What about asking the impertinent question here? I mean, what does Pfizer/Moderna contribute here other than marketing and profiteering? The bulk of the research is done and could be done by National Institutes of Health contracting out to medical schools and other sources of scientific research the way they did when they developed the anti-malarial drugs, because the drug companies didn't want to develop anti-malarial drugs that would've helped the situation in Vietnam because it wasn't profitable enough. So, the Walter Reed Army Medical and the Bethesda Naval Hospital developed their own internal drug research and development company. And they developed some anti-hepatitis drugs all on the shoestring budget compared to the huge amount of expenditure that the drug companies inflate to try to show how much they're risking when they spend more on marketing and advertising, than they do on research, as Public Citizen's Health Research Group has pointed out over time.

Why even bother? You have a global emergency here. Fifteen million people have died. Over a million in the United States have died. Not to mention the long-haul effects of COVID. Not to mention the disruption of family life, of the economies, of our hospitals, of our lack of preparedness. Importing from Italy simple protective equipment because a global managed trade decided it was better to import it from Italy and to build it in the United States. I mean, who needs these companies in this kind of emergency? What do they contribute?

Peter Maybarduk: Well, it's a serious question. I think the current political economy of it... Moderna contributed serious research as well. It was the partner with NIH in the development of the vaccine and the mRNA platform technology on which it's based. Pfizer famously did not accept Operation Warp Speed money, but it did take \$450 million through its partner, BioNTech, from the German government. So there's always a public role. But there can be a significant private research and development role as well and there was in the case of these vaccines. However, as you say, number one, in the case of NIH Moderna, we paid for it, even if there were Moderna scientists involved. And secondly, there is a question about whether that's necessary/what parts of that are necessary. Couldn't some of this be done more efficiently, publicly? So I think it's serious. I think there are experiments in that going on now with different ways to insert the public further into the production process, to have NIH involved, not only in early-stage research, but later stage development, to look at public production of medicines like insulin and see if we can come up with a different arrangement where we're not paying for monopoly while millions of people die.

It's of course a delicate and serious proposition because paying for innovation and being serious about innovation is very important as well. But the public role here is essential and has proven very effective over time. So at a minimum, we need much stronger oversight of the companies. We need governments to exercise the rights that they have in these medical technologies to ensure that they're shared by writing conditions into the grants that companies take at the outset that set limits on some reasonable pricing. We had sort of fair pricing written into NIH contracts up until the 1990s and then it was written out of the contracts. So we have to write it back in. There's some opportunity now because there will be a new National Institutes of Health director sometime soon, who potentially could take a different approach to pharmaceutical industry cooperation than Francis Collins has over the past ten years.

So we've learned very hard lessons. A lot of people have died. A lot of public money has been needlessly wasted and assuredly we can do much, much better if we stand up.

Ralph Nader: Let's go to the grassroots around the world. This coronavirus has been around now for two and a half years. What percentage of people in Africa, Asia, South America have been vaccinated compared to what percentage have been vaccinated in Europe and the US, North America?

Peter Maybarduk: I'm going to check the tracker in the last couple of weeks. There are still countries that are in single digits I believe in Sub-Saharan Africa. Globally, though, the total is 60% or so, I think. It is increasing had been increasing very quickly and has leveled off a little bit recently because of the combination of lack of resources to deliver the shots that we have and because so many people have been infected that it is moving from front of mind for some governments and others. But we've seen extreme disparities over the course of the pandemic where rich countries were able to surpass the 70% target set by the World Health Organization relatively quickly while we still had single digits in the poorest countries and well under 50% in many middle-income countries.

Then, as we say, it's also a pretty significant difference whether people were vaccinated with NIH Moderna or with a Sinovac in terms of what they could expect from breakthrough infection. People who were vaccinated by those statistics, but received a poor vaccine were still more likely to die or suffer serious illness. So the real tragedy now, Ralph, is that our own government and much of the world is somewhat moving on from the COVID response. We had a very difficult fight over keeping up funding for the global response this spring. And we've thus far not been successful in contributing the billions more that are needed to keep rolling out doses. So now we're at a point where millions of doses are expiring unused on tarmacs for lack of political commitment to keep fighting. But there's an awful lot of people working the problem and trying to find ways, unlimited resources, to up those vaccination rates. WHO and many health researchers have moved to a position where now the target really needs to be reaching all the most vulnerable people rather than 70% of the general population in every country.

