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## Heroes And Villains Populate The Pages Of “The Zyprexa Papers”

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### **Heroes and Villains Populate the Pages of “The Zyprexa Papers”**

*By Susan Rogers*

Reading “The Zyprexa Papers”— Jim Gottstein’s riveting, heartbreaking, and ultimately inspiring new book—is like having a ringside seat at a boxing match where the challenger is on the ropes, taking a merciless beating from the reigning champion: It’s brutal and bloody, but you can’t look away.

In this scenario, Jim Gottstein is the challenger. The “champion” is Eli Lilly—a big “Big Pharma” conglomerate—which knowingly peddled its huge moneymaker, Zyprexa (a/k/a olanzapine), to clueless physicians for off-label uses. This was despite the fact that Lilly was well aware of the drug’s dangerous side effects: Weight gain. Diabetes. Death.

Jim Gottstein—founder of the Law Project for Psychiatric Rights and a longtime human rights activist—is the hero of the story. At great personal, professional, and financial cost to himself, he was David to Lilly’s Goliath.

Jim’s involvement with the Zyprexa Papers began on November 28, 2006, when Dr. David Egilman called him (as Jim writes) “out of the blue.” Well, not exactly: The call was suggested by *New York Times* reporter Alex Berenson, with whom Dr. Egilman was working on a Zyprexa exposé.

Jim explains: “When [Dr. Egilman] found documents demonstrating Lilly had known from the very beginning that Zyprexa caused massive weight gain, diabetes, and other metabolic problems in a large percentage of patients and not only didn’t tell doctors about it, but also actively denied the problems when people started experiencing them, he felt the public had the right to know.”

Even more damning, medical expert Dr. Grace Jackson “found the studies conducted by Lilly to obtain FDA approval had been manipulated to exaggerate Zyprexa’s benefits and understate its harms.” (Dr. Jackson had written “An Analysis of the Olanzapine Clinical Trials—Dangerous Drug, Dubious Efficacy” for a previous forced-drugging case of Gottstein’s, which Gottstein won.)

Berenson knew about Jim’s previous Zyprexa litigation and hoped he would agree to subpoena Dr. Egilman so that the doctor could legally send him “secret documents” proving that Lilly knew the drug caused life-threatening conditions and “had illegally marketed this powerful and dangerous drug for use in children and the elderly.” Then Jim could share the documents with Berenson. Remember how Daniel Ellsberg shared the Pentagon Papers with the *Times* 50 years

ago? Like that. (For “Eli Lilly Said to Play Down Risk of Top Pill,” in which Berenson credits Jim for providing the Zyprexa documents to the *Times*, [click here](#).)

After the legal situation got complicated and Jim emailed an apology to everyone to whom he had sent the Zyprexa Papers for getting them involved without their permission, acclaimed investigative journalist Robert Whitaker—author of “Mad in America” and “Anatomy of an Epidemic”—wrote to him (in part):

“Dear Jim,

“...Please remember that you have done a very fine thing by getting these documents to *The New York Times*....There is no finer action than to get out information like this that will achieve such an end as saving the lives of the innocent...The same kudos should go to others who have helped get this information out—Will Hall, David Oaks, Vera Sharav, MindFreedom. This is a fight very much worth fighting.”

Unfortunately, “saving the lives of the innocent” was apparently not something the court considered a priority. Jim writes that he lost “big-time”:

“In addition to finding as a fact that I had assisted Dr. Egilman in violating the Secrecy Order, Judge Weinstein found I had deliberately misled Lilly and violated the terms of the Secrecy Order by not informing Lilly about the amended subpoena. He also found I had ‘conspired to steal’ the Zyprexa Papers....Lilly had also threatened to seek to have me disbarred. Lilly could even sue me for the loss of income they had suffered as a result of me subpoenaing and releasing the Zyprexa Papers. To say all of this was alarming would be a gross understatement. However, even if all of this were to happen to me, I felt it would be worth it because I had saved thousands of lives, if not tens or hundreds of thousands, and improved the lives of more.”

Ultimately, there was good news and bad news. The good news: “On January 15, 2009, the Department of Justice announced a \$1.415 billion settlement of criminal and civil charges against Lilly for its illegal off-label marketing of Zyprexa in the False Claims Act cases that had ‘gained momentum’ as a result of the Zyprexa Papers’ release.” The bad news: In spite of the fact that the “whistleblowers” received nearly \$79 million, none of them were willing to help Jim with his enormous legal fees, despite his lawyer’s request.

The book has its lighter moments. Take the response of the late psychiatric survivor and human rights activist Pat Risser to one of Lilly's lawyers, who had asked about retrieving all the copies of the Zyprexa Papers:

"Gosh, what a mess. I'm sorry but I wasn't aware of any court order at the time I downloaded the 'secret Zyprexa documents' so, I not only downloaded them but I made several copies (burned them to CDs) and distributed them. I mailed them to some family and friends as well as several newspapers (in Ohio and Oregon). Since I had some extra copies (about 40 or so) I also passed them out to folks who seemed interested as I stood outside of a shopping center store. I have no idea who these strangers were so I can't possibly get these CDs returned. I'm so sorry. I figured since you're making such a fuss over the thousands of copies that went over the internet, I'd better let you know that this 'secret' has spread and I really can't help stop the spread at this point. Sorry."

Braided into "The Zyprexa Papers" is the story of Bill Bigley, to whom the book is dedicated. Bill was under a guardianship— which the late Claude Pepper, who championed the rights of older adults during his long career in Congress, called "the most punitive civil

penalty that can be levied against an American citizen, with the exception, of course, of the death penalty.”

Jim represented Bill in his effort to keep from being forced-drugged by the Alaska Psychiatric Institute. In “One Drug, Two Faces,” Alex Berenson covered Bill’s efforts to avoid this. (For the *New York Times* article, [click here](#).) Despite having been hospitalized some 70 times over nearly three decades, Bill had never been violent or suicidal, and mostly “he gets by,” in the words of the judge, who ruled in Bigley’s favor.

Ironically, in a later case, “a psychiatrist testified that Bill saying *The New York Times* had written a story about him was proof he was mentally ill...When it was pointed out there was a story about Bill in *The New York Times*, [the psychiatrist] just said, ‘Oh.’” And in a Catch-22 moment, there was additional testimony “that Bill not wanting to take the drugs because ‘it kills his brain’ was proof he was incompetent to refuse them.”

In sum, “The Zyprexa Papers” is a deep dive into the Bizarro World of psychiatry, Big Pharma, and the judicial system. As Jim writes, “To me, it is crystal clear locking people up and drugging them against their will is not ‘for their own good’ but instead very harmful to

them. One of my goals in writing this book is to show this truth." Mission accomplished.

*Full disclosure: My personal experience with psych drugs has been fraught. It includes but is not limited to forced-drugging with Stelazine (once); becoming seriously suicidal while taking Prozac without knowing that Prozac can cause suicidal thinking; and choosing to take an old-fashioned tricyclic antidepressant (desipramine), which left me with lasting side effects, took almost four years to wean from, and which I later learned was in a class of drugs—anticholinergics—that cause dementia. However, I also know people who believe that psychiatric drugs help them. People who are educated about the risks inherent in taking psych drugs and still choose to take them, that's one thing. But giving people drugs without the opportunity for truly informed consent is absolutely wrong. And forced-drugging is so wrong that there should be another word for wrong.*

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