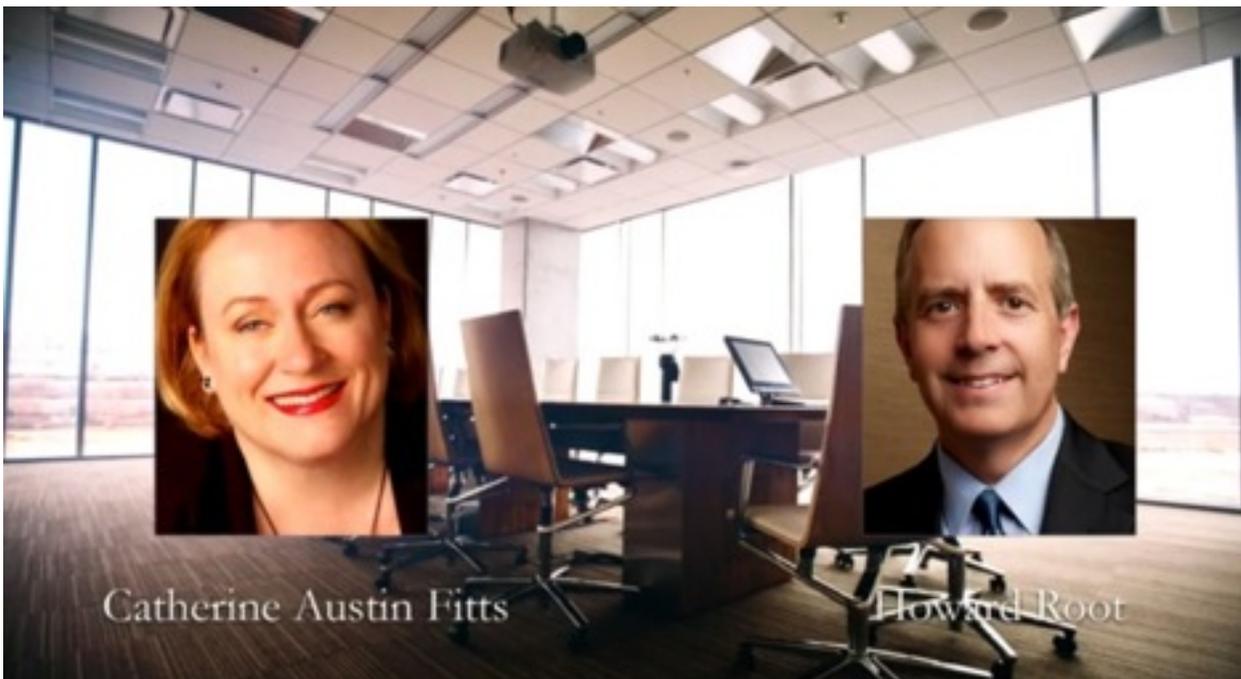




The Solari Report

March 30, 2017

Cardiac Arrest with



Catherine Austin Fitts

Howard Root



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C. Austin Fitts: Ladies and gentlemen, it's a pleasure to welcome to the Solari Report, Howard Root, who is the CEO of Vascular Solutions – a successful medical device company based in Minnesota.

After practicing law, Howard started the company and built it into a successful publicly traded firm with 500 employees and a diverse line of medical devices. In 2011 he was targeted through a five-year investigation and prosecution by the Department of Justice in a case of prosecutorial abuse, which is an excellent example of what I believe is one of the things destroying productivity in America.

Interestingly enough, he fought hard and won. It's a remarkable story that took five years and \$25 million in legal fees. After he won, he did something even more remarkable. He co-authored a book with one of the young attorneys who worked on his case. He wrote and quickly published a book called *Cardiac Arrest*, which tells the true story, and is a legal thriller. I could not put it down. I read it this weekend in anticipation of doing this interview, and if you enjoy the drama of a very exciting court case, you don't want to miss it; it's extraordinary.



As I said, it is a very good example of a phenomenon that is destroying productivity in America.

He ends the book with some excellent suggestions of what we can all do, and I have to say before bringing him on, that this is a man who has done a great service for all of us by fighting, by winning, and living to tell the tale.

So, Howard Root, welcome to The Solari Report.

Howard Root: Thank you for that very nice introduction. I really appreciate it. One postscript to it – one thing that I did after writing the book – is I sold the company. We can go into the reasons for that later. I'm in my second week of retirement at the age of 56, which is a lesson all by itself. My wife is worried that I'm going to be spending too much time at home, and I'm trying to make sure that I don't interrupt her perfect life here.

C. Austin Fitts: I knew you sold it, but didn't know if you had closed, and if you were pulling out right away or staying on for a short while.

It reminds me of one of my clients when he first sold his company. He said, "I'm too young to be a has-been."

Howard Root: My wife says, "I married you for life, not for lunch." So I have to find something to do in the middle of the day.

C. Austin Fitts: Oh, I'm sure you will!



Tell us about how you came to write this book. In the process, tell us a little about the company and its business, the people, and the products so that we have the background.

Howard Root: The writing of the book is one of those things where, as you get into things, everybody has the idea, “Hey, I’m going to write a book at some point in time,” but no one is going to read the book. So as I got into this case a bit and as it started to unfold, it went from a crazy idea, “I should write a book,” to being useful to jot down my notes at the end of the week of what went on and keeping files of everything together.

It’s therapy as you get into something, and it helps clarify your thoughts. I was putting it into chapters and was doing some writing, but I never was that great of a creative writer. I was a factual writer, more legally trained.

Then suddenly, I became affiliated with a young associate, Steve Saltarelli, who was on the case. He said that he was going to leave the practice of law after the case – not because of the case, but just after the case. He wanted to be a screenwriter and was going to live in his parents’ basement in St. Louis for six months while he tried to acquire some money to move to L.A.

It seemed like everything came together perfectly. You have the chapter, you have the material, you have the documents, and you have this young guy who is eager to write everything and craft it.



Between the two of us-it took about six months-but it was great therapy to get everything put together and have it told in a story and have him put it in a way that makes it easier for the reader to go through.

It's 100% factually correct. Much of the court transcripts are in there, which is helpful for writing a courtroom drama because you have that information. We were very happy with it, and then at the end it was just a tough slog. Anyone who has written anything, the beginning is fun, the middle is painful, and the end is pure drudgery as you try to get everything just so.

C. Austin Fitts: It's interesting that you said that your co-author wanted to be a screenplay writer because one thing that really makes it a thriller is that it is very action-packed. Now that you say he wanted to be a screenplay author, it makes much more sense. It's written in that movie kind of feel. There is a sense of action the whole way through.

Howard Root: Right, and it's three acts: the Symptoms, the Diagnosis, and the Treatment. We're taking the medical all the way through, and the way that he crafted it into small chapters and interplayed it, and didn't try to tell it in a purely chronological story, "I was born in Minneapolis in 1960." That's not the way to do it.

He did a very good job of putting the chapters in the right order to make it interesting. Kudos to him for that.