Ralph Nader: Is there any truth to among the GOP claims on Capitol Hill where the Republicans are holding up \$15 billions of additional aid for the COVID-19 pandemic, that there's so much in the pipeline already from the federal government that they haven't used? And that's why they're not letting the Democrats pass the \$15 billion as they both supported the \$40 billion for Ukraine.

Peter Maybarduk: There's no truth to that. There is a situation where a small number, a very few Republicans, including Mitt Romney were trying to get a deal through with a few of their

colleagues to put some more billions up per the Democrat's request. And when the deal failed, and the administration was able to divert money from other priorities to keep paying for the free vaccines that you mentioned, Romney and some of those other Republicans felt burned. But to be clear, it's not because the money is just lying around; it's because we're sacrificing other needs and we're prioritizing continuing to get people vaccinated. The money is desperately needed, right? The money is desperately needed nationally to keep up any sort of response, to keep up the free services that you mention, and to combat the extremely high incidents that we're seeing right now, as well as the probability of another wave in the near future. It's also needed globally.

So the global response is on ice. Our aid agencies, WHO and others, are doing what they can, running on fumes and trying to set up Test to Treat programs, programs to provide to expand treatment and to expand testing and provide immediate access to free treatment in different parts of the world with extremely little money. And as a result, rather than rolling out programs like that globally now that we have effective treatments, they're having to choose a few countries for pilot programs and take months and months to set it up. There's actually been a recent exodus of staff from the US Agency for International Development, which is charged with the significant part of our contribution to global COVID because there's no money. And because there's an understanding that the United States is not going to fight the global fight the way that we need to. So the circumstance for congressional funding for the domestic fight is dire. For global it's positively deadly/mostly dead. We have basically stopped making significant contributions to the ongoing global pandemic that will kill millions more people because we haven't been able to get a few billion dollars through Congress. What really ticks me off about this, Ralph, is that the Pentagon budget is \$813 billion, right? We're talking about, in the end, less than 1% of that proposed defense budget to end a pandemic that has cost so many millions of lives, or even to continue fighting it. In the end, we couldn't scrape together \$5 billion for the global response. And that's just an ongoing crisis that has our attention every day.

Ralph Nader: Well, if you gave the mission to the Pentagon, it'd be plenty of money.

Peter Maybarduk: Well, you know, it's good and it's actually an interesting point, because as you know, there are times where aspects of the national defense infrastructure have been involved in medical research and development. You pointed to malaria where effective malaria treatments over the past century were developed by the Walter Reed [Army] Institutes [of Research] pertaining to the US Army because there wasn't a private market for it and they wanted to protect US soldiers abroad. Now, one of the next potential influential technologies is also being developed at Walter Reed. It is a Pan Coronavirus Vaccine, potentially able to attack COVID-19, COVID-19 variants, and future coronaviruses. It is being developed entirely by public money, entirely in-house by the US Army. And the question is, assuming it proves safe and effective, which we always have to see, but if it does, will that be shared with the world? Will that be handled as a public good? Or will that also be licensed exclusively out to a pharmaceutical corporation to make billions and throttle supply? So that's some of the next advocacy that we have coming up, Ralph, is to insist that the US government share the next generation of technologies and do better than it did this time around.

Ralph Nader: Well, that's something to be very alert of, and I'm sure your group will alert the public in time to make sure that this is a public good because it's funded by the taxpayer and not given to some profiteering drug company. I want to tap into your knowledge on something I don't think Public Citizen has done enough about. And that is too many of our drugs and active materials in drugs are being produced in China and India, under very lax Food and Drug

Administration (FDA) supervision. They don't have enough inspectors over there. You know some of the lives lost in this country because of a contaminated blood thinner over a decade ago from China. Why is it that the health groups all the way from the public health associations to the medical groups to Public Citizen are not demanding domestic production of critical drugs? There is no production of antibiotics in the United States today. That is a national security issue as well as the consumer protection issue. Tell me why the entire coalition of healthcare groups--public groups and professional groups--are not demanding a return to the United States of critical drug production.

