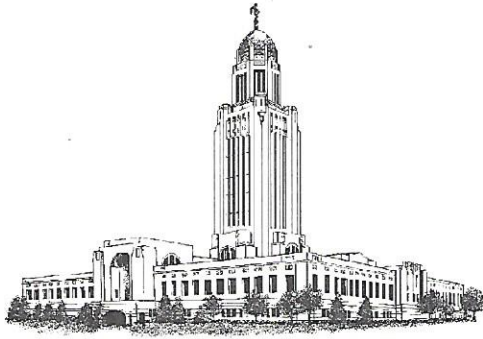


Nebraska State Legislature

SENATOR ERNIE CHAMBERS

District 11
3116 North 24th Street
Omaha, Nebraska 68110

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2612



COMMITTEES

Agriculture
Business and Labor
Judiciary
Executive Board
Reference

July 27, 2018

Mr. Robert W. Jones
Vice President
U.S. Govt. Relations
235 East 42nd Street
New York, NY 10017

Dear Mr. Jones,

TIME IS OF THE ESSENCE.

In order to facilitate the flow of the narrative, I am incorporating into the text of this letter pertinent excerpts from dated newspaper articles. Because members of the media have expressed an interest in receiving a copy of this letter, I am also incorporating a copy of your letter to Corrections Director Scott Frakes seeking return of drugs produced by PFIZER which are to be misused against Pfizer's expressed wish, to carry out the August 14 execution of Carey Dean Moore.

Omaha World-Herald

THURSDAY, JULY 12, 2018 • 3A

Execution blocked in Nevada case that bears similarities to one in Nebraska

LAS VEGAS (AP) — A Nevada judge effectively blocked the execution of a two-time killer Wednesday after a pharmaceutical company objected to the use of one of its drugs to put someone to death.

Clark County District Judge Elizabeth Gonzalez disallowed the drug in a ruling that came less than nine hours before Scott Raymond Dozier, 47, was to be executed by injection with a three-chemical combination never before tried in the U.S.

At a hearing, New Jersey-based Alvogen urged the judge to block the use of its sedative midazolam, saying the state illegally secured the product through "subterfuge" and intended it for unapproved purposes. The company also raised fears that the drug could lead to a botched execution, citing cases that apparently went awry elsewhere.

In Nevada, a different manufacturer seeking the return of its drug recently sued the state, which

prompted the decision to delay the execution. In Nebraska, however, Pfizer has not filed a similar lawsuit.

Obtaining lethal injection drugs has become a challenge in most death penalty states because manufacturers say they don't want their medicines used in execution chambers.

The Nevada case bears some similarities with Nebraska's effort to carry out its first execution in more than two decades. Like the

Nevada inmate, Carey Dean Moore, is not fighting to block his Aug. 14 scheduled execution.

Nebraska prison officials intend to use an untried combination of four lethal injection drugs: diazepam, fentanyl citrate, cisatracurium besylate and potassium chloride. Pfizer, the manufacturer of three of the drugs, last year sent a letter to Nebraska asking that the medications be returned. The request was denied.

WORLD-HERALD, July 19, 2018 1A

Drugs: Legal delay in Nevada could be Nebraska preview

Nebraska plans to use diazepam, fentanyl citrate, cisatracurium besylate and potassium chloride, a combination never before used for an execution.

Regardless of how Nebraska obtained its drugs, the company that made three of them doesn't want its

products used in Moore's execution.

Pfizer mailed letters last year to Nebraska officials asking for the drugs' return. Sandoz, the maker of the fourth drug, also has indicated that it does not want its product used in lethal injections.

Pfizer and Sandoz have not taken their objections to court, which some think could be one of the few remaining ways Moore's execution could be stopped. That's because Moore has said he no longer wants to fight the state's efforts to execute him.

When asked if Pfizer is contemplating legal action, a company spokesman declined to comment last week.

The World-Herald, the Lincoln Journal Star and the ACLU of Nebraska filed lawsuits arguing that the records should be released in the interest of government transparency and accountability. A district judge sided with the newspapers and the advocacy group, but the Attorney General's Office blocked the release of the records by quickly appealing the judge's order.

Like their ilk around the U.S., Nebraska officials have shrouded the source of the drugs in secrecy, a secrecy which the ACLU of Nebraska and newspapers have filed suit to pierce.

It is ironic and telling that Nebraska Attorney General Douglas Peterson and Director Frakes -- who respectively employ criminal prosecution and incarceration to deal with the misconduct of wrongdoers, while they each display a lack of moral rectitude which would impel the to accede to Pfizer's request that their drugs be returned and not used in a judicial execution.

In view of the puzzling fact that Pfizer, as of this date, has not initiated any legal action in Nebraska, a rhetorical question has formed in my mind:

DOES PFIZER'S DESIRE TO PROTECT ITS INTEGRITY, GOOD NAME AND PUBLIC IMAGE RISE TO THE LEVEL OF ALVOGEN'S?