C. Austin Fitts: Tell us a little about the company so that we have the background on what happened in 2011.

Howard Root: In early 1997 I decided that I wanted to chase the American dream. I had been trained as a lawyer; I had worked inside a medical device company here in Minneapolis, Minnesota where there are many medical device companies.

I thought, “I know enough.” I was 35 years old, and I knew I could try to do this on my own. So I took the \$300 that I had – and I didn’t have much more money than that. I incorporated a company, and tried to get an idea from a doctor that I could make part of this company that I wanted to create.

I found a doctor in California and I licensed his idea and gave him some money and some stock. I went to people I knew from the corporate finance area and raised about \$1.5 million. I started Vascular Solutions in February of 1997, exactly 20 years ago.

We had that one device, and we placed that on the market in 2000. We raised venture capital and went public in July of 2000. The first product launched, and we created a US sales force. We got beat up a little by competitors, and our stock price had a high of \$26 a share and went down to \$0.70 a share.

We battled through it. The doctor left the company, but I had a good group of people who I worked with to invent some other devices. I turned from a manager, to more of a medical device developer, and to an inventor.



From 2003 and through 2016 we launched over 100 new medical devices. We went from zero in revenue at the start, way up to \$180 million in revenue last year. It was immensely profitable. Our stock price went up to \$26 a share, and we ended up selling it for \$1 billion to a large medical device company called Teleflex from Philadelphia, a couple of weeks ago. It's one of those great American-only success stories where you can start from \$300 and build a company with up to 650 employees, 100 new medical devices that people treat medical conditions—anything from a heart attack to varicose veins. It's what we're known for in the Twin Cities, 'Medical Alley', creating these medical devices. Unfortunately, there aren't many of them left anymore.

C. Austin Fitts: Before we talk about what happened and how you ended up in your squabble with the Department of Justice, I want to review what you refer to at the end of *Cardiac Arrest* as the criminalization of America.

We've had several decades with Federal and, to a certain extent, state and local enforcement creating what I would describe as the 'for-profit' enforcement model where they are incentivizing other people to, "Blow the whistle," or incentivizing the enforcement bureaucracy to make money targeting a variety of different private sector people or companies.

You were a target of a qui tam lawsuit. Maybe you could talk a little about the Department of Justice for-profit model and the qui tam in particular.



Howard Root: There are two parts to that: The Department of Justice boasts about how much money they make citing healthcare fraud. It's number two in their most profitable endeavors; number one is financial fraud.

When I talked about my case to investors, I always say, "I'm number two, which means that you're number one in the target list."

They talk about a return on investment. In their last annual press release they claimed 610% return on investment, inciting healthcare fraud. That means that for every dollar they invest, they get \$6.10 back. The first time I read that, I was very appalled that anyone in the Department of Justice actually spends time calculating their financial return.

I was a lawyer. With the amount of power that you have in the Federal government, you could extract any amount of money from any business any day. You could walk into someone's office, flash your badge, and say, "Give me \$1 million," and you would get \$1 million. That doesn't make it right.

So they have this incentive, and that is the Department itself. What about the prosecutors? They don't get that money. Everyone thinks that greed is only about money, but the greed for money at the Department of Justice is just to allow them to do what they want to do, which is to prosecute people. That is their mission. Many of these people are motivated by trying to find a CEO of a public company to throw in prison, and that is the way they get promoted.



Another way of looking at it is they have a press release they do every year when they talk about the awards ceremony that they have. In the awards ceremony, the Department of Justice gives over 300 awards – all of them for big convictions, big settlements, and big money. There is not one award for exoneration.

If you're incentivizing only one part of conduct, you're going to get more of that and you won't get the opposite side. It's astonishing to me. You examine what Attorney General Robert H. Jackson wrote in 1940, a great speech that he gave to US Attorneys called *The Prosecutor* where he said that even at that time everyone in America could be accused of a crime and could be indicted of a crime by a grand jury any day. So the prosecutor's job is to only pick those that are the most certain, the most harmful, and the most clear violations of the law and go after those, but everything else they can't go after. As a matter of fact, we should decriminalize that.

Even if it's criminal behavior, prosecutors with that kind of power to go after anyone with the machinery and the money behind him or her, it's an infinite amount of money that they can get, and they are incentivized to do just that.

Then you combine with that the other side, which are the whistleblowers and the qui tam. The whole qui tam process assumes that disgruntled former employees are always noble, and that they have some dirt on the company and they're going to turn that over to the government.



The way that it works is that an employee who has some complaint about the company doesn't even have to send it to the company. All they have to do is go to the US attorney's office, file a complaint in the name of the government, and the US attorneys will pick that up and investigate it. If the US attorney actually intervenes, they will take over the complaint, will prosecute it, and the whistleblower will get somewhere around 25-30% of whatever shakedown the government can get.

It's incredibly profitable for these people, and that is how my whole case started – a former disgruntled employee started a civil lawsuit, which at the same time is a civil lawsuit intervened by the government. The government also started a parallel criminal investigation.

C. Austin Fitts: Right.

Howard Root: When I saw the whole thing play out, I didn't know about it until about three years into it. I was astonished at how this system works to take a disgruntled employee's complaint and turn it into a criminal prosecution of a CEO.

C. Austin Fitts: There are two things that I wanted to bring up about this. One is what I saw in Washington was that you had real pressure from the Appropriations Committees. "The more money that you bring in this way, the more we will provide for your budget."

Howard Root: Absolutely.



C. Austin Fitts: So one of the ways that you could grow your budget was the more of this you could generate, the more you would get. It was almost like a commission racket.

The second thing, and you see it very clearly in your case, is that the vast majority of these cases never go to trial. With the settlement business, you can bring a case against somebody who is basically innocent because, for most companies it's going to be more profitable to pay you to go away. It's a form of government 'greenmail'.

Howard Root: Right.

C. Austin Fitts: It really becomes a Sherriff of Nottingham shakedown that, as you point out in the book, rarely goes to trial.

Howard Root: Yes. You can look at as: What companies are going to withstand a government investigation? I spent \$25 million on my defense. Maybe half of that was wasted, but who knows which half I wasted and which half was well spent.

Let's say that you have to spend \$10 million; maybe 99% of businesses in America could not spend \$10 million to defend themselves. So they're out. Without the right lawyer, you're not going to win; you're done.

As for the big companies, would they pay \$1 billion to get out of an indictment of their CEO? Absolutely. So the big companies will pay because they can; the small companies will pay whatever they can.



It's only if you're in that middle section where you have an ability to pay the defense, but you have a small enough company where you're willing to say, "No, we're going to go to battle, and we can weather the storm." Financial companies can't even weather the storm. If the government indicts a bank, the bank loses its deposits right away. If a government indicts a hospice center, they can get Medicare pulled right away.

There is so much power without even getting to the courtroom to destroy a business. As you say, 99% of these claims get paid irrespective of whether they did anything right or wrong. It's not just business; it's individuals as well.

C. Austin Fitts: That's why I was so impressed in reading the book that you had decided to take this on and got all the different constituents to support you.

I'm getting ahead. Introduce us to the original investigation and settlement proposals, and then CEO indictment.