Peter Maybarduk: I take the point and I certainly agree that it's something we can do more on. Something that we have worked on in recent months is calling for a national production program for mRNA vaccines that would be publicly owned, may or may not be contractor operated, a GOCO model (government-contractor operated), to ensure that that sort of highly effective pandemic technology is made and controlled here, so we can better steward that pandemic health technology. We're also looking at some of the same for insulin, as I mentioned earlier. But yeah, it's a much bigger issue of active ingredients where the vast majority is produced out of China with too little FDA inspection. We completely agree. So a few things can be done. Of course we need heightened FDA inspection, but we can also bring more of that production home. That too requires investment. I think one area where you get a little bit of... I sort of both agree with you and there's like one area of pushback, which is some of the stuff gets heightened with xenophobia, right? And the world has relied on... as you know, drugs made in India saved 20 million lives from HIV/AIDS (human immunodeficiency virus/ acquired immunodeficiency syndrome), right? And so there can be value in other sources of production as well. But I think probably the way to look at it is we need higher quality production. We need better inspections. We need resilience and national security protection of critical technologies in the United States and diversified throughout the world. I think the real push that's come out of the pandemic is for more diverse production that is better resourced and more sharing of technology so that the United States has those capabilities and that oversight. And so that other countries do as well, so you don't just get glut in some places and total scarcity in others, leading to preventable suffering and death.

Ralph Nader: Well, your point on India is well taken. In fact, Jamie Love and Robert Weissman, [Haddad \[29 min/59 sec\]](#) and others found that drug company in India that broke the back of the price gouging on AIDS medicine by US drug companies supported by the Democratic administration in those days. It was \$10,000 per patient per year in Africa. And the drug company in India said it could do it for \$300 per year per patient. And now it's lower than that.

But let's talk right at the interface here. You go into a drug store in the United States. It's hard to find out where the drug is manufactured overseas. The labeling is not complete at all. And second, there was a recent article saying that the doctors who prescribe medicines for patients don't know from the drug companies how much those medicines are going to be priced at when they prescribe them. How do we deal with those two problems--country of origin and making price disclosure crisp clear?

Peter Maybarduk: Well, for price disclosure, at least there's been a series of legislative initiatives, so that that information can be better and more effectively shared. The industry resists it, of course, but it's needed. We need price disclosure. We need cost disclosure, that is research

and development cost disclosure. And hopefully this time around in Congress, we will beat pharma.

Ralph Nader: Well, tell us how people can connect with your organization, how they can go to your website and get far more details. I think that you've whetted their appetite for a lot more information that they can use.

Peter Maybarduk: Please visit citizen.org/access to learn all about our access to medicine's work in the United States and globally. We're fighting here at home to bring medicine prices down and to improve supply resilience as Ralph suggests and globally to prevent another vaccine apartheid in the future. So we welcome your support.

Ralph Nader: People don't understand when they hear about WHO being required to do this; they should do that; they should do this; they should do that. The budget of WHO is about \$5 billion. In a recent year, Apple bought \$90 billion of its own stock back. In a recent year, the budget of the major hospital in New York City is larger than the budget of WHO. The budget of Harvard University is larger than the budget of the World Health Organization. So, with all its warts, its mission all over the world is overwhelming its small budget. And of course, [Donald] Trump wanted to get the us out of WHO and cut its budget in his omniscidal ways of doing things in the White House.

Let's put it this way, the companies are expecting quicker approvals. As each approval is submitted, it's very few dissent on the advisory committees; it's just, boom, boom, boom. And the clinical studies are becoming smaller and smaller.

Peter Maybarduk: Yeah, I think that's fair, and I share that instinct. A couple of relevant developments recently. Did you see this stuff about Aduhelm that HRG [Public Citizen's Health Research Group] was involved with? So there has been some recent cases where pushback from the advisory committees has led to at least limited guidance of use. So there's that. But the other example has been the press releases--a feature of the pandemic has been announcing safety net via corporate press release rather than through official channels.

Ralph Nader: That's right.

