



Nurse Ratched

Alaska's Mental Health Crisis Predates Statehood

Description

Today's Solution is NOT Drugs, Drugs, Drugs...

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Nurse Ratched

Perhaps the worst thing that can happen to any Alaskan is to be accused of having mental illness and dealing with the associated system for that affliction. Our crazy courts and institutions dedicated to supposedly helping people with mental illness are hopelessly stuck in an antiquated model of care that only a courageous public-interest attorney can ever expect to

impact.

It's not like Alaska doesn't have the money to provide top-of-the-line mental health care. With Statehood the **Alaska Mental Health Trust** was established to provide care after traditional methods sent people suffering symptoms of mental illness for indefinite stays at **Morningside Mental Hospital** in Portland, Oregon, from 1904 to 1960.

[1]Wikipedia: Morningside Hospital

This crisis—as with Alaska government Education Factories in nearly 50 Districts—results in paying too much for piss-poor outcomes.

A recent White Paper—required as part of an **Alaska Supreme Court** Decision—addresses this problem, but of course it will be put on a shelf with all the other research by well-meaning people, to languish just as people in mental health facilities like **Alaska Psychiatric institute (API)** must also languish.

WHITE PAPER

on Improving Patient Outcomes, Addressing Treatment Caused Trauma & Injuries Enhancing Patient Rights, and Grievance Procedures for the Report Required by § 36 of CH 41 SLA 2022 (HB172)

April 2023

Anchorage, Alaska

<https://psychrights.org/whitepaper.pdf>

[2] PsychRights Whitepaper

[3] History of the Alaska Mental Health Trust

A Disrupter of the Status Quo



My brilliant long-time friend, **Jim Gottstein**, IS a Public Interest attorney, and his success at impacting this broken system has come at some great personal and professional cost. In Jim's 2020 book, ***The Zyprexa Papers*** Gottstein details the ***David v. Goliath*** battle he fought in Alaska AND New York courtrooms against the Pharmaceutical giant ***Ely Lilly***. At one point double-dealing Lilly threatened to crush him professionally and financially.

They didn't succeed, and in over these years Gottstein has won five cases dealing with rights of persons having Mental Health issues before the ***Alaska Supreme Court***.

4] Five Cases won by Gottstein before the ***Alaska Supreme Court***.

The Zyprexa Papers is a Great Read

The court case against Gottstein didn't care if thousands of people were being killed by a drug known to cause diabetes and other health issues; the court was concerned about whether Gottstein and others leaked documents proving documentation of damage being done, despite a court order requiring secrecy. Ultimately, with release of the **Zyprexa Papers** the **New York Times** did a series of explosive stories by **Alex Berenson** documenting abuse for financial gain.