Howard Root: The way this happened was that one of our sales reps decided that he wanted to be promoted. He applied, and he did not get the promotion. He becomes disgruntled, and he quit. He started competing with us. I sent him a letter, asking him to stop. He sent a letter back saying that we are illegal and harassing him and discriminating against him, and all these kinds of things – a wide range of items.

I looked into it and had our lawyer review it, and there was nothing there. I sent back a letter saying, "Please provide me with specifics."



He never sent anything back; instead, he filed the qui tam lawsuit. His lawyer said, “Hey, if we make this big enough, you’ll get sufficient money.”

The disgruntled employee was desperate, and he had all kinds of bad situations going on – divorce, allegations of child abuse, and many other things. He was destroyed and you don’t even want to be associated with these people, but the government did.

From there, the government believed his fable. He had created a fable of \$21 million in damages over a product, which our grand total sales were \$500,000. How you get that kind of damage out of a product is beyond me. It was 0.1% of our sales. The FDA approved it not once, but eight times, and it never harmed a single patient. There are no allegations from any patients.

What they claimed was that our sales reps were saying the wrong word about this product. It was a product used to treat varicose veins. This whistleblower said that we were talking about treating perforator varicose veins as opposed to saphenous varicose veins. Because of that, it turned a legal product sale into a crime.

For some reason the prosecutors in San Antonio, which is where this sales rep brought his complaint, decided that this was the case to be made. They researched it, and they believed the whistleblower. They continued to investigate and sent me a subpoena. We had a million pages of documents for them.



I offered to sit down and talk with them because I saw that they were going down the wrong path and believed false information.

They had the meeting scheduled, and two days before they cancelled it. Instead, they were trying to build their case prior to even talking to me. In fact, they never did talk to me before they invited me.

So it got to a point where they were already bought and dug in. They were already advocates for the other side, and they came to us with a settlement proposal. The settlement proposal is, “The company pleads guilty to a crime. The company pays \$20 million. The CEO gets excluded from his company,” which means that I’m never going to work in healthcare again for something that I didn’t do, that I didn’t tell anyone to do, and that if they did say the word ‘perforator’, it’s not even a crime.

Well, that’s crazy. Why would I do that?

C. Austin Fitts: My first question is: Who is the hedge fund that wanted to pick up the stock of the company cheap?

Howard Root: We didn’t have any of that – surprisingly. But we did have plenty of plaintiffs’ securities law firms wanting to sue us. So they would get somebody to buy the stock – ten shares waiting for the fall.

The financial people actually stood behind us fairly strongly. We did a stock repurchase plan so when this became public, the stock didn’t drop that far. You worry about that because it’s easily manipulated. But in this case I don’t think we had that.



C. Austin Fitts: One thing I thought was so impressive was, if you look at all the different constituencies involved for your company – the attorneys, the investors, the board, the employees, the customers – you have done a remarkable job of keeping everybody in the tent.

For example, I have to tell you one thing that most impressed me about your performance running the company was the board that you evidently recruited and managed. The way they managed it was uniquely both competent and virtuous. I was amazed. I thought, “How did he do it?”

How did you do it, Howard? I want to know.

Howard Root: This is one of those things where you go through life – and I’m sure you’ve done this, too: You do something, and then you move away from that and you’re doing something else. You move away from that, and you wonder if everything you’ve ever done in your life will ever come together into a seminal moment where you will use all of your experience at one time.

I don’t think it happens that often. This happened to me.

I was trained as a corporate securities lawyer, so I knew corporate governance and I knew how to put together boards and how boards should act and the rights and responsibilities. I had gone through litigation, so I knew what the process was – although I hadn’t gone through criminal; I’d gone through civil litigations. So I knew what the lawyers would do and what they would do well and what they would do poorly.



I also was the founder of the company, so I put all these board members on and I made sure that they saw what we were doing. Most importantly, I was an Eagle Scout growing up, and I never did anything wrong. So I didn't have any skeletons in the closet for them to look at and say, "Well, we don't trust him."

I'm so fortunate because most boards of directors, almost all of them will look at that, and get the settlement offer, and the settlement offer is, "If you plead guilty to this, you will be done with the expenses, you will not have any risk of destroying your company, and you will be able to move on with your business. All you have to do is fire your CEO."

Most board members think, "We represent the shareholders. The best interest of the shareholders is probably to take the death sentence off the table."

And it is a death sentence. If we had lost, they could have excluded us from selling to any hospital that takes Medicare patients, which is every hospital in America. Our business could be shut down by the Federal government for a misdemeanor conviction in a case that did not involve any harm to any patient, and it was about an FDA-approved product.

But the board will usually say, "Minimize the risk. Minimize the downside." That is what businesses always do.



If you do that, you end up throwing good people under the bus. I had to make that very clear to the board at the start as to how the path was going to go, and lay out for them a course of action that I thought we could follow to victory, and make sure that the lawyers didn't get in the way. I told a lot of board members, "I've seen more corporations destroyed by their own lawyers than by the other side's lawyers."

C. Austin Fitts: Right. That is absolutely true. It was very lucky that you had practiced the law because one thing that you did was kept evolving your team until you got the right group of attorneys.

Howard Root: Yes. When I look back on it, the first lawyer quit, the second lawyer I fired because he wasn't that good, the third lawyer was pretty good, but not as good as the junior partner whom I promoted up. So: quit, fired, demoted, and then it was the fourth lawyer on the case for the company that gave the opening and closing argument.

C. Austin Fitts: Which I have to tell you is the best closing argument that I have ever read or heard. I'm not going to say anything more about it because everybody should get the book and read it.

Howard Root: Right. It's hard to summarize it, but what he did was amazing.

C. Austin Fitts: It was one of those moments when I was laughing so hard that I was pounding the chair. I have a big picture window, and I thought, "Uh oh, what if my neighbors see me?"



Howard Root: I was there with you. It was a year ago Sunday that the closing arguments were made. It's been one year since the 'not guilty' verdict, and I still remember it like it was yesterday.

C. Austin Fitts: Another thing you described is how your employees are seeing you. The first thing that they do is get scared. It takes them a while to settle in and realize how to deal effectively, and it requires a lot of patience on your part, I know.

It seems like your employees finally settled in and came around. You showed a lot of patience, I thought, in working them through this.

Howard Root: It's really tough. This is one of the biggest differences between criminal and civil lawsuits. With civil lawsuits I always pull together all the employees who are involved. We sit down with the lawyers and go over it, so they know all of the facts of where we're going. Even if they don't understand the law, they see the lawyers and me setting a course of action so they can put their minds at rest.

But in criminal investigations, the government makes every employee a potential target. Therefore, that employee has to have his or her own counsel. Then the lawyer tells the employee, "Don't talk to Howard about the case. Don't talk to anyone in the company about your case."

They don't know what I'm doing, but the lawyer for them is guessing what I'm doing, and usually getting it partially wrong, and yet I'm working with these employees day to day about our business, and they're looking at me thinking, "Is Howard going to sell me out? Is he going to make me the scapegoat for this thing?"