Peter Maybarduk: So that was extraordinary and that would not have been taken seriously before the pandemic. And now it is being reported as rote that Moderna announces, Pfizer announces, X, Y results before anyone else has had a chance to review the results. So that is certainly an unfortunate diminishing of critical analysis and public medical sphere that is new to the pandemic.

Ralph Nader: So before we conclude, Peter, is there anything you want to tell our listeners that we haven't covered?

Peter Maybarduk: Well, you'd sort of suggested in your questions this interest in Latin America, perhaps beyond the treatments. There's a budding treatment access fight beyond the vaccines, for the Pfizer drugs and there's a regional push in Latin America. We now have effective therapeutics against COVID not only vaccines and scaling up access to those therapeutics is a serious global challenge. For one, because of the lack of global funding to provide testing that's a necessary predicate to then provide treatment. But for another, because of absolute shortages and monopoly control of drugs by companies like Pfizer. So one exciting initiative is that in Latin America, many civil society organizations have come together to demand that their governments authorize generic competition with Pfizer's patented COVID

treatment, Paxlovid. And if successful, it means that there would be a more robust and diverse and affordable supply of that effective COVID treatment for those countries. Much like these other challenges we've discussed, that requires overcoming the power of the pharmaceutical companies in each of those countries. But it's also a regional effort with which we can show our solidarity. Many middle-income countries struggle to overcome the high prices that they are charged while being excluded from some of the deals that are offered for the lowest-income nations.

Ralph Nader: Well, we're out of time. Thank you very much. We've been speaking with Peter Maybarduk of Public Citizen. He directs the program that tries to counter the excesses of the pharmaceutical industry and advance broader access to medicines for people all over the world. Thank you very much, Peter.

Peter Maybarduk: Thanks so much, Ralph.

Steve Skrovan: We've been speaking with Peter Maybarduk. We will link to his work at ralphnaderradiohour.com. When we return, we're going to talk to Rick Claypool also of Public Citizen about his report on how the Chamber of Commerce is representing corporate criminals. But first, let's check in with our corporate crime reporter, Russell Mokhiber.

Russell Mokhiber: From the National Press Building in Washington, DC, this is your *Corporate Crime Reporter* "Morning Minute" for Friday, July 1, 2022; I'm Russell Mokhiber. The vegan food delivery service Daily Harvest recalled a lentil-based product after customers claimed on social media that they'd become severely sick after eating it. The company said it had received approximately 470 reports of illness or adverse reactions, including gastrointestinal issues and potential liver damage. That's according to a report in the *New York Times*. Consumers have been using a Reddit forum to share stories about becoming sick after eating the company's French Lentil and Leek crumbles. One customer described "debilitating" stomach pain that landed the person in the emergency room. Others said they'd experienced fever, jaundice, and full-body itching. More stories from consumers surfaced and spread on TikTok after online influencers received the Daily Harvest product as part of a public relations package from the company. For the *Corporate Crime Reporter*, I'm Russell Mokhiber.

Steve Skrovan: Thank you, Russel. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan along with David Feldman and Ralph. The US Chamber of Commerce is very angry at Rohit Chopra, the head of the Consumer Financial Protection Bureau. They are launching an expensive ad campaign, targeting him for, in their words, trying to "radically reshape" American finance, as if that was a bad idea. You can almost see the ketchup dripping down the wall. Rick Claypool is research director of Public Citizen's President's Office, where he focuses on corporate crime and wrongdoing and the ways corporate power destroys democracy. Rick produces reports on a range of topics, including federal enforcement against corporations, deregulation, and conflicts of interest.

Today we're going to talk about his report about how the Chamber of Commerce members, the same people who don't like Rohit Chopra, have paid \$154 billion in penalties. Welcome back to the *Ralph Nader Radio Hour*, Rick Claypool.

Rick Claypool: Thank you.

Ralph Nader: Welcome, indeed, Rick. The report that you put out January 10th, 2022, is titled *US Chamber of Commerce Members Have Paid \$154 Billion in Penalties since the year 2000*. But it's not all the US Chamber members. It's just the ones that you could disclose because they

keep their membership secret. It's just 111 corporations who belong to the US Chamber of Commerce. And listeners should realize that although that's a staggeringly high figure, \$154 billion in penalties, that reflects a very, very weak law enforcement capability and willpower by the federal government, very, very low. Probably the enforcement level to be adequate would have to be budgeted and driven by fortitude here in Washington, ten times what it is now. There are very, very low numbers of prosecutors, investigators, and other law enforcement officials against the corporate crime wave. And yet they still required these companies to pay out \$154 billion in penalties. So, first question, I don't recall this report getting much widespread media coverage in January.

