



The FED UP! Coalition

*A call for immediate, coordinated and comprehensive federal action
to end the epidemic of opioid addiction and overdose deaths*

October 14, 2020

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington D.C. 20530

Dear Attorney General Barr:

We are individuals and organizations that have been gravely affected by the opioid crisis, and we write to ask for the opportunity to meet with Department of Justice attorneys before the DOJ agrees to a settlement with Purdue Pharma, the maker of OxyContin, and its billionaire owners, the Sacklers.

Many of us wrote to you on August 31, 2020, to urge the DOJ to seek justice for the victims of opioid industry executives.¹ We urged DOJ “to hold members of the Sackler family and other Purdue executives personally responsible for their criminal acts in furtherance of their company’s wrongdoing.”

Since then, we learned from press reports that the Sacklers are pushing DOJ to sign a deal that would betray the thousands of victims of the opioid epidemic.² Under the Sacklers’ proposal, the DOJ would settle in October, before the ongoing investigation of the Sacklers is complete. Purdue would admit to crimes, but no individual who committed the crimes would be charged.

The Sacklers would pay \$255 million and be allowed to keep more than \$12 billion of their fortune and walk away with immunity. Purdue would be preserved as a “public benefit company” to continue selling OxyContin and give the Sacklers a family legacy. Their proposal is a wish-list of everything the perpetrators could want to escape justice.

Our perspective about this case is important. Purdue and the Sacklers changed our lives. We have lost our own family members to overdoses, testified in the 2007 Purdue criminal case, and have founded

¹ Letter from Emily Walden to William P. Barr, Aug. 31, 2010, at <http://freepdfhosting.com/87f6e98953.pdf>.

² Mike Spector & Jessica DiNapoli, *OxyContin Maker Purdue Nears Guilty Plea Agreement In U.S. Criminal Probe – Sources*, Reuters, Oct. 7, 2020, at <https://www.reuters.com/article/us-purdue-pharma-investigations-opioids/exclusive-oxycontin-maker-purdue-nears-guilty-plea-agreement-in-u-s-criminal-probe-sources-idUSKBN26S1P2>; Patrick Radden Keefe, *The Sackler Family’s Plan to Keep Its Billions*, The New Yorker, Oct. 4, 2020, at <https://www.newyorker.com/news-desk/the-sackler-family-plan-to-keep-its-billions>.

public advocacy and support groups such as FED UP!, Learn to Cope, P.A.I.N., and R.A.P.P. We are committed to supporting the people whose lives have been devastated by the opioid epidemic and revealing the facts about what caused the crisis so that it never happens again.

It is appropriate for DOJ attorneys to meet with us to hear our concerns. The Crime Victims' Rights Act, codified at 18 U.S.C. § 3771, requires that the victims of a crime have "the reasonable right to confer with the attorney for the Government in the case."

When we meet with DOJ attorneys, we plan to discuss six concerns:

First, DOJ should listen to survivors. Purdue and the Sacklers were allowed to do so much damage for so long because many of the people they hurt were silenced and stigmatized. We will not be silent. More than a decade ago, several of us testified at Purdue's criminal sentencing in Abington, Virginia. We told the world what it meant to lose members of our families to Purdue's dangerous drugs. We warned the nation that, if DOJ let the perpetrators escape accountability, that would only encourage more crime. We were right.

The Sacklers got plenty of opportunities to meet with DOJ. The Sacklers' lawyers have access to DOJ at its highest levels. Legal bills filed in the bankruptcy show thousands of hours of high-paid lawyers pushing for a settlement that favors the Sacklers. Please give us an hour with the DOJ legal team to listen to our point of view.

Second, DOJ should complete its investigation. Richard Sackler is scheduled to testify under oath in a deposition on November 19 and 20. Mortimer Sackler is scheduled to testify on November 10. Kathe Sackler is scheduled to testify on November 5. It would be irresponsible for the DOJ to settle this case before the most important witnesses testify.

Third, DOJ should name and charge the individuals who broke the law. There should be no settlement that says the Purdue Pharma corporation committed crimes but fails to charge the individuals who broke the law. The public is wary of a justice system that protects executives and settles for empty convictions of corporations, where no one goes to jail.

In this case, filing charges against the company, instead of individuals, will mean there is no accountability. Purdue is already bankrupt. All of Purdue's money is already going to be paid to its creditors. Why have a Justice Department at all, if all that it can do is impose a fine on a company with no more money to lose?

Fourth, Purdue should be shut down. The press reports that the DOJ plans to preserve Purdue as a "public benefit company" to keep selling OxyContin and to give the Sacklers a family legacy. This disgusts us. This Company has been killing our children for twenty years. Purdue Pharma should die. Thousands of companies go out of business every year and are not rescued by the government. For our government to prop-up Purdue and give OxyContin a special public status is the opposite of justice.

Fifth, all of Purdue's documents should be disclosed. After destroying thousands of families, the main way Purdue can benefit the public now is by revealing the evidence of its crimes. Purdue says it is



turning over all its assets to the public in the bankruptcy. The asset that matters most is the server holding Purdue's email. As part of any settlement, the DOJ must require that all of Purdue's documents are turned over to a disclosure trust, overseen by a board of independent journalists, so that they can be published online.

Sixth, no one should keep money they got by breaking the law. A basic job of the Justice Department is to make sure crime does not pay. The Sacklers collected a personal fortune of more than \$13 billion, not counting whatever value remains at Purdue.³ It is being reported that they want to settle for \$225 million. That is less than two percent of what they got from their crimes. It does not make sense. If DOJ believes the Sacklers are innocent, it should say so. If DOJ believes the Sacklers killed thousands of people, then letting them buy their way out for two percent of their wealth is obscene. Taxpayers will not stand by while the DOJ makes a cheap settlement in this landmark case. We deserve for DOJ to get it right.

Thank you for considering this letter. We know the DOJ has many important responsibilities, including this case. We write to you with respect, and with the hope that you will lead the DOJ to take the time to listen to our concerns. We ask the DOJ attorneys meet with us to hear our views. Please contact us through Emily Walden, national chair of the FED UP! Coalition at ewalden3@gmail.com

Respectfully,

Emily Walden

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³ Tom Metcalf, *Even Without Prude Pharma, Sackler Family Is Worth Billions*, Bloomberg, Mar. 5, 2019, at <https://www.bloomberg.com/news/articles/2019-03-05/even-without-purdue-pharma-sackler-family-is-worth-13-billion>.



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Witness at Purdue's 2007 Criminal Sentencing

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