You have to look at them with all the confidence without talking about it and saying, “I’ve got this. I’ve got it covered. Don’t worry about it.”

But how many times can you take those kinds of recitations from someone and actually believe it? If you make the mistake, your career might be over; you might be bankrupt; you might be in prison. And your lawyer is saying, “Don’t trust anyone because you might be the next one to get indicted, and you might be the one who is going to go to prison.”

So I have respect for the employees. There were some employees who got ‘swayed’ – to put it politely – by the prosecutors’ threats and had to sign statements that they knew weren’t true. They thought, “If I sign it, I have immunity. If I don’t, I might get convicted or excluded or fired. I’ll sign whatever you put in front of my nose,” especially the former employees but not so much the current employees.

Then when we had them on the stand when we went to the trial, those types of forced confessions become very great arguments for the defense because jurors are just everyday average people who, when they see prosecutors threatening the children of employees, lose it about what is going on in this courtroom – supposedly to search for justice.

C. Austin Fitts: It’s interesting. I always describe this kind of situation as: ‘Imagine for a second a Ferrari’. You spend decades building this excellent, high-performance company. It’s performing in the market, and the whole culture is high performance.



Then it comes into contact with the Sherriff of Nottingham's culture, which is walking, talking entropy.

Howard Root: Yes.

C. Austin Fitts: It's a little like pouring saltwater taffy into a Ferrari engine, and you have to keep driving the Ferrari despite the saltwater taffy pouring into the engine.

It's remarkable, as you describe it, going back and forth dealing with the litigation and running the company. You can see you struggling with keeping that car going despite the culture of entropy that keeps hiccupping you.

You clearly had a picture of how you were going to win this and just kept going forward.

So tell us a bit about the trial and the acquittal.

Howard Root: We reached trial, and all the way to it, the government has all the power. A grand jury would indict a ham sandwich if a prosecutor wanted him to, and that is absolutely true. The employees go to the grand jury room with no lawyer, no judge, and the prosecutor asks whatever questions. There are no rules of evidence. Then at the end of the session, they put the investigator from the government in front of the grand jury, and they ask the investigator, "Do you think a crime has occurred?"



The investigator always says, “Yes.” Then they ask the grand jury to indict: Reasonable cause for a suspicion of a crime. The grand jury is going to say ‘yes’ every time.

So you are indicted, and then have to go to San Antonio and get booked like a common criminal. Then you are assigned a pre-trial probation officer, who is going to take away your guns and weapons and make sure that you’re not going to run to Mexico. Although my officer actually said that if the charges were any worse, he would have recommended that I run to Mexico in order to avoid this, which was one of those stunning moments.

You talk about an epiphany in the middle of a speech; this was an epiphany for me in the middle of a booking. It was when my pretrial probation officer says, “You know, I haven’t seen a lot of guys like you. These are bad charges. I would say to keep going to Mexico, Howard! Leave.” And he was the nicest guy I met in San Antonio.

So as you’re going through the whole process, and they set the schedule, and delayed it, and figure out where it’s going to be. We tried to move it back to Minnesota because we had no connection in San Antonio at all. The judge kept it there because he is a next-door neighbor to the prosecutor, so he doesn’t want the prosecutor to go to a Minnesota winter for the trial; they would rather take us to San Antonio for a summer.

C. Austin Fitts: Right.



Howard Root: It got delayed a little more. Then suddenly, the day the trial started, February 1, 2016, you walk into the courtroom, and the power shifts. It's the most amazing thing in a business because suddenly you're in a situation where the prosecution has to prove his case beyond a reasonable doubt.

C. Austin Fitts: Right. He has to have evidence.

Howard Root: Right. They have to have evidence and they have to disclose everything. They have to explain it to twelve ordinary Americans what this is.

They may think that this is a crime, but try to explain to Americans how saying the word 'perforator' requires the CEO to go to prison; they will scratch their heads. Then when you start talking about threatening people to get them to sign statements, they'll really wrinkle and furrow their brow. Then suddenly you start saying, "There's no harm here. There is no one who has been hurt," and then they're wondering, "Why are we here for three weeks?"

That was one thing to ponder. Plus the jury strikes and when you're selecting a jury; we had a great jury consultant who worked with us. We profiled them, and did three mock trials. We had the money to spend to do this kind of thing that most normal defendants don't, and it's amazing what you get out of that.

So we could figure out what jurors we wanted, what jurors we didn't want, and get the ones we wanted on the jury. Then the prosecutors actually start talking.



As bad as they were in investigating this, and as much mistaken evidence that they believed, they were even worse at presenting what they thought they knew. They were just stumbling, bumbling lawyers.

C. Austin Fitts: You're being nice. I don't think they ever thought they had a real case. I don't think they thought there was anything there; I think they thought they could make money. They thought that it was a shakedown, and thought in the investigation they could find something. They couldn't find anything, you forced them to go to trial, and then they were in real trouble.

Howard Root: You might be right; I never really considered that. The way that I approach things, I assume that it is going to go all the way through, and I'm surprised if it stops short.

But these main prosecutors, Bud and Tim, had a combined total of two real trials over the last ten years. Between the two of them, they had completed two trials in the last ten years. So they had won everything by the other side giving up. When we didn't give up, they were actually forced to prove it. They were not suited for that; they were not geared for that at all.

So they were completely unprepared and unpersuasive. Our attorneys at that time were practicing the opening and getting everything geared and set up. We had binders upon binders of cross-examination materials. It got worse and worse and worse for the prosecutors. They didn't know what they were doing.



C. Austin Fitts: Before you went to trial, did one of your attorneys file with the Office of Professional Ethics at the Department of Justice? Is that true?

Howard Root: Yes, we did. Before the indictment we sent something to the Department of Justice headquarters in Washington DC to Joyce Branda, who is Assistant Attorney General, saying, “You should take a look at this because these prosecutors are engaged in a malicious prosecution pursuing false information with a non-crime.”

We presented a 20-page letter outlining exactly what they were wrong on, which was exactly what happened at trial. I was a little worried about that because you never want to show the other side how they’re wrong before they get in the court room, but we thought that maybe we could get someone at Main Justice to be the adult and look at these prosecutors and say, “Stand down. Stop this nonsense. Back away. You’re going to lose,” and they didn’t.

I also went to our local senator, Senator Amy Klobuchar in Minnesota and tried to get her involved. This is radical prosecutorial misconduct in my view – to the point where they were taking grand jury testimony of one witness and reading it to another witness. Now that is a black letter law violation. The former Attorney General of Pennsylvania is in prison for doing that, and these prosecutors admitted that that is what they did. They had no explanation for it, yet it continued.



The Office of Professional Responsibility at DOJ is part of DOJ, and it is staffed by DOJ lawyers who rotate between prosecuting and being in charge of ethics. Well, you can't imagine a worse conflict of interest than that. The Office of Inspector General is an independent agency of the government who reports to the Senate Judiciary Committee, which was one of my recommendations. That is who should be investigating prosecutorial misconduct, but not now, not today. Those appeals that we made went absolutely nowhere. A one-hour meeting was all we received at Main Justice, and Joyce Branda kicked it back to San Antonio and said, "You deal with the prosecutors down there."