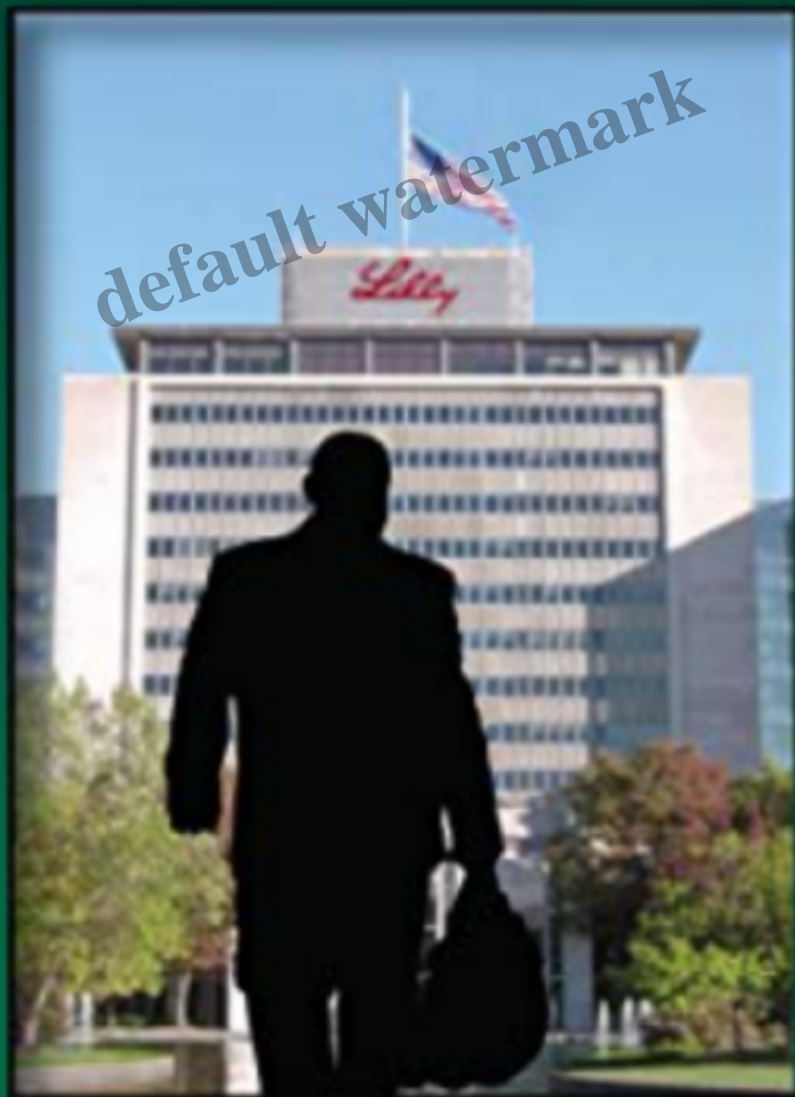
[5]NYT Stories RE **Zyprexa Papers**

A Distinguished Career

During Jim's career he has become a subject matter expert after whipping the sorry asses of some of those who exploit mentally ill Alaskans. Jim had leveraged an Alaska case—in which he believed his client had been forcibly subjected to **Zyprexa** (which he was)—to subpoena and publish documents that showed **Eli Lilly** knew from its own research that its **Zyprexa** drug for Schizophrenia was causing great harm to users. But **Zyprexa** was Lilly's largest selling drug—to places like API—for corporate managers to let monetary settlements for harming customers reduce production and distribution to vulnerable people diagnosed with mental illness. That's not all Gottstein's courageous act revealed about what **Eli Lilly** was doing, but I don't want to spoil it for readers—who really need to buy his book and read it!

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THE ZYPREXA[®] PAPERS



Jim Gottstein



[6] PsychRights Website

The Primary Issue is Forced Drugging of Patients

Against The Law

It happened to Gottstein.