Rick Claypool: That's right. There was a *Politico* story that got a little bit picked up because the release coincided with the Chamber's annual State of American Business shindig that they put on. And it happened, the original thing that this was responding to of course, was the Chamber in November, shortly after Thanksgiving, basically using very similar rhetoric to what they're using against Director Rohit Chopra at this Consumer Financial Protection Bureau. Only then it was against the Federal Trade Commission's Lina Kahn. And it was the day after the Federal Trade Commission announced a new policy of prioritizing criminal referrals from the Commission to the Justice Department to enhance the agency's efforts to fight corporate crime. And the chamber threw a tantrum then just as they're throwing a tantrum now. And I really do think that when the Chamber is pushing these anti-enforcement efforts and when that it's covered by the press, that it is extremely important that the public understand and have any reports on that be contextualized by the fact that the Chamber is mad that these agencies are cracking down on corporate law breakers because the Chamber represents corporate law breakers. That's who pays for the Chamber to exist. That's who it works for. It's not a sympathetic third-party ideological think tank. It is the voice of corporate crime in Washington.

Ralph Nader: And they come across as just free enterprise champions when they're really an umbrella for criminal enterprise activities. And listeners, these aren't just financial crimes by banks and insurance companies. These are crimes that endanger the health and safety of the American people. For example, Chevron, oil and gas giant, pleaded no contest to charges for violation of labor, health and safety standards relating to a refinery fire. Monsanto pleaded guilty to a felony charge of illegally storing a banned pesticide. There are drug companies on this list who have sold drugs and promoted pharmaceuticals that they should not have done on the basis of safety. And it just goes on and on. You have companies like Caterpillar, City Group, and Duke Energy; DuPont was charged and pleaded guilty to a price fixing charge. Eli Lilly, Johnson & Johnson, several violations by that company. Pfizer had a number of violations and penalties as did JP Morgan Chase, Kroger, Merck, Norfolk, Southern Railroad company and Union Pacific Railroad.

The amazing thing about this is the lack of mainstream media coverage. The *New York Times* will spend more time on a non-violent burglary than they would on something like this and the *Washington Post* and the *Wall Street Journal*. This report should have been all over the media and on TV and radio. And they can't say the public is not supporting tough crackdowns on corporate crime, fraud and abuse. In your report, Rick Claypool, you cite the following: "Fighting corporate crime is popular. A recent poll found that 70% of Republicans, 70% of independents and 70% of Democrats want the Biden administration to do more to fight corporate crime. These poll results make sense. Consumers don't want to be ripped off. Workers don't want to be exploited. Honest businesses don't want to compete with companies that get ahead by

cheating. And no one wants to live on a planet poisoned by corporate pollution.” Where was that poll?

Rick Claypool: That’s a Data for Progress and Revolving Door project poll that came out in November, I believe. I didn't include it in the report, but support is even stronger, by the way, for holding CEOs accountable for the crimes, their companies commit including being sent to jail; this is favored by 82% of Democrats, 74% Independents and 75% of Republicans.

Ralph Nader: And speaking of CEOs, there was an article recently that the top, highest ten paid CEOs in the United States each averaged over \$300 million in one year. That comes down by my arithmetic to they're getting paid on a 40-hour week, 50 weeks a year, about \$2,500 a minute--a minute, listeners; not an hour or a day or week, but \$2,500 a minute. And that's why they can afford to hire the best lawyers. They could afford to build their own jail. But that's why they get away with so much immunity and impunity. They delegate a lot of the bad stuff down to their company so they can have deniability. What do you see in a long range, Rick, having corporate crime be a major campaign issue? I mean, with that kind of polling, why aren't there candidates running for local state and federal office? We're not necessarily talking about a majority, but why aren't, say 50 or 100 members of Congress running for re-election or running to get elected, making this a top priority?