These same guys that we accused of prosecutorial misconduct were the ones who were supposed to decide whether to follow through on the trial, so they decided to go ahead.

C. Austin Fitts: My theory – and I know that this isn't your theory – is that I think the reason you got a top DC judge sent there to handle the trial is because they knew they had a mess. I think there was a connection between your filing and suddenly getting a new judge, which probably worked to your advantage.

Howard Root: We were assigned Judge Royce Lamberth, who I was really excited about getting. He is a San Antonio native, and goes there every winter. I think the reason for the change is that Judge Fred Biery was our first judge. As we found out rather quickly, Judge Biery does not like to work that much, and this was going to be a complicated trial.



He likes to do gardening in the afternoon and play basketball at lunchtime. As long as his courtroom activity doesn't interfere with gardening or basketball, he's fine with it. But this was going to be five weeks of nonstop trial.

C. Austin Fitts: Real work.

Howard Root: Right. This was real work. So when his friend, Royce Lamberth, is assigned, who is a big First Amendment person. He's a Reagan appointee, which means that he's conservative, and old. He's been on the bench since the early 1980's.

When he was assigned, I was excited. To cut to the chase, the problem with conservative judges is that if you get convicted, they're hanging judges. They are very much 'by the book'. Judge Lamberth, I found out later, has not had an acquittal in his courtroom in over ten years.

C. Austin Fitts: Oh my!

Howard Root: Yes, I was the first one in ten years. That's because the government doesn't lose very often. As we discovered at trial, Judge Lamberth makes it very tough for the defendant's counsel. He gives a great deal of leeway to the prosecutors, and cuts rather close on the defense evidence. That made us very concerned.

C. Austin Fitts: You have no idea how disappointed I was that he wouldn't let the tower in the courtroom.



Howard Root: Yes. They were talking about these trip reports – the weekly reports from one of my hundred sales reps that I receive. On the third page this trip report said the word ‘perforator’. “Didn’t you read that? Didn’t you know that, Howard?”

We wanted to prove that there are so many of these reports that you can’t scour it for one word on the third page. The way to prove that was to bring in a six-foot tower of paper that was just one year’s worth of trip reports that I could have had access to, and he wouldn’t even allow it in. He wouldn’t even let us show that to the jury – what it means to have 20,000 pieces of paper and how big that looks.

It wasn’t the most important piece of evidence, but it was my visual aid that I created, so I was disappointed that we didn’t get to show it.

C. Austin Fitts: So then the prosecutors present their case, and rather than you presenting your case, you closed theirs. Tell us about that.

Howard Root: The way that occurred was, as they started calling their witnesses, they called the branch chief at the FDA to testify. This is a person who is over the examiner who reviewed our applications. This is someone who has had 20+ years of experience at the FDA.

On cross-examination our lawyer asked him, “The approval for this product covers varicose veins, correct?”



He said, “Correct.”

“That could include perforator veins, couldn’t it?”

He said, “It could.”

C. Austin Fitts: The case is over.

Howard Root: At that point, the case is over; yes. He just admitted that the approval could cover what they claim the illegal act was. So if it covers perforator veins, then talking about it is on label, which means that it is not a crime. We had FDA approval for what they claimed we didn’t have FDA approval for.

So that’s good. Check the box there. I don’t think we need another one of those.

Then they put a doctor on to talk about this product, and wanted to make it sound like it was so dangerous. On cross-examination, we asked him, “Have you used this product?”

“Oh, yes. For eleven years.”

“What do you think?”

“Oh, it’s safe and effective. It’s a wonderful product. I’ve never had a problem with it. Those complications that the prosecutors talk about, are all theoretical. I’ve never seen it. It’s purely hypothetical.



If you talked about it the way they talked about it, you would be deceiving the customer. You would be making it out to be scare tactics.”

Well, check the box. We don’t need another doctor to testify.

Then they question our employees who are saying, “No, Howard would never do anything wrong. Howard is very compliant. He’s really by the book. He would tell people to follow the law over profit any day of the week.”

Check. We’ve got the character witnesses.

So that was completed and we said, “What else are we going to do?” The only thing that I obviously wanted was to testify. This was the agonizing thing. If we don’t call our witness that means I don’t get to testify. If we win, that’s fine. But if we lose and I did not testify, it would be the worst feeling that would be with me for the rest of my life. I would always think that if they had only put me on the stand and I looked at the jury and said, “This is what I did; this is how I operate. This is who I am,” they would connect with me. I thought for sure that they would not convict me if I testified.

C. Austin Fitts: That’s why you wrote the book – so that you could testify.

Howard Root: That’s right! It’s great to be able to tell your story – to pull it all together and not have it lingering.



In the end, we decided that the best thing to do was to cut the trial short by three weeks. The prosecutors had gone on for three weeks at that point. They rested, we rested, and we caught them by surprise because they were getting ready for our witnesses, and we were all prepared for the closing arguments.

When our same lawyer smoked them with the closing arguments, they fumbled and bumbled with their closing argument, and the jury came back ‘not guilty’ on all counts.

It ended the right way. The beautiful thing is that when you win a case without calling a witness, it’s hard to say it was a fluke or a close call. You can’t explain that other than the government had no case and they were not willing to walk away. They were so blinded by their own passion and not justice that they were willing to pursue it even though they had no chance of winning.

C. Austin Fitts: Right. It’s hard for people to believe that this happens, but it happens. Unfortunately I believe it happens often.

Howard Root: When I give talks about it, the first slide that I show is a Lionel Trilling quote. It says, “It is now life and not art that requires the willing suspension of disbelief.”

When I talk about this, people can’t believe it happens. If they really don’t believe that you have to have a willing suspension of disbelief to believe life, then I say, “If a year ago I told you that our President was Donald Trump, would you believe that? Of course not.”



C. Austin Fitts: Right.

Howard Root: Things happen today that you can't believe, but you have to be open to it – as long as you see the evidence, and the evidence is there. This is what happened in real time. I wasn't sugarcoating it or picking the best parts. They prosecuted me for something that they could not prove was a crime, and they continued it all the way through trial. We did not call a witness.

Not only did the jury say, "Not guilty," but also one juror said that what the government did to me and my company and my employees is nothing short of criminal. She wanted to put the prosecutors behind bars, not me.

C. Austin Fitts: It was criminal. I'm sure that they broke laws in the process. They felt that if they could keep doubling down on their bluff that it would work, and they were wrong.

One of my favorite parts of *Cardiac Arrest* is your description of how you came to the conclusion that the risk equation had changed in a very profound way and decided to sell your company. I thought that was quite remarkable because you're talking about a very deep phenomenon, which I believe is having a major impact all over the country.

Howard Root: We talk about regulation and the overregulation and the regulatory state and the fourth branch of government, and that is bad; it is really bad. But if you combine that with the Department of Justice who wants to put CEOs behind bars, now you have criminalization of American business.



When I realized that if the sales rep says the wrong word, the prosecutor could indict me. If I had lost this trial, I would have done three years behind bars minimum. You have to serve 85% of that sentence in Federal prison.