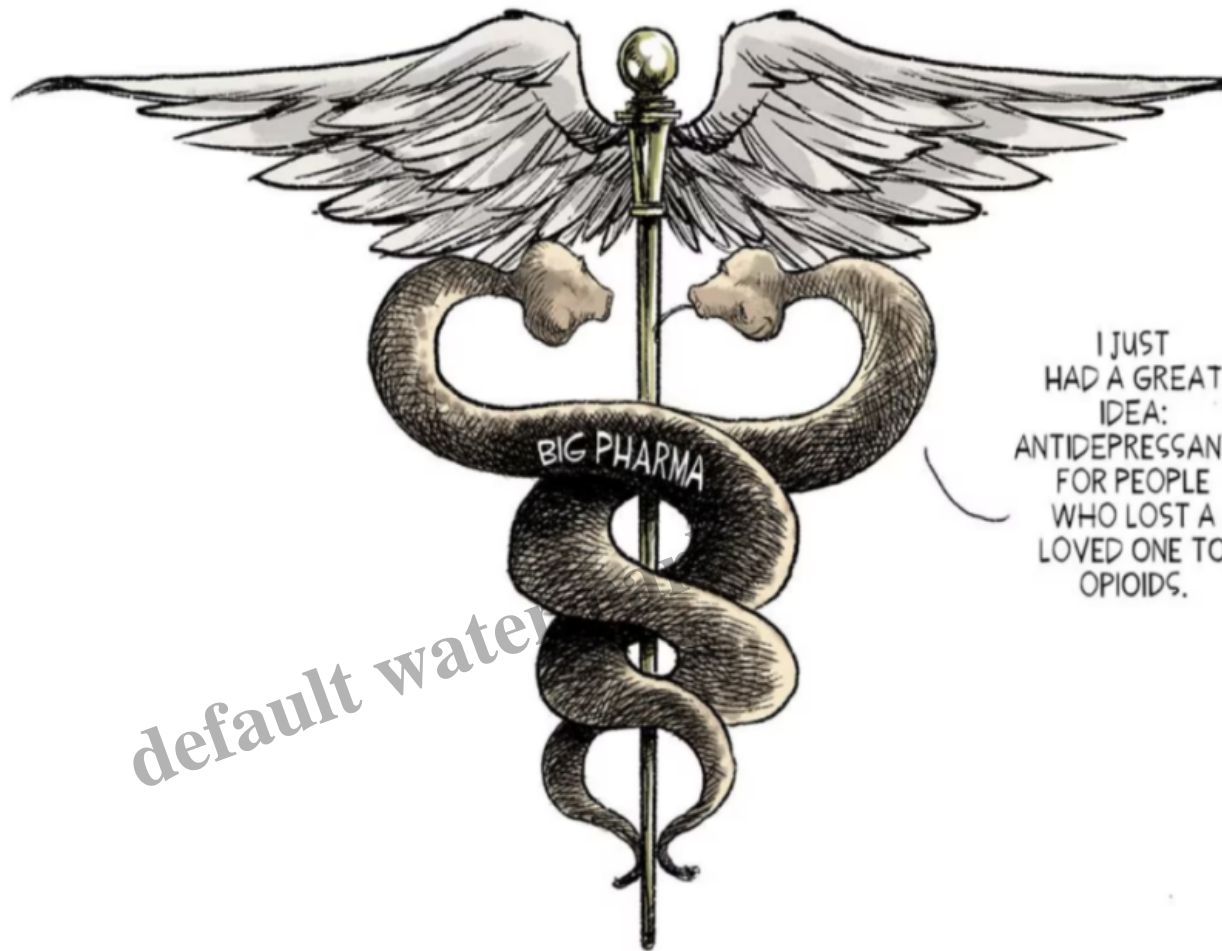
My part of Jim's story goes back to when I had a publishing and public relations business behind a laundromat on Spenard Road in the early 1980s. Gottstein stopped by one day and declared he was going to run for the **Alaska Legislature** and wanted me to help him make an announcement. I took a picture and produced b&w prints in my darkroom, wrote up a press release, and the next day his picture and story were on the front page of both the **Anchorage Times** and the **Anchorage Daily News**.

Easy Money!

I was pleased enough with the result that I wanted to move into campaign mode, but when I tried to call Jim to talk about next steps, I couldn't reach him. I couldn't get anybody to tell me how to reach him, either. Since he had paid me on the spot all I could do was *cool MY jets* until he contacted me—which he never did—because Jim had a psychotic event which caused him to be picked up by **Anchorage Police Department** officers and taken to **Alaska Psychiatric Institute** to *cool HIS jets* for 30 days.

A Harvard-trained attorney and member of the **Alaska Bar**, Jim was given psychotropic drugs and made to do the things we all saw portrayed in that classical movie **One Flew Over the Coo Coo's Nest**."

SHENEMAN THE STAR-LEDGER



This transformed Jim into a fighter for psychiatric rights.

[7] ADN-Alaskan tackles mental health care reform

Offering Free Legal Services to People Deemed Crazy

To get started Jim did something like what I did decades later when I wanted locals in Mt. View to join my Nine Star.org **Adult Basic Education** classes. I put up fliers on every bulletin board. Jim handed out fliers offering free legal counsel to visitors at API—until he was stopped because this is State Property—and besides public defenders who handled clients like they were in a speed-dating event, were **GUD 'NUF**.

