

August 1, 2014



Ms. Carrie McGuire
Case Analyst
Office of Government Information Services
The U.S. National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
Carrie.mcguire@nara.gov

REFERENCE: Case No. 201400613

Dear Ms. McGuire:

Thank-you very much for contacting us regarding the violations of Title 5 U.S.C. §552, the Freedom of Information Act (FOIA) by the Food and Drug Administration (FDA) and the Department of Health and Human Services (DHHS).

In prior letters, we explained that DHHS and FDA are engaging in egregious violations of federal procurement, intellectual property and criminal laws.

The DHHS informed us that the same U.S. Government employees alleged to have committed federal felonious crimes were allowed to search their own electronic records for evidence of their own wrongdoing in response to our FOIA requests. Only afterwards did the Chief Information Officer of the FDA conduct an independent review for the e-records we requested under the FOIA.

It is self-evident that the DHHS method for collecting information allowed for the spoliation of evidence resulting in the violation of federal records keeping requirements under the Federal Records Act 1950, as amended and codified at 44 U.S.C. chapters 29, 31 and 33. Based on the above and other violations of federal law, we reported the matter to the Federal Bureau of Investigation (FBI) on June 1, 2014.

We have maintained very careful records of our long history trying unsuccessfully obtain documents under the FOIA as they relate to the gross fraud, waste and abuse taking place. Today, we will be sending you an invitation by e-mail to access our complete FDA-DHHS FOIA computer database. We are also sharing the link with the FBI. The database demonstrates that both the FDA and DHHS have abandoned all integrity in their management of the FOIA.

Thank-you very much for your efforts to maintain the integrity of the FOIA and we are looking forward to working with you to turn this bizarre situation around.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Hnatio".

John Hnatio, EdD, PhD
Chief Science Officer

Distribution:

Mr. Brian Deese, Acting Director, OMB
Ms. Sylvia Mathews-Burwell, Secretary, DHHS
Mr. William Hall, DHHS
Ms. Margaret Hamburg, Commissioner, FDA
Ms. Sarah Kotler, FDA
SA Joseph Marinko, FBI
Mr. Daniel Levinson, OIG-DHHS