So I'm sitting there thinking, "Do I really want to run that risk again?"

Now that I've beaten the government, I'm going to talk about it. I'm not a conspiracy theorist. On the other hand, I know that if they had some additional whistleblower allegation against me after what I had done to them, people in the Department of Justice would put their A Team on it and not give up. They would want my head on a platter.

C. Austin Fitts: Right. You won because you had the B Team.

Howard Root: Yes, I did. If I flipped it around and our lawyers were on the other side, I think I would be in prison today. The power is so massive on the government side.

Now, in other respects, if you flipped it around and my lawyers were on the other side – as they were ten years ago when they worked at the Department of Justice – they would not have prosecuted me because they are intelligent and honest people. But if you get a dishonest, poorly motivated prosecutor in the Department of Justice who has competence, I could go to prison.

I was not motivated by money to start the company. I was a very successful lawyer. I had a secure job and future.



I wanted to do this to do something more important with my life. It may sound corny, but that is what I wanted to do.

I enjoyed developing medical devices. We've invented and developed over 100 medical devices. One third of those were my ideas.

We were working with the US Army to make freeze-dried plasma, which they haven't had since the Vietnam War, but is useful to save soldiers' lives on the battlefield. That is very rewarding, but it's not enough for me to risk going to jail because the salesperson says the wrong word.

Many of the medical device people said, "Howard, just amp up your compliance. Get more compliant."

C. Austin Fitts: No.

Howard Root: You cannot comply your way out of this. There is no way.

Harvey Silverglate wrote a book called *Three Felonies a Day*, and it's true. Every business in America commits at least three felonies a day. The only question is: Which ones are the prosecutors going to go after?

I made the decision to sell before Trump was elected, and I thought for sure, Hillary was going to be elected. I don't know if it would have made that much difference, but when I was seeing what happened with Obama and what was happening with Clinton and where that was headed, I said, "Let's find a good exit."



The ‘good exit’ means that I’m out of the CEO chair. To do that the right way for the company and everyone else was to sell the company to a bigger corporation. This is what is happening in America: Small companies are selling out.

It’s very hard to get started, it’s hard to be successful, and when you get there, you say, “It’s not worth it.” Then you sell out. At age 56 I say, “I’m not going to do it again.”

If I do anything, it’s going to be in a much lower profile role in business, and I probably won’t even do that because I don’t need to do it for the money, and I don’t do it for the fun now because there is too much risk. There are too many other things that you have to do. We’re going to become a stagnant economy – as we already are – and people aren’t going to be creating new jobs. Then people are going to be wondering, “Why is that happening?”

Well, there’s a very good answer staring them in the face right there.

C. Austin Fitts: Right. The Sherriff of Nottingham is roaming around, and it’s not worth it.

Howard Root: Right.

C. Austin Fitts: Qui bono; we talked about who benefits. Obviously there was something happening at the Department of Justice trying to make their targets and rewards in medical devices, but there are many different uses of both the qui tam and other enforcement actions.



I don't know if you've ever read Matt Taibbi's book *Divide*. One of the chapters is on the targeting by the Department of Justice of a Canadian insurance company, Fairfax Financial. It's a fascinating story. They were working with short sellers, and I've seen other examples where you had a lead investor who wanted to pick the company up cheap. So they wanted a jam so that they could end up taking control.

There are many different fact patterns. Unfortunately, you get a Department of Justice trying to make money and then partnering with people in the private sector working together to target a healthy company. So it's similar to the unhealthy making money destroying the healthy.

Howard Root: It is. They have to find someone who has some information.

One thing that the Department of Justice does not have is original sources of information, so they have to find someone who has that. They've found it in whistleblowers, they can find it in short sellers, and they can find it in plain old securities law firms. And any of those who are paid for the information they give to the Department of Justice, and such information has to be highly suspected. Anyone who is getting paid for his or her information, you question the voracity of the information – but not at the Department of Justice.

There are many good whistleblowers and I don't want to say that any whistleblower is bad. There are some bad companies out there, and there are companies that do criminal things and CEOs who deserve to go to prison for example, Bernie Madoff belongs behind bars.



That's the problem. When I take my position, they say, "But, Howard, do you want the lawless west where everyone has no law?" No, no one would advocate for that. But that doesn't justify the other side, which is taking a disgruntled employee's allegations, and without talking to the CEO, amp it up into a full investigation where you have your hooks in so tight that you can't give up, and are going to indict him without even talking to him. Then you go to trial and lose completely without the other side presenting its case.

That system is broken. It's completely broken, and it has very bad effects on American business and the American economy. I think that it is the number one thing that the Department of Justice should be looking at changing within the justice system. It should start with the Yates Memo, which is a prescription to all of the prosecutors to go after the CEOs and make it a criminal investigation from the beginning. Next it should be the Park doctrine, where CEOs are responsible – strict liability – for criminal actions of their employees. This is something that I didn't do and that I didn't tell anyone to do and that I didn't even know they did. If someone creates a crime within my company, I have responsibility and authority to prevent or correct it, and I am responsible for that crime. I go to prison for the crime of the employee.

I always analogize it to teenagers because sales reps, I think, are much like teenagers. They have the same motivation and the same maturity level in many cases. Take 100 teenagers and say, "If they create a crime, you're the one going to jail."

C. Austin Fitts: No way.



Howard Root: You would not sleep, but that is what they did with the sales rep and me – even if I told them not to do something. If they did it and I have the power and responsibility to prevent or correct it, I go to prison.

No one who is aware of that is willing to accept it. The only reason my fellow CEOs in medical device-land actually continue to do their job is because they close their eyes. They just don't want to listen to it and when I give the talk to them, they don't hear it.

C. Austin Fitts: One of the reasons I picked up on your case is that the *Wall Street Journal* did an editorial when you won the case that was outstanding. It was a superb thing that they did. I don't know how the communication worked, but they really captured it. You had some good coverage and I don't know how the *Wall Street Journal* article happened so quickly, but it was a great thing.

Howard Root: King & Spalding was our law firm from DC, which is helpful. They were knowledgeable in that way. William McGurn at the *Wall Street Journal* is on this issue, and he likes that. They sent the information to him, and he picked up on it and wrote that. It was 'Justice for Justice' or 'No Justice for Business' about our prosecution and going against the Department of Justice.

This is one editorial that I liked, but I didn't realize how much I liked it until I heard the blowback from the prosecutor. The one thing that the prosecutors don't like is when you use their name. If they win, they want their name everywhere, but if they lose and you use their name...



Bud Paulissen and Tim Finley and Christina Playton and Charles Biro – we named them in the press release. William McGurn seized on it, and by name, they were in the *Wall Street Journal* about how they were part of a failed prosecution. That is the thing that I heard they hated the most. They wanted to be so far removed from this case. They wanted to moonwalk out of the courtroom and forget about it forever. Suddenly, there are their names as the Department of Justice people who bungled this entire investigation and prosecution.