One client from this effort was **Bill Bigley**, to whom Jim dedicates **The Zyprexa Papers** book. Bigley was a chronically institutionalized Alaskan denied his basic human rights, processed through a system more interested in controlling unruliness than in honoring the law. Gottstein was looking for someone to

represent so he could subpoena a certain **Dr. Egilman** for the secret documents that became known as the **Zyprexa Papers**.

From the Zyprexa Papers, Page 7:

Instead of following the law the judge did what doctors suggested. From this early lesson Gottstein learned to take any case to Jury Trial if possible.

Drugs, Drugs and More Drugs

The means for control were powerful psychotropic drugs, and when they didn't work the proscription amount was increased. Psychology is a *Social Science*, you know.

This writer recalls the first day of Psych 101 class at **Anchorage Community College** in the early 1970s. The instructor went around the room and asked all the students why they were taking this class. As I listened to the response of my classmates I became worried enough that I almost got up and left the class. I didn't relate all my personal issues; I was only able to offer that I was interested in human development.

I have had other psychology classes since then, including graduate classes in counseling, and recognize actively helping people through use of therapy is difficult, best described by the joke asking how many psychologists are required to change a lightbulb?

A. It only takes one but the lightbulb has to really want to change.

From Gottstein's Book: Chapter 10: Bill Bigley and Me

I got to know Bill, and about him, and was really struck that there but for the grace of God go I. He was born just two months before I was. He was first hospitalized in April of 1980, when he was 27. I was hospitalized two years later and was lucky not to have been made permanently "mentally ill," as he was.



William S. (Bill) Bigley.

Screenshot from the book:

Bill had four- and five-year-old daughters and a good job as a heavy equipment operator at the Sitka, Alaska lumber mill when his wife divorced him and obtained crushing child support and housing payments. According to his hospital file, when asked why he thought he had been brought to the hospital, “he said he had just gotten divorced and consequently had a nervous breakdown.” Bill was given Haldol, a first-generation neuroleptic. During that first stay in API, it was noted Bill responded well to the hospital routine and participated in activities. He was said to have improved rather rapidly, showing no further indication of hallucinations or delusions. By the time he was discharged he was said to be pleasant and cooperative...

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This **Bill Bigley** was very different than the belligerent fellow Alaskan this writer personally witnessed during a hearing in an **API** room, with Gottstein as his counsel, before Judge **William Morse**. Now, a combination of forced incarcerations, unwanted psychotropic drugs, and other indignities, had turned a hard-luck Charlie into a mad-as-hell (but harmless) monster. After witnessing this proceeding I wrote a letter to Judge Morse registering my concerns for the back room process.

[8] Letter to Judge Morse

Our Pay-to-Play Court System

Bill's tragic story, and Gottstein's attempts to get API to follow the law, form the backdrop to the larger public interest case against **Ely Lilly**, which transcends our hick **Alaska Court System** and goes all the way to New York courts. There, Gottstein and his friends in organizations with names like **MindFreedom International**, determined that telling truth about what Lilly was doing was so important that it was worth taking some risks. The huge settlements Lilly had already paid included non-disclosure agreements for people who were paid a pittance while their lawyers got rich as a result of someone else's suffering, so the illegal harm could continue for future persons diagnosed with schizophrenia, and damage payments factored in as simply a cost of doing business for all of **Big Pharma**.

Jim candidly explains in the book what happened to cause the **Zyprexa Papers** to be distributed to a network of **Psychiatric Survivors**—and how he didn't technically break the law—but New York Judge **Ratched Weinstein** didn't agree. The most important thing in Weinstein's Courtroom was to follow the specific law and in this case the issue was not how many people were harmed—even killed—by Lilly's

actions, but rather how Lilly was harmed by broadcast of it's legal-system-protected payoff scheme.