Rick Claypool: Well, of course, I mean, the easiest theory of course is part of the influence over Congress with political campaign spending for not only groups like the Chamber, but corporations themselves and all of the corrupting effects of corporate political spending in our elections. Yeah, it's astounding. And something else I wanted to highlight about the Chamber’s attack on the CFPB was it's almost comical that the Chamber zeros in on Chopra's statements about corporate recidivism and repeat offenders as being inaccurate. Now they could clear this up maybe with a conversation with some of the Chamber’s members, such as in particular, JP Morgan, which has been on the receiving end of criminal enforcement actions from the Justice Department no less than five times in recent years not one of which resulted in a guilty plea. And also with the five enforcement actions by the Consumer Financial Protection Bureau. That's a problem that I've been looking at and that is where... frankly, there is some reason for some hope in some of what the Biden administration has been doing. But they haven't been talking about it nearly enough. The Justice Department has been doing a better job in terms of enforcing the law against corporate recidivists and holding companies accountable when they breach the leniency agreements and deferred and non-prosecution agreements. But I don't think anybody really is aware of it. And if they talked about it more and more people were hearing about what Director Chopra and Chair Kahn are doing and others who are leading the charge to hold corporations accountable, I think many people would be excited to hear that even if people are rightly frustrated about the many failures of what's been going on.

Ralph Nader: Given the right-left support in the polls for getting tough on corporate crime law and order, putting the federal cop on the corporate crime beat, it doesn't make sense that there are not at least 50 to 100 members of Congress progressives, that don't rely on Chamber of Commerce type campaign contributions, are not making this front and center. It's been a real puzzle as to why this is not the case. Now Senator [Elizabeth] Warren puts out statements and once in a while, Bernie Sanders puts out statements, but they don't demand hearings. Senator Sanders, the chairman of the Budget Committee, could have hearings on corporate crime, fraud and abuse that affects the federal budget because they rip off Medicare and Medicaid and military contracts. That's all part of the corporate crime wave cost. And he hasn't done that. None

of these other members who have some seniority have held hearings where Public Citizen could go up and testify the way we used to in the old days. They haven't had hearings in the House or the Senate.

There's something going on, Rick, that you and Public Citizen have to get to the bottom of. I suggest you put out a report on how the mainstream media ignores coverage of corporate crime. They do cover once in a while; they dig up something on corporate crime, but they rarely editorialize. They rarely urge Congress to have hearings. And what's worse, NPR (National Public Radio) and public broadcasting are very remiss in their coverage of corporate crime. Of course they get a lot of funding from corporate contributors. How do you unlock the situation so you don't just keep year after year putting out reports that are largely ignored. How do you unlock this situation? The next step, Rick. Give me some advice.

Rick Claypool: That's the question. I've been keeping at it and I'm definitely tenacious with trying to connect with reporters and elevate this work. It is a constant source of frustration for me that so much of the corporate crime news is relegated to the business pages and framed as a company is found to have poisoned or killed people and it's reframed as it's bad news for the company that they have been caught doing these terrible things. There's very seldom...

Ralph Nader: Bad for the stock.

Rick Claypool: That's right. Very seldom do you hear the voices of the actual victims of corporate crime elevated. And so busting these myths, that the idea that corporate crime is victimless crime and amplifying these stories and just making them more accessible. One of the things I know is a priority for us and that we've worked on is requiring the government to be more transparent about corporate enforcement in the way that it does with the government spending. There should be a database like the fantastic database that our friend Philip Matterna does for a Violation Tracker, Good Jobs First, out of the Justice Department and the federal government that would be a resource for the public--not just experts with the time and energy and curiosity to go digging in the weeds.

Ralph Nader: Yeah. Well, we've been working with Public Citizen to get Congress and the Justice Department to establish a corporate crime database. If they don't have a database, the press is less likely to report it. They have a street crime database, but they don't have a corporate crime database. We've been asking attorney generals now for decades, going back to Carter administration, and they keep putting it off or they claim they have to have Congress appropriate a budget for it and that they haven't been able to get that done.

