



March 26, 2018

President Donald J. Trump
The White House
1600 Pennsylvania Avenue
Washington, DC 20005

Dear President Trump:

The Project On Government Oversight (POGO) urges you to include slowing the revolving door between the Department of Justice—particularly the Drug Enforcement Administration (DEA)—pharmaceutical companies that produce opioids in your continued efforts to address the opioid crisis facing our country.

As we recently wrote to your Attorney General, Jeff Sessions, the opioid crisis has been fueled for decades by the legalized corruption created by the revolving door between the government and drug companies. This movement of individuals between key policymaking posts in the Justice Department, the DEA, and the pharmaceutical companies they formerly regulated has had a disastrous effect on curbing the opioid crisis.

For example, the DEA is charged with making sure that prescription narcotics do not spill from the legitimate supply chain into the underworld of drug abuse. In their work to prevent this spill-over, the DEA's Office of Diversion Control was successfully identifying and freezing the operations of distribution centers that were improperly sending millions of pills to towns with only a few hundred people.¹ In response to this success, drug companies started to hire away dozens of DEA officials to work for them, allowing the companies to gain an insider's understanding of DEA strategy—and to better evade it.

As of December 2016, pharmaceutical companies and their attorneys have hired at least 42 former high-level DEA officials. At least 31 of these employees previously worked directly in the DEA's Office of Diversion Control, and at least 5 of the 31 were hired by McKesson, America's largest drug distributor.² These particular former DEA employees are perfectly suited to help drug companies stay within the technical bounds of the law while exploiting loopholes, as many of them either created DEA regulation programs or were responsible for their enforcement.

¹ Scott Higham and Lenny Bernstein, "The Drug Industry's Triumph over the DEA," *The Washington Post*, October 5, 2017. https://www.washingtonpost.com/graphics/2017/investigations/dea-drug-industry-congress/?utm_term=.0d68061be3be (Downloaded March 12, 2018) (Hereinafter "Drug Industry Triumph")

² Scott Higham, Lenny Bernstein, Steven Rich, and Alice Crites, "Drug industry hired dozens of officials from the DEA as the agency tried to curb opioid abuse," *The Washington Post*, December 22, 2016. https://www.washingtonpost.com/investigations/key-officials-switch-sides-from-dea-to-pharmaceutical-industry/2016/12/22/55d2e938-c07b-11e6-b527-949c5893595e_story.html?utm_term=.293d5fb62c5b (Downloaded March 12, 2018) (Hereinafter "Drug Industry Hired")

For example, in 2008 the DEA filed suit against Cardinal Health, one of the largest opioid distributors in the country, for improperly shipping pain killers. Cardinal later paid a \$34 million fine to settle the suit. The DEA official who spearheaded that settlement began working for Cardinal's lawyers in 2011.³

In 2012, that same DEA official's replacement followed in his predecessor's footsteps and went to work for Cardinal's lawyers as well, becoming their co-director of compliance and litigation. Records show that this official appeared in court against Cardinal just three months prior to leaving the DEA.⁴

Situations like these create an uphill battle for the DEA in addressing the national opioid crisis because the agency's efforts to enforce pharmaceutical regulations are being undermined at every turn by insiders who know how to circumvent the regulations and thwart the work of DEA investigators. Even if former DEA officials follow the letter of the law in disclosing conflicts of interest or recusing themselves from actual casework, their expertise is invaluable to pharmaceutical companies as they navigate litigation. As a result, the DEA must work around these hurdles, which slows and complicates their work. In the end, Americans suffer as the national opioid epidemic worsens.⁵

It is imperative that any steps your Administration takes to combat the opioid crisis address this revolving door issue if it is to successfully stop this growing crisis.

For more information please feel free to contact POGO's Director of Public Policy, Liz Hempowicz, at ehempowicz@pogo.org or (202) 347-1122.

Sincerely,



Danielle Brian
Executive Director

³ "Drug Industry Hired." D. Linden Barber worked as the Regional Associate Chief Counsel for the DEA from 2006-2010. In 2008, he spearheaded a case against Cardinal Health for which he wrote a memorandum of agreement to settle. This resulted in a \$34 million fine paid by Cardinal Health. Barber left the DEA in 2010 to work for the law firm Quarles & Brady, whose clients include Cardinal Health.

⁴ "Drug Industry Hired." Larry Cote took over as Associate Chief Counsel at DEA headquarters in September 2011. While there, he worked on a suit against Cardinal Health. Seven months later, Cote went to work for Quarles & Brady as Co-Director of Compliance and Litigation, a firm that represents Cardinal Health. *The Washington Post* reports that Cote appeared in court on behalf of the DEA in their second case against Cardinal Health just three months prior to his joining the law firm.

⁵ According to the National Institute on Drug Abuse, more than 115 Americans die every day after overdosing on opioids, and the total economic burden of opioid misuse is \$78.5 Billion a year. <https://www.drugabuse.gov/drugs-abuse/opioids/opioid-overdose-crisis> (Downloaded March 16, 2018)