Gottstein's Goose was Cooked!

The courts assure everyone loses slowly together, so of course the wheels of justice moved slowly as revelations of damages and corruption by **Ely Lilly** became public in a series of articles by **Alex Berenson** in the **New York Times**. As a typical Alaskan (myself included) Jim is quoted calling **Big Pharma** out. This just made the pack of high-powered New York attorneys work longer hours to create more fictional harm done to the company by Gottstein revealing truth.



How *State of Alaska* Incompetence Let Lilly Skate

The previously mentioned **MindFreedom International** organization filed a brief February 7, 2008 mounting a full-scale attack on the Secrecy Order hiding knowledge about harms caused by **Zyprexa**. Even after Gottstein had asked for return of the documents from everyone he had given disks of the **Zyprexa Papers** to (as ordered to do), it was too late. They were everywhere on the internet, revealing that Lilly knew it was selling poison as a cure for schizophrenia **and whatever else ails you**.

But the lies and coverups weren't working anymore.

Ten states, including Alaska, had sued Lilly over the harm Zyprexa caused that Lilly had kept secret, resulting in them having to pay extra Medicaid costs, and another thirty-three were jointly investigating Lilly about Zyprexa. *Alaska v. Lilly* was the first of these set to go to trial, in early March of 2008. That made it very important because it could set a precedent for all of the other states. I had planned to be pretty visible during the trial and expected to generate a fair amount of news coverage in furtherance of PsychRights' mission. For example, I thought it the height of hypocrisy that the state of Alaska was suing Lilly for Zyprexa causing extra Medicaid costs but was still drugging people with Zyprexa against their will. *The New York Times* was sending Alex Berenson to cover the trial, and he wanted to research a story about me and my PsychRights work while he was in Anchorage.

BUT, Jim was in a bind because of Judge Weinstein's decision, and Lilly insisted he could not attend the hearings or talk with any media about the case if they were ever to settle. Gottstein reluctantly agreed to not participate in return for a promise to settle after this trial.

The **State of Alaska** failed to produce the database to support its claims for costs in treating diabetes caused by **Zyprexa**. Over the 14-day trial further damaging information about Lilly practices in hiding damages caused by **Zyprexa** were revealed. Alaska should have recovered a lot more for damages. Lilly attorneys were able to point out that while Alaska was charging that **Zyprexa** cost the state so much more for **Medicaid** it was still using the drug on Alaskans at **API**!

How Our State Government Rolls...

In a fascinating turn of events, **Bill Bigley** was facing yet another involuntary commitment and forced drugging trial in the same courthouse where *Alaska v. Lilly* trial was being held! Bill had asked that his trial not be at API but at the normal courthouse open to the public with his public defender. Gottstein and **NYT** Reporter Berenson were both in attendance and I have taken the liberty of putting in References to the Berenson story, as recorded in **The Zyprexa Papers**, for reader's to savor as I have savored it.

[9] One Drug, Two Faces, Alex Berenson, NYT March 25, 2008.

The ***State of Alaska***—because it was unable to retrieve from its computer system the cost of treating patients for diabetes and other medical problems caused by ***Zyprexa***—settled for a measely \$15 million. This was a huge break for Lilly because the *Alaska v Lilly* settlement formed the basis for settlement of a large number of other state's lawsuit against Lilly, according to Gottstein.

Lilly then refused to settle with Gottstein, of course. Their word was never worth anything. Jim had been duped but Lilly was not off the hook and I will not spoil the climax here by revealing what happened as a result of all Jim's efforts.

If you have read this far you must go to your favorite brick-and mortar or online bookseller NOW and buy this book and read it. It is possible for Alaskans to be simultaneously proud of what Jim Gottstein has done for PsychRights in our state, and disgusted with how our state government is run at almost every level by bumpkins on their Alaska Adventures until they can retire and go home.

The record of this is undeniable.