C. Austin Fitts: Then I picked up the *Wall Street Journal* and saw your article two weeks ago. I had not realized that you had written *Cardiac Arrest* so I immediately acquired it and found the website. It was another great one but I don't know if it is publicly available yet.

Howard Root: It is. If you google 'Howard Root *Wall Street Journal*' you'll find and be able to read it that way.

This was an article where every employee's dream is to put your resignation letter in the *Wall Street Journal*, right? And I got to do it. It was a strange quirk of things on the Yates memo.

Sally Yates wrote the memo that tells prosecutors to go after CEOs of companies on healthcare fraud, and Sally Yates is the one who got fired because she disobeyed Trump's order on immigration.

So I wrote a draft of this, which was, "You fired Sally Yates. Now fire the Yates memo."



I thought, “There’s the hook.” So I sent that to the *Wall Street Journal*, and I heard nothing from them for a week. Then when I heard back from them, they said, “That doesn’t normally work for us because that’s yesterday’s news.”

I said, “Yes, that is why I wrote it last week. If it was yesterday’s news, it would have been good to publish it then.”

Then they said, “If you turn this around a little and you talk about what happened to you, and then discuss getting rid of Yates, that one sounds interesting.”

I thought, “That’s great because that’s what I wanted to do in the first place.” So I wrote it and I said, “Here’s the article, but you can’t publish it until Friday the 17th because that’s my last day of employment.”

They said, “Okay, we’ll run it that day.”

So on my last day of employment, the *Wall Street Journal* had my editorial in it, which started with the first sentence, “I quit.”

That one will be on my wall for the rest of my life.

C. Austin Fitts: That was well deserved.

So let’s talk about one of the last chapters of the book where you talk about the criminalization of America; talk about the criminalization of America. You have a list of great proposals as to what we can do. Maybe we could quickly go through them because I think that there are many things that we can do, and it’s time to do them.



Howard Root: Right. One that I added after I wrote the book was about the Yates memo. I think that is the easiest thing to do because that is an internal Department of Justice policy that tells prosecutors how to approach justice, and it should not be a return on investment. They should completely rewrite it, saying that they're about justice – not about money and not about conviction – and about getting the results to the right people. Tear up the Yates memo and rewrite it. I hope Attorney General Sessions does that.

The second thing is to eliminate this entire concept of strict liability crimes: If something happens, that you could put someone in prison – even if that person didn't do the act, tell anyone to do the act, know that the act occurred, or intend to do that act at all. It's completely opposite to American justice for a criminal violation; that's fine for civil violations and penalties. But when we talk about criminal violations and destroying people for strict liability that is a judicial principle that should be ruled to be unconstitutional.

C. Austin Fitts: Right.

Howard Root: There is a case forthcoming that has a good chance for that.

Within the Department of Justice, I think there are some other changes that could be made. One is that there should be an independent review of every single indictment. A prosecutor should not get the independent authority to bring an indictment against an individual without an independent lawyer in the Department of Justice looking over it and saying, "Okay, I agree."



The indictment itself is the punishment and the process can be the punishment. And when 99% of Americans can't withstand the indictment, the Department of Justice has to look at that as if it's a sentence. They can't just say, "We'll try it in court," because you're destroying people without any chance for them to defend themselves.

C. Austin Fitts: But there is something else. If you're shaking somebody down for a settlement, you shouldn't be able to indict without evidence. Too often I've seen cases where they had no evidence.

Howard Root: Oh, absolutely.

C. Austin Fitts: They knew that they could do irreparable harm before the defendant could afford to put forward a legitimate case, so they go forward. I think that this step is very important. If you get an independent attorney having to review and affirm the evidence, many of those cases can't go forward.

Howard Root: Absolutely right. Then I think they should prohibit all Department of Justice publicity before the conviction. They can say that they brought charges against someone, but they go far beyond that now. They have press releases with quote after quote about how bad the defendant is. Then at the end they say, "Well, an indictment is an allegation only. The truth or falsity is proven in a court of law."

Well, that doesn't do any good. The newspaper picks this up. In my case, my hometown newspaper's lead story – front page of the paper, not just the business section –



was ‘Medical Device CEO Accused of Fraud’. Then 15 months later is when I get the exoneration. Well, I was born and raised here and went to school here. Everybody who I know lives here. For a year and a quarter I walked around, and they’re thinking that I must be going to prison because I must have done something wrong.

So many people in America think that if the government brings charges against someone, then they must have done something wrong. “The government wouldn’t do that without cause.”

It has just opened my eyes.

The interesting thing for us is that we did three mock trials, and found out what is the best background of a juror. So we’re in San Antonio and have Hispanic, white, African-American. Then we have old (over 50), middle age (30-50), and young (under 30) and male and female.

We looked at that, and I thought, “Who is going to resonate with me? Who is going to see my story and not want to throw me in prison? Who is going to see the government for what it is?”

I was completely wrong in what I thought. The group that most resonated with me, who would never throw me in prison, the ones who would say, “The government is bad and the defendants are good,” are older male or female African-Americans. As soon as they see anything about prosecutorial misconduct and making threats to individuals, they’ve seen it before.



I'm a 56-year-old white guy in Minnesota. The government before this hasn't harassed my family. I don't think that happens often. But the African-Americans have seen it in their community all the time, and that is what resonates with them. But this whole idea that the publicity from a DOJ indictment can destroy someone is awful.

C. Austin Fitts: What they're doing with the publicity – and you said 90% fail economically at that time – is engaging in economic warfare and destroying their ability to defend themselves.

Howard Root: Well said; it is exactly that.

The other things on my list are: If there is prosecutorial misconduct, it should go through an independent agency. Right now we make allegations as to what these prosecutors did; those allegations go to the Department of Justice to investigate for themselves. It should go to the Office of Inspector General outside of the DOJ, so that they can investigate it. Then if they are guilty of misconduct, we should be able to get our attorney fees back from them.

There is a law called the Hyde Amendment – not the one related to abortion, but a different one – that says that if you are the subject of a malicious prosecution, you can sue the government to get your legal expenses back. That sounds like justice, right? Except that when it was implemented they wanted to make sure that rich people could not take advantage of it.



So if you have a net worth as a corporation, over \$7 million or an individual, over \$2 million, you cannot take advantage of the Hyde Amendment.

Well, we spent \$25 million. So what company with a net worth under \$7 million could fight a malicious prosecution?

C. Austin Fitts: Let me ask you this: Do you think it would be possible to increase the limits significantly instead?

I'll tell you why. You have a certain group of contractors in Washington who are so big in terms of revenues and profits and are so enormous that most prosecutors are terrified of them, no matter how much evidence they have. One of the reasons is, if you took the Hyde Amendment off, very rarely would any of those companies ever be prosecuted. It would be very chilling for them.

Howard Root: The standard is high. There isn't enough law to figure out where that is, but it has to be a very malicious prosecution; it can't be just a loser where if they lose they get expenses covered. It has to be something where you go to trial and the defendant wins – as in our case where we don't call any witnesses.

So if the standard is high enough, in my view, everyone should be able to take advantage of it. You shouldn't exclude rich people from taking advantage of it, but the standard has to be higher than just, "They made a mistake." It has to be that they knew what they were doing and they did the wrong thing.