Your letter to Frakes gives reason to believe that it does. However, actions speak louder than words, says the popular maxim.

An effective avenue is readily available by which all of Pfizer's stated interests can be vindicated. It is provided by the Nebraska Constitution:

BILL OF RIGHTS

Art. I, § 13

§ 13. Justice administered without delay

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay,

The courts are open for business, as demonstrated by Alvogen; and I am confident that the judicial system will give serious, expeditious consideration to

Mr. Robert W. Jones
July 27, 2018
Page 3

the goal of maintaining intact and unblemished and uncompromised by others, Pfizer's declared mission and purpose -- "to enhance and save the lives of patients"-- if you but initiate appropriate legal proceedings.

Robert W. Jones
Pfizer, Inc.
235 E. 42nd Street, Fl. 11
New York, NY 10017

RECEIVED

JUL 10 2017

October 4, 2017
Nebraska Department of Corrections
ATTN: Scott R. Frakes, Director
P.O. Box 94661
Lincoln, NE 68509

NDCS Director's Office

RE: Request for Return of Pfizer Products for Use in Lethal Injection for Capital Punishment

Dear Director Scott R. Frakes:

Pfizer wishes to inform you of the addition of diazepam and fentanyl citrate to its list of Restricted Products in Pfizer's Position on Use of Our Products in Lethal Injections for Capital Punishment and seeks the return of any Pfizer or Hospira product that you have in your possession that you intend to misuse in a lethal injection procedure.

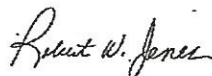
Diazepam and fentanyl citrate along with eleven (11) Restricted Products currently listed in our Position statement will not be sold to correctional facilities or other affiliated organizations where they may be misused for lethal injection. Pfizer makes its products to enhance and save the lives of the patients we serve. Consistent with these values, Pfizer strongly objects to the use of its products as lethal injections for capital punishment.

A copy of the updated policy with the expanded list of Restricted Products is enclosed and can be accessed at <http://www.pfizer.com/files/b2b/GlobalPolicyPaperLethalInjection.pdf>. Pfizer will continually review its product offerings and update this policy as necessary to prevent the misuse of our products in lethal injection protocols.

We request that you return to us any Hospira or Pfizer manufactured Restricted Product listed above in your possession. Pfizer will provide full credit for any returned Restricted Product regardless of from where you purchased it. Return instructions are enclosed for your convenience. If you seek to use or purchase Restricted Product to address a legitimate medical need, we request that your Medical Director contact Jerry Boesch (Director, Commercial Services & Analysis) at (224) 212-2462 or jerry.boesch@pfizer.com.

Thank you for your attention to this matter.

Respectfully,



Robert Jones

A company such as Pfizer need not -- indeed, should not -- demean itself by standing like a down-at-the-heels, seedy, common beggar with his tattered, threadbare cap in his sweaty hands; head bowed; eyes downcast; teeth chattering; shoulders hunched; back bent; shifting nervously from foot to foot; hyperventilating and timidly tap-tapping on the door -- then humbly and obsequiously beseeching the pompous, imperious DIRECTOR OF CORRECTIONS(!) when he swings open the door and demands impatiently: What is it! What do you want? -- "please! Please!! PLEASE!!! -- Most Honorable Director Frakes, SIR! --if it's not asking too much -- or too much trouble -- would you kindly return our products and -- please, SIR! -- if you will -- refrain from misusing them for a purpose not intended -- that is, to kill -- when their true, intended purpose is to cure and enhance lives" And Frakes dismissively slams the door in your face with not another word.

Pfizer has the standing and legal wherewithal -- but appears to be lacking the will to employ them in order to protect its interests in this situation.

I reemphasize: TIME IS OF THE ESSENCE.

If you decline to take the legal avenue open to you, then the genuineness and sincerity of your professed "values" are called into question, thereby.

And it might be understandable if a cynic were to suggest that Pfizer is simply being disingenuous and calculatingly trying to "have it both ways." That is to say that Pfizer hopes to stave off the accusation of being complicit in judicial executions -- by producing a copy of a letter like the one it sent to Frakes which objects to the use of its drugs for lethal injections and requesting the return of any of its drugs in the possession of the executing authorities. But by virtue of taking no legal action, Pfizer manages to continue active participation in the "capital punishment market." Pretty slick fast-shuffle and sleight of ethical hand.

More, I need not write by way of argument.

Shakespeare articulated a principle which has been neither challenged nor rebutted. He wrote in Othello: "Who steals my purse steals trash . . . [b]ut he that filches from me my good name . . . makes me poor indeed."

What is Pfizer's good name worth?

Sincerely,



Ernie Chambers
State Senator

cc: Members of the Legislature
Nebraska Commission on Public Advocacy
Attorney General Douglas Peterson
ACLU of Nebraska
Media