References:

[1]Wikepedia" Morningside Hospital

[https://en.wikipedia.org/wiki/Morningside_Hospital_\(Oregon\)](https://en.wikipedia.org/wiki/Morningside_Hospital_(Oregon))

Drug Therapy Revelation:

In 1955, Morningside came under attack after a bill was introduced by U.S. Rep. [Edith Green](#) (D) of Oregon, to transfer care of Alaskan patients to Alaska. Questions of financial impropriety raised during hearings led to an investigation of the hospital by the U.S. [General Accounting Office](#) in 1956. By this time, Wayne Coe's son Henry Coe, had entered the family business. The Coes were accused of using hospital funds for personal expenses, including trips to South Africa and Mexico, a beach property in [Gearhart](#) and a ranch in [Stanfield, Oregon](#). The Coes were also accused of "outrageous abuse of privilege" including the use of patient labor for home and hospital building and maintenance, under the guise of occupational therapy. The Coes denied the charges, defended the hospital practices and called the investigation "rude, uncivil and insulting." Ultimately, no criminal charges were filed and Morningside was fully reaccredited in 1957. By 1964, Morningside's reputation had recovered to the degree that it was featured in an [Oregonian](#) article about its success as an "open hospital." Under the open hospital model, patients were controlled through sedatives rather than lock and key.

[2]History of the Alaska Mental Health Trust

[History](#)

[3]Five Cases won by Gottstein before the Alaska Supreme Court.

2006, [Myers v. Alaska Psychiatric Institute](#), in which the Alaska Supreme Court ruled Alaska's forced drugging procedures unconstitutional, requiring the state to prove by clear and convincing evidence the forced drugging is in the person's best interest and there is no less intrusive alternative.

2007, [Wetherhorn v. Alaska Psychiatric Institute](#), held Alaska's involuntary commitment statute unconstitutional to the extent that someone could be committed for being gravely disabled without the state proving the person is unable to survive safely in freedom.

2008, [Wayne B. v. Alaska Psychiatric Institute](#), ruled the State could not dispense with the requirement of a transcript when involuntary commitment and forced drugging cases are referred to a master for hearing and recommendations.

2009, [Bigley v. Alaska Psychiatric Institute](#), held on constitutional grounds that (a) if there is a less intrusive alternative that is "feasible" for the state to provide, it must provide it or let the person go, (b) a petition for forced drugging must include information about the patient's symptoms and diagnosis; the medication to be used; the method of administration; the likely dosage; possible side effects, risks and expected benefits; and the risks and benefits of alternative treatments and nontreatment, and (c) the hospital must give the person's lawyer their medical chart sufficiently in advance to allow for adequate preparation.

2016, [In the Matter of Heather R.](#), the Alaska Supreme Court decided, based on statute, it was improper to order Heather to be picked up for an involuntary psychiatric evaluation without the Court first interviewing Heather, if it was reasonably possible.

[4]NYT Stories RE Zyprexa Papers

Mr. Gottstein is most known around the US and internationally for subpoenaing and releasing the Zyprexa Papers in late 2006, resulting in a series of [New York Times articles](#) and an [editorial](#) calling for a Congressional investigation. In January of 2009, Eli Lilly pled guilty and agreed to pay \$1.4 Billion in civil and criminal fines for the activities revealed by the Zyprexa Papers.

[5]PsychRights Website
<https://psychrights.org/>

[6]ADN-Alaskan tackles mental health care reform

<https://www.psychrights.org/news/ADN11-6-05GottsteinEfforts.html>

From that story:

His first breakdown came in 1982. He had finished an undergraduate degree in three years, went to Harvard Law School, thought of himself as the sort who could handle whatever a fast-track life might demand of him. He had just taken a big mental health case, one that would eventually result in the creation of an estimated billion-dollar trust of land and money to benefit Alaska's mentally ill. For days at a time he was too wired to sleep.