If we had that, I think it is very easy for prosecutors to pick the cases to prosecute. They have choices all over the place. They don't have to prosecute anything. So if they're picking only the ones where crimes have actually occurred, they won't have to worry about maliciousness or the Hyde Amendment at all.

Then reforming the whistleblower cash grab where these whistleblowers can get hundreds of millions of dollars for just bringing an allegation up against a company incentivizes them to create fictional situations. We see that all day long in healthcare, and I think we are seeing it in the financial community as well where disgruntled former employees are creating things and acting like they're doing the noble cause by ratting out the corporation on things that are completely made-up.

C. Austin Fitts: They're teeing up government greenmail. They're saying, "You can go shake this company down and get some money, and I'll get some money. Then they'll pay us to go away."

I think you had the statistics for how many of these cases settled.

Howard Root: It's 97% that settle. You get over 95% on anything, and that's a certainty in statistics. We are such the outliers.

The only reason we did fight is because they never gave us an option of settling by paying money. We had to have money and bodies. When they do that, then you say, "Okay, now it's something we can fight. Now it's something we want to fight. We're not going to agree to that."



C. Austin Fitts: Right. They were very piggish, which was a mistake on their part.

Howard Root: Very much so. They could have gotten \$20 million if they wanted that. I would have given them that for something that wasn't a crime. I would have said, "Fine," because I don't want to get indicted, and I don't want to go through a trial and the potential of prison if the jury doesn't like me. But instead, they wanted \$20 million plus they wanted me excluded, and that was never going to happen.

C. Austin Fitts: One thing that I really enjoyed in the book was when you got frustrated with your attorneys because you had one group that was behaving like, what I used to call 'Jabba the Hutt'. They get appointed, and the thing is going to settle, but they have to wait it out. Then it settles, and they get a big cash payout, and don't prepare for trial because nobody ever goes to trial.

Howard Root: Right.

C. Austin Fitts: And you're preparing to go to trial, and feel like you're pushing this mountain. It's like pushing a stone up a mountain, and luckily you were able to fire them.

Howard Root: Yes. With the first lawyers it was like, "With prosecutors like these, deals get better closer to trial." With that kind of attitude, why would they even think about preparing for trial because they know they're going to settle? His view was, "Everyone settles."



When it got to a point where the only settlement was pleading guilty or being excluded, he thought that maybe the company was going to take it. We said, “No,” and he wasn’t ready to do anything and he hadn’t prepared for anything. He sent the bill and had done very, very little.

So that’s why he quit. He wasn’t willing to accept his mistake. It was easier for him to walk away. Then we were left three years into a process saying, “We had better get a good lawyer here because we’re going to be in court.”

C. Austin Fitts: Right, and you have to train them all over from the beginning again.

Howard Root: Right. We had to educate them on the medical procedure, on the product, on who we are, on who the employees are, and it’s painful to have to bring new lawyers up to speed on this. It’s expensive, as well.

We had plenty of money. That was the one blessing that we had, but we didn’t have all the time in the world. While we were doing that I still had to run a company. We had a public company, had shareholders, had products to launch, had sales meetings to hold, and had regulatory compliance – all kinds of other issues. So while, on one hand you’re out fighting the government, the other hand has to be juggling three balls with a public company. Again, I was lucky that we could pull it off.



C. Austin Fitts: I have to tell you that I find *Cardiac Arrest* to be one of the most inspiring books I've read in a long time because when you put it down, you say, "Here is someone who really fought back."

In the way you did it, including the publicity that you received, you really did a service for everybody.

Something like this has to put an enormous chill through everybody at the Department of Justice saying, "Maybe there is risk in shaking people down when there is no evidence."

Howard Root: I hope that is true. I'm not sure that the Department of Justice is looking at our case like that yet. If I could get in front of the Senate Judiciary Committee and talk to them and get a little more publicity in Washington DC so they know about it and let Attorney General Sessions know about it, that is the goal so we can bring about cultural change.

C. Austin Fitts: Here is what I want: I want every subscriber to check the current members of the Senate Judiciary Committee. If you have a senator on that committee, I want you to buy the book and mail it with a letter asking the senator and their staff to read *Cardiac Arrest*. I assure you that they will not be disappointed. How about that?



Howard Root: Yes, that would be great. I sent one to Senator Klobuchar. I'm in DC the week of April 1st, and I have some meetings with representatives from Minnesota and we're trying to get a meeting with Attorney General Sessions. DC is crazy now with all the new issues with the Trump Administration, but this is a relevant issue at the right time and the right Administration that I think can be relatively 'improved' if not 'fixed'.

It's always a balancing with justice, but it's so far off to one side that we could make a massive shift toward justice and away from extortion – I'll call it what it is. That is what the Department of Justice does to businesses every day.

C. Austin Fitts: Howard Root, you are making America great again, and we really appreciate it.

Howard Root: Thanks, Catherine, and I appreciate it. It resonates with certain people, and it certainly resonates with you, and I'm glad it does. It's something that opened up my eyes going through the process, and hopefully other people are aware of what can happen now too.

C. Austin Fitts: Thank you very much. Take a moment and tell everybody how to find the website for *Cardiac Arrest* and tell us a little more about Howard Root's future. How do we keep up with you?

Howard Root: The website is www.CardiacArrestBook.com, and I have links there to where you can buy the book – hardcover and paperback. The paperback is on Amazon, although it keeps selling out on Amazon, so it is getting pushed back a little.



There are other places to buy it if you go to the website. Obviously, Kindle is available for immediate downloads, and the audiobook should be coming out in about a month. They're done with it and it is in post-production now and should be available soon.

I'm also at Twitter @RootHoward, and you can follow a link to some presentations and articles and other things about it. I also have some speaking engagements coming up as well and we're going to be doing some more speaking later. Now that I'm into my 2nd week of retirement, I'm dedicating full-time to the book and the promotion, which is fun. I have a publicist and we're working on booking some things, so that is a lot of fun.

For me personally, it is bittersweet to sell a company because at 56 I thought I had at least ten more years – if not 15 – but making a solid break by selling the company and walking away the same day was the right way to do it. Now I've made that break.

This is my issue: I'm a political guy in the sense of being an issues person. I'm not a political guy in terms of the system and the politics; I don't like that. As a businessperson interested in issues, this is my first issue, and there are some other issues behind it that I'm going to get involved in. I'm not going to go John Galt and disappear, but at the same time I'm not going to put myself in harm's way.

I think there is a balance between not trying to do everything but do the important things in the time that we have. I'm way too young to not do anything, and my golf game is way too bad to ever improve. So I want to do something important. We'll see how that goes.



C. Austin Fitts: If we can ever help you here at The Solari Report, we would be delighted to do it. If there is anything that we can do, please let us know.

Howard Root: I appreciate that. I will do that.

C. Austin Fitts: Have a great day.

MODIFICATION

Transcripts are not always verbatim. Modifications are sometimes made to improve clarity, usefulness and readability, while staying true to the original intent.

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