

Senator Patrick Leahy
Chairman, Senate Judiciary
Committee
437 Russell Senate Building
United States Senate
Washington, D.C. 20510

Senator Chuck Grassley
Ranking Member Senate Judiciary
Committee
135 Hart Senate Office Building
United States Senate
Washington, D.C. 20510



December 24, 2013

Dear Senators Leahy and Grassley:

I am a small business owner. I produce risk management software that is used to make the food Americans eat safer.

Last year, I discovered that the Food and Drug Administration (FDA) plagiarized my doctoral dissertation, infringed on my patents, stole my trade secrets and duplicated the same products that my little company was already selling to the food industry.

The FDA is currently giving away the products they duplicated free of charge at their official government website. The FDA has also copyrighted, as property of the U.S. government, the products they duplicated based on our intellectual property. Attached please find a short summary of our case.

In early November 2013, I repeatedly tried to contact someone at the whistleblower hotline. I wanted to share my story with the Senate Judiciary Committee about the lack of due process in our case and potential FDA violations of Article 1, clause 8, of the Constitution, i.e., the copyright clause.

I was also concerned that the federal government was engaging in mismanagement, fraud and abuse by stealing our intellectual property and duplicating our products at taxpayer expense even though products that did the same things were already available at a fraction of the cost from our small company.

After writing to each of you and calling and e-mailing the whistleblower hotline tens and tens of times with absolutely no response over a period of many months, I became very concerned. I asked myself, "What kind of system would ignore the pleas of whistleblowers for help?" I wondered if Edward Snowden might have tried to call the whistleblower hotline only to be ignored before he committed treason.

On the matter of so-called whistleblowing I speak with some authority. In the 1980's I was labeled as a whistleblower by the government bureaucracy when I refused to concur on a misleading memorandum to President Reagan. That memorandum was untruthful and downplayed the serious safety and security vulnerabilities that existed within the nation's nuclear weapons program.

So, based on my own personal experience, I know exactly what it means to sacrifice a comfortable life and a successful career for the good of your country. I also know the importance of a properly managed federal whistleblower hotline for those brave people among us who choose to place their lives and careers on the line for the betterment of their country.

After trying for many months to speak with someone, I recently started calling again and again in short succession only to be sent to the staff's voicemail over and over again. I found this to be a common tactic to just ignore my pleas for help. No one ever responded. Then a very nice receptionist slipped up one day and passed me off to a real live staff person who works on the Judiciary Committee.

I asked the young man I was talking with why no one was responding to the whistleblower hotline. He told me that there were too many phone calls to answer to worry about every person's complaint. He said that the decision on whether to help whistleblowers was at the discretion of the Judiciary staff-not the Judiciary Committee. As a former Senate staffer myself, my response was, oh really?

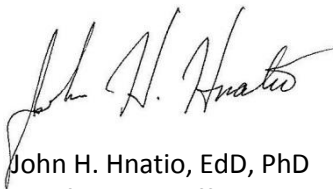
Then I asked the young man how much he knew about my case. I was surprised when he told me that he knew absolutely nothing about our repeated pleas for help except for an e-mail he just received from another member of the staff. This, of course, was in spite of my letters and all of the phone calls and e-mails I sent to the whistleblower hotline over the past several months without even the courtesy of a return call or e-mail. When I asked him if the Judiciary Committee was going to help me he told me, "no" and abruptly hung up the phone.

Now, I ask both of you to keep in mind that I am a small business owner who is being forced out of business by his own government. I have had to let my employees go, our entire retirement savings are gone, one of my former employees just lost his house, our credit ratings are destroyed, we cannot afford to even buy Christmas presents for our children and grandchildren and the list goes on and on. To put everything in context, the treatment I received was unconscionable.

Please understand that I am writing to you because a well-managed whistleblower hotline is for so many whistleblowers their last resort. Many times they are risking their lives and careers to help their country. They all deserve the courtesy of a response and to be treated with respect-not ignored.

If I can be of any assistance to you in turning this bizarre situation around, please do not hesitate to contact me. Thank-you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John H. Hnatio". The signature is fluid and cursive, with a large initial "J" and "H".

John H. Hnatio, EdD, PhD
Chief Science Officer

cc: John Dowd
Jill Kozeny
Jason Foster