One night he jumped out of a second-story window in his underwear and was hauled away to Alaska Psychiatric Institute in a straitjacket, according to a story he posted online. He was medicated with a powerful psychiatric drug.

"I mainly needed sleep but API was so scary and noisy that I didn't sleep well," he wrote.

[7] Letter to Judge Morse

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**5616 Cimarron Circle
Anchorage, AK 99504
November 7, 2008**

Honorable William Morse
Anchorage Superior Court
825 W. 4th Avenue
Anchorage, AK 99501

Dear Judge Morse:

I am writing to you to register my complaint against having a "Public Hearing" at Alaska Psychiatric Institute behind several locked doors requiring staff assistance to gain admittance. I was able to attend only part of the recent hearings you held there, and had to wait in the lobby until staff was sure it was okay to admit me.

I have worked with people having disabilities, currently teach youth having disabilities, and would like to help my students become more familiar with their rights in the courts as Alaskans. My friends and students would not have felt comfortable coming to a hearing at API. Having an Alaska Court System hearing at API to consider rights of disabled people makes a mockery of the courts.

Thank you for your consideration of this complaint.

Sincerely,

A handwritten signature in black ink, appearing to read "Donn Liston". The signature is fluid and cursive, with a large initial "D" and "L".

Donn Liston, MEd
770-5717

[8] One Drug, Two Faces, Alex Berenson, NYT March 25, 2008

The Zyprexa Papers

Two courtrooms, two floors of the Nesbett Courthouse, two views of Zyprexa.

In Courtroom 403, lawyers read corporate memorandums to a jury that must decide a lawsuit brought by the state of Alaska, which claims that the drug maker Eli Lilly hid the dangers of Zyprexa, Lilly's best-selling schizophrenia medicine.

At the same time, in Courtroom 301, William Bigley had his own opinions on Zyprexa, and all the other drugs he has taken since 1980 to battle demons that only he can see. On this day, March 14, a state court judge would decide whether Mr. Bigley should be held for 30 days in a psychiatric hospital.

Mr. Bigley, 55, told the judge that the drugs were "poison" and that he did not need them. "I'm fine," he said. His words were sadly undercut by his regular pronouncements that he knows President Bush, owns a private jet and has seen flying saucers. Of all the facts at issue in the two courtrooms, one is beyond debate. Mr. Bigley is not fine.

Even so, Mr. Bigley's hearing—which had an unexpected outcome—offered a textbook illustration of the agonizing choices faced by mentally ill patients as they consider taking Zyprexa and similar medicines, called antipsychotics.

By calming the hallucinations and delusions that plague people with schizophrenia, drugs like Zyprexa allow many patients to live outside psychiatric institutions.

But the documents being discussed in Room 403 offered plenty of evidence that Mr. Bigley, whatever his delusions, has good reason to dislike the medicines. . . .

Mr. Bigley's case illustrates why psychiatrists and patients feel they have no choice but to use Zyprexa, whatever its side effects. Mr. Bigley, a thin man with greasy black hair, cloudy eyes and a salt-and-pepper beard, has been hospitalized more than 70 times since his first breakdown in 1980.

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Jim Gottstein

Psychiatrists say he has paranoid schizophrenia with symptoms of mania. Over the years, he has been medicated with Zyprexa, Risperdal, Haldol, Thorazine and many other psychiatric drugs, despite his objections.

Exactly how many times Mr. Bigley has been put on Zyprexa over the years is unclear. But medical records from his hospitalization in December 2006 refer to his complaints that Zyprexa was making him hungry—a common side effect. Psychiatrists took him off Zyprexa and gave him Seroquel, another antipsychotic, in its place. . . .

The records also show that neither Zyprexa nor any other drug has given Mr. Bigley any lasting relief, and that he always stops taking his medicines after being released from the hospital. Unmedicated, Mr. Bigley is jittery and quick to anger. In conversations with a reporter, he was nearly incomprehensible, spewing complaints and curses about the way he is treated. But Mr. Bigley has never been known to be violent or suicidal. Despite his psychosis, he has survived Alaska's harsh winters. He bounces among apartments, group homes and the Alaska Psychiatric Institute, the state-run mental hospital in Anchorage, mumbling about the Secret Service and other favorite topics to anyone who will listen.

