

# EMPOWER OVERSIGHT

---

*Whistleblowers & Research*



June 5, 2026

Colin M. McDonald  
Acting Deputy Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Acting Deputy Attorney General McDonald:

Empower Oversight represents Special Agent (SA) David Howell, a veteran criminal investigator with the Drug Enforcement Administration (DEA) Albuquerque District Office. Over the past two years, SA Howell has made protected whistleblower disclosures to his supervisors, the Office of Inspector General (OIG) and the Office of Special Counsel (OSC). His protected disclosures warned of “a substantial and specific danger to public health or safety” due to the DEA and the U.S. Attorney’s Office for the District of New Mexico (USAO-NM) refusing to interdict massive quantities of fentanyl despite having probable cause to do so.

This practice, known as “walking” drugs, is sometimes rationalized by some in law enforcement as supposedly justified in order to keep an investigation covert for longer in hopes of making a bigger case against more senior-level drug traffickers. However, illicit fentanyl is so deadly it has been designated by the President as a “weapon of mass destruction.” In 2019 the first Trump Administration issued Title III Risk Mitigation Protocols directing law enforcement to seize fentanyl whenever the government developed the probable cause needed through a wiretap—rather than leave it on the street where it could cause death and destruction (“2019 Fentanyl Protocols”).

In direct response to our client’s protected disclosures about DEA Albuquerque and USAO-NM’s violations of the 2019 Fentanyl Protocols, the DEA and USAO-NM subjected SA Howell to a continuous campaign of retaliation. Officials actually reprimanded SA Howell for interdicting a vehicle suspected of carrying fentanyl. In December 2023, SA Howell reported violations of the 2019 Fentanyl Protocols to OSC, which referred his protected disclosures for investigation to DOJ’s Office of Professional Responsibility (DOJ-OPR).

Shortly thereafter SA Howell's supervisors summoned him to a meeting and stripped him of his law enforcement duties. They said USAO-NM would not allow him testify in court on any case because of its concerns that he would be honest about DEA's fentanyl walking practices if asked by defense counsel. DEA re-assigned SA Howell to non-case agent duties.

During the DOJ-OPR investigation, on June 10, 2024, the Biden Administration altered the 2019 Fentanyl Protocols to allow significantly more discretion to leave fentanyl on the street for purposes of "protecting" or furthering an investigation ("2024 Fentanyl Protocols"). On September 3, 2024, DOJ-OPR issued a report that shockingly whitewashes the serious violations our client reported. DOJ-OPR erroneously excused the fentanyl walking as a justified exercise of this law enforcement discretion. On September 17, 2024, SA Howell submitted his rebuttal to OSC critiquing the DOJ-OPR report, consistent with OSC procedures.

OSC then failed to notify the President or publish the key documents on its website for nearly a year. On September 4, **2025**, OSC published redacted versions of the DOJ-OPR report, our client's rebuttal, and a transmittal letter to the President on its website.<sup>1</sup> Although the documents purportedly redacted our client's name, there was an instance where someone failed to redact part of our client's last name. This allowed the Associated Press (AP) to eventually identify and contact our client about his remarkably alarming, protected disclosures to OSC.

SA Howell exercised his rights under 5 U.S.C. § 2302 to confirm his protected disclosures. In recent weeks, after the AP began contacting DEA and USAO-NM officials for comment, our client was informed that DEA Headquarters was going to "go after [him] hard" because officials there erroneously believe his contact with the AP means he does not have whistleblower protection.

SA Howell is a decorated DEA agent who faithfully and effectively helped protect Americans from dangerous drugs for his entire 19-year career. Yet, he has essentially been benched for the final years of his career, merely because he stood up for what is right, legally and properly.

Given these imminent threats of further retaliation and your role overseeing the DEA, DOJ-OPR, and USAO-NM, we respectfully request that you exercise your authority to immediately put a halt to any further retaliation and ensure that the past retaliation is remedied. Thank you for your prompt attention to this matter, and please find attached my letter to Congress and the Department's Acting Inspector General for more details and documentation.

Cordially,  
/Tristan Leavitt/  
Tristan Leavitt  
President

Attachments

---

<sup>1</sup> <https://www.osc.gov/cases/?year=2025> (case DI-24-000207).