

July 17, 2014

Ms. Miriam Nisbet
Director
Office of Government Information Services
The U.S. National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
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SUBJECT: Possible Involvement of the White House in Censoring FoodQuestTQ LLC Freedom of Information Act (FOIA) Requests

Dear Ms. Nisbet:

This is our fifth letter to you.

In prior letters, we explained that we are a small company being forced out of business by the Department of Health and Human Services (DHHS) and the Food and Drug Administration (FDA) who are unfairly competing against us by duplicating “in-house” our commercial products and “blacklisting” our small business within the food industry.

We provided you with a June 16, 2014, brief that describes several instances where the FDA and DHHS violated Title 5 U.S.C. §552, the Freedom of Information Act (FOIA), in order to intentionally obstruct justice by interfering with the lawful release, pursuant to the FOIA, of documents that implicate U.S. Government employees in felonious criminal conduct. A copy of this brief is attached.

Upon discovering the spoliation of hundreds of records by the FDA we asked for your immediate intervention to prevent the further destruction of evidence that would indicate the commission of felonious federal crimes by employees of the U.S. Government. We have received no correspondence from you indicating the actions, if any, that were taken to prevent the further destruction of evidence in this matter by either the FDA or the Department of Health and Human Services.

Against this background the purpose of this letter is twofold. First, what is the current status of our request that you immediately intervene to prevent the further spoliation of evidence in the matter of FoodQuestTQ and the FDA? Have you taken any actions to prevent the further spoliation of evidence? Have you been in contact with the Federal Bureau of Investigation (FBI) as we requested?

The second purpose of this letter is to inquire as to whether the President’s legal counsel has been involved in any way in reviewing, censoring and or approving any FoodQuestTQ’s requests made pursuant to Title 5 U.S.C. §552 (FOIA).

As you are aware White House Counsel Gregory Craig issued a memorandum to the heads of all federal agencies on April 15, 2009, barring federal agencies from releasing data under FOIA that contains "White House equities" without first clearing it with White House Counsel.

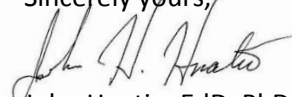
Thus, we are requesting that you determine if the White House has been involved in any way in reviewing, censoring or approving the FOIA requests made by FoodQuestTQ LLC to either the FDA or DHHS.

We are particularly interested in whether FDA and DHHS officials consulted with White House Counsel in strategizing efforts to deny FoodQuestTQ requests for exemption to processing fees, determining that there was no compelling need for the release of documents, and formulating any timelines for the release of any documents requested by FoodQuestTQ pursuant to the FOIA.

We welcome your speedy response to this inquiry about the integrity of the FOIA.

Thank-you very much for your assistance and if you have any questions please feel free to contact me directly.

Sincerely yours,



John Hnatio, EdD, PhD
Chief Science Officer

(1) Attachment: June 16, 2014 Brief for OGIS

Distribution:

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