

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 2, 2018

The Honorable Trey Gowdy  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, D.C.

Dear Mr. Chairman:

We are writing to respectfully request that you issue a subpoena to compel the Department of Justice to produce documents it is withholding relating to Purdue Pharma, the manufacturer of OxyContin.

The United States is facing the greatest health crisis in decades. Millions of Americans are in the grip of drug addiction due in part to aggressive over-prescribing of opioids like OxyContin for even minor injuries. For years, Purdue Pharma has vehemently denied that it had knowledge of the growing illicit use of OxyContin until years after it had been on the market.

According to the *New York Times*, the Department of Justice compiled a report in 2006 summarizing the findings of a four-year investigation, concluding that “Purdue Pharma knew about ‘significant’ abuse of OxyContin in the first years after the drug’s introduction in 1996 and concealed that information.” According to the *Times*, which has obtained a copy of the report:

Company officials had received reports that the pills were being crushed and snorted; stolen from pharmacies; and that some doctors were being charged with selling prescriptions, according to dozens of previously undisclosed documents that offer a detailed look inside Purdue Pharma. But the drug maker continued “in the face of this knowledge” to market OxyContin as less prone to abuse and addiction than other prescription opioids, prosecutors wrote in 2006.<sup>1</sup>

According to the *Times*, prosecutors leading the investigation recommended indicting three of Purdue’s top executives in 2006 on felony charges, including conspiracy to defraud. However, political appointees at the Department of Justice under then-President George W. Bush reportedly overturned the prosecutors’ recommendations, deciding to settle the case instead of going to trial. According to one former Drug Enforcement Administration official, had the

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<sup>1</sup> *Origins of an Epidemic: Purdue Pharma Knew Its Opioids Were Widely Abused*, New York Times (May 29, 2018) (online at [www.nytimes.com/2018/05/29/health/purdue-opioids-oxycotin.html](http://www.nytimes.com/2018/05/29/health/purdue-opioids-oxycotin.html)).

Department of Justice prosecuted the Purdue officials, it “would have been a turning point” in the opioid epidemic because “it would have sent a message to the entire drug industry.”<sup>2</sup>

If this report is accurate, Purdue’s actions demonstrate a stunning disregard for human life and the law. While Purdue Pharma made billions of dollars from OxyContin, thousands of Americans succumbed to addiction and its consequences.<sup>3</sup>

On June 12, 2018, we sent a letter to the Department of Justice requesting that it produce the following documents by June 25, 2018:

- (1) a copy of the Department of Justice report referenced in the *New York Times* article and all related documents; and
- (2) all documents, including internal and external communications, relating to the decision to settle the cases against Purdue executives instead of pursuing charges as recommended by prosecutors.<sup>4</sup>

We received no response from the Department of Justice to our request.

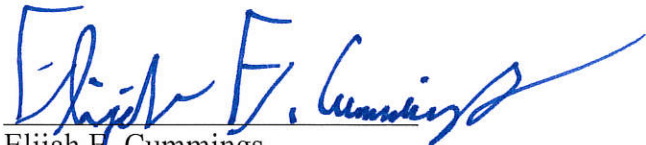
For this reason, we request that you issue a subpoena to compel the Department of Justice to produce the documents requested in our letter on June 12, 2018. If you choose not to issue this subpoena yourself, then we ask that you place this matter on the agenda for our next regularly scheduled business meeting so all Committee Members will have the opportunity to vote on a motion to issue these subpoenas.

Thank you for your consideration of this request.

Sincerely,



Mark DeSaulnier  
Member of Congress



Elijah E. Cummings  
Ranking Member

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<sup>2</sup> *Id.*

<sup>3</sup> *The OxyContin Clan: The \$14 Billion Newcomer to Forbes 2015 List of Richest U.S. Families*, Forbes (Jul. 1, 2015) (online at [www.forbes.com/sites/alexmorrell/2015/07/01/the-oxycontin-clan-the-14-billion-newcomer-to-forbes-2015-list-of-richest-u-s-families/#334a42d975e0](http://www.forbes.com/sites/alexmorrell/2015/07/01/the-oxycontin-clan-the-14-billion-newcomer-to-forbes-2015-list-of-richest-u-s-families/#334a42d975e0)).

<sup>4</sup> Letter from Congressman Mark DeSaulnier and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Attorney General Jeff Sessions, Department of Justice (Jun. 12, 2018) (online at <https://desaulnier.house.gov/sites/desaulnier.house.gov/files/LETTER%20-%20RM%20Cummings%20and%20Rep%20DeSaulnier%20to%20AG%20Sessions%20re%20Purdue%20Pharma%20-%202018.06.12.pdf>).