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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
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March 2, 2016

VIA ELECTRONIC TRANSMISSION

Phillip Blake
President
Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741

Dear Mr. Blake:

On November 2, 2008, 16-year-old Annie McCann was found dead next to a dumpster in Baltimore, Maryland.¹ Following an autopsy conducted by the Office of the State Medical Examiner, the cause of Annie's death was ruled as "lidocaine intoxication."² However, the manner of death was "undetermined."³ According to the Baltimore Police Department (BPD), Annie committed suicide by drinking a 5-ounce bottle of Bactine, which contains lidocaine and is manufactured by Bayer Corporation.⁴ Yet, in an email obtained by this Committee and dated November 4, 2009, a Bayer employee explained to Annie's parents, "[T]he amount of lidocaine in a single 5[-]ounce bottle would not be expected to produce death."

On August 25, 2013, Annie's parents presented BPD with a copy of this email. BPD apparently responded by asking Annie's parents to have Bayer state this opinion on official Bayer letterhead. This Committee, which has jurisdiction and oversight responsibilities over the Department of Justice, has learned that the Federal Bureau of Investigation (FBI) assisted BPD in this investigation and may have provided support for BPD's decision to treat the case as a suicide rather than a homicide. Accordingly, the Committee is seeking to fully understand the facts and circumstances surrounding that decision.

¹ Police Department, Baltimore, Maryland, Criminal Investigation Division, Questionable Death CC#-098-2K00565, Case# 08P392 Final Office Report, [hereinafter "BPD Office Report"] at 1-2.

² *Id.* at 3.

³ *Id.*

⁴ *Id.*; see also Tom Jackman, "What happened to Annie?" Nov. 2, 2009, *The Washington Post*, available at http://www.washingtonpost.com/wp-dyn/content/article/2009/11/01/AR2009110102089_pf.html; Tricia Bishop, "Father says accused teen, companion know nothing of girl's death," Nov. 13, 2009, *The Baltimore Sun*, available at <http://www.baltimoresun.com/news/maryland/baltimore-city/bal-md.mccann13nov13-story.html>; Peter Hermann, "Parents of Annie McCann say new leads in daughter's death," Jan. 18, 2012, *The Baltimore Sun*, available at <http://www.baltimoresun.com/news/maryland/crime/bal-parents-of-dead-virginia-girl-says-news-leads-in-case-20120118-story.html>.

By March 18, 2016, please provide this Committee with responses to the following:

1. Would the amount of lidocaine in a single 5-ounce bottle of Bactine be expected to produce death?
2. Did the FBI ever communicate with Bayer Corporation concerning the Annie McCann case? If so, please provide all records related to any such communications.
3. Please provide all records related to communications between BPD and Bayer Corporation concerning the Annie McCann case.
4. If Bayer Corporation has any other records related to the Annie McCann case, please make a representative available to discuss with Committee staff the nature and extent of any such records.

Please number your responses according to their corresponding questions. Should you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you for your attention to this matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Patrick Leahy
Ranking Member
Senate Judiciary Committee