But he makes one point with absolute clarity: He does not want to be medicated or hospitalized.

On March 14, he repeated that request to state court Judge Jack W. Smith, who was hearing the psychiatric institute's request to confine him.

There was little reason to believe that Judge Smith would side with Mr. Bigley. Hearings like his usually last only a few minutes. Psychiatrists and advocates for the mentally ill say that judges prefer not to second-guess doctors and typically rubber-stamp the requests of hospitals to confine and medicate patients.

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The Zyprexa Papers

As he sat before Judge Smith, Mr. Bigley—who had asked that his hearing be open to the public—hardly seemed like a good candidate for release. He fidgeted and interrupted the proceedings as his lawyers shushed him. He had been brought to the Alaska Psychiatric Institute on Feb. 23, after squabbling with housemates at his group home, where a resident called the police.

Dr. John Raasoch, a doctor at the hospital who treated Mr. Bigley, said that Mr. Bigley had irritated the staff and other patients.

“He’s yelling, swearing on the unit, he hit the door,” Dr. Raasoch said. Antipsychotic medication would calm Mr. Bigley and make him more cooperative, the doctor said.

“There’s no point to have a psychotic individual in the hospital and not be able to treat him,” he said. “I think he’s suffering severe distress.”

But Judge Smith appeared worried about both the side effects of antipsychotic medicines and that Mr. Bigley’s history suggested he would not benefit from them.

“We’re getting a short-term fix that doesn’t change Mr. Bigley’s underlying condition,” he said.

Under Alaskan law, a person cannot be forced to take medicine against his will simply because a psychiatrist says he is unhappy or delusional. Mr. Bigley could be confined and medicated only if Judge Smith found he was violent, suicidal or a grave danger to himself because of his mental incompetence.

Mr. Bigley was not violent or suicidal, Dr. Raasoch said. But the doctor said he was in grave danger because he might irritate other people, including police officers, to the point where he might end up being hurt.

“He’s very inappropriate,” Dr. Raasoch said. “He gets up in people’s faces. I think the majority of people would just punch him.”

Elizabeth Brennan, the public defender representing Mr. Bigley, agreed that Mr. Bigley can be difficult. But Mr. Bigley is

Jim Gottstein

not in grave danger simply because he is a nuisance, and confining and medicating him would not help him, she said.

“The hospital has not shown that treatment will improve him,” she said.

After nearly an hour of testimony, mainly from Dr. Raasoch, Judge Smith appeared troubled by the thought of confining or medicating Mr. Bigley against his will.

“It sounds like aside from getting in and out of the hospital, he gets by,” the judge said. “That’s a choice that he should be allowed to make.”

And so Judge Smith ordered the hospital to release Mr. Bigley, though he acknowledged that Mr. Bigley was likely to be picked up again in a few weeks, or months at most.

“I don’t find by clear and convincing evidence he’s gravely disabled,” Judge Smith said.

Though the decision was unusual in such cases, Mr. Bigley did not seem overly surprised, or even pleased.

“There’s nothing wrong with my head in the first place,” he said to the judge, inserting a seven-letter epithet. Within a few seconds, he began to hector Steve Young, his state-appointed guardian, demanding that he be given a hotel suite. “He’s going to give me a dirty place,” Mr. Bigley complained.

With that thought, Mr. Bigley headed for the street, his brain in chaos but his body free from the side effects of the medicines he will not take. One floor up, lawyers for Lilly and the state argued on, debating whether Zyprexa’s benefits outweighed its risks—a choice Mr. Bigley, sound mind or not, had already made.

Category

1. Alaska Courts
2. Alaska Elected Officials

3. Alaska Legislature
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5. ALASKA! HEALTHCARE

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