Here's what I'd like our listeners to realize. We have drafted corporate crime letters to senators and representatives and not just for Congress Club members. We've drafted them. Some members have sent them in. They've been brushed off by most members, either ignored or responded to with form letters. Our letters demand congressional hearings and demand updating the federal corporate criminal code, which is absurdly obsolete. These letters demand action to protect the American people--their health, their safety, their pocketbooks, their children, their environment, their workplace, their marketplace. And it's not getting very far. Anything else you'd like to tell our listeners that we didn't cover, Rick?

Rick Claypool: Well, on that note, to your listeners, if you're interested in this report and other reports that I write and that other researchers at Public Citizen are writing, you can find them at citizen.org/reports. There you'll find the reports on corporate enforcement and money in politics,

the issues that I cover, as well as a range of issues across all the health, safety and democracy work that Public Citizen does.

Ralph Nader: You put out a report under the Trump administration showing the decline in criminal penalty fines. It was pretty new data that you all combined to compile and it got virtually no coverage. But now I understand that the Biden administration isn't all that great either. What's your latest on the level of criminal prosecutions and fines by the Biden administration's Justice Department, for example, under Merrick Garland (US Attorney General)?

Rick Claypool: Yeah. Well, it's disappointing. But on the other hand, it's ticking up. So the most recent data that we have is for the fiscal year that was from literally before they started announcing their policies that they're going to start trying to ramp up enforcement on corporate crime. So I won't sugar coat it. It's not good. It's lower than ever. But I am still hopeful because they actually are changing policies. I'm seeing results come out with the big cases. It will be more clear as the months go on. I don't think it's going to be enough in terms of what the increase needs to be to really bring it back, even to where it was among historic averages. Right now we're looking at about 90 corporate prosecutions every year, where the average in the past was about double that. And it's certainly not enough to deter corporate crime, which should be the standard. It's still the sense that getting caught is so rare and impossible and that the consequences are so minute as to make breaking the law and getting caught worth it, that there's still a great deal of work to do.

Ralph Nader: Well, what I'd like to find out more about is how many actual corporate criminal lawyers are there in the Justice Department and how many enforcement agencies are there in the Department of Health and Human Services and other agencies. So we can total up the number of pursuers of corporate criminality. And I doubt, whether in terms of the number of lawyers working on this, that it is equivalent to any one of the top giant corporate law firms. I think the corporate law firm giants probably have more lawyers than the number of lawyers in the Justice Department working on corporate crime.

We don't know exactly what the number is. They don't publicize it, but that would be another good report by Public Citizen. Well, we're out of time. We've been talking with Rick Claypool, who is the regular discharger of data and reports on corporate crime for Public Citizen. And you can get his reports by going to—the website, Rick?

Rick Claypool: It's at citizen.org/reports.

Ralph Nader: And members of the Congress Club and others send that letter on corporate crime, demanding answers to your senators and representatives. If you don't get them, contact us and we'll make the calls to these recalcitrant lawmakers on Capitol Hill. Thank you very much, Rick.

Rick Claypool: Thanks, Ralph. Thanks, Steve.

Steve Skrovan: We've been speaking with Rick Claypool. We will link to his work at ralphnaderradiohour.com. And that's our show. I want to thank our guests again, Peter Maybarduk and Rick Claypool, both of Public Citizen. 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". 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 Nader's weekly column, you can get it free by going to nader.org. For more from Russell Mokhiber, go to corporatecrimereporter.com.

Steve Skrovan: The American Museum of Tort Law has gone virtual. Go to tortmuseum.org to explore the exhibits, take a virtual tour, and learn about iconic tort cases from history. And be sure to check out their online gift shop. You'll find books, posters, and Flaming Pinto magnets and mugs for all the tort fans in your life. That's at store.tortmuseum.org.

David Feldman: You should read *Capitol Hill Citizen*. The pilot issue is out. It's only \$5 to cover the shipping. To order your copy, 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. Join us next week on the *Ralph Nader Radio Hour* when we welcome Dr. Bandy Lee back to the program to talk about the January 6th hearings and the psychology of Donald Trump. Thank you, Ralph.

Ralph Nader: Thank you. If you know any parents losing control over their kids to the internet gulag and the junk food industry, just go to inspiringtweens.com.