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February 10, 2009

Honorable Barrack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Colonel (Retired) Thomas F. Spellissy, Freedom of Information Act (FOIA)

Dear Mr. President:

The purpose of this letter is to request you to look into the FOIA request by Colonel (Retired) Thomas F. Spellissy to the United States Department of Defense and to the United States Special Operations Command.

There is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, challenging the United States Special Operations Command's (USSOCOM), MacDill Air Force Base, Florida, failure to respond to a request for public records by Colonel Spellissy. The records requested by Colonel Spellissy involve USSOCOM's Inspector General Report on the investigation of him and his company Strategic Defense International, Inc. to include:

- The interviews of Steven Featherman, Brad Mohr, LTC Wil Riggins, Captain Rowland Huss, Dr. Dale Uhler, LTC Donald Heilig and other interviewees not known.
- A copy of the Inspector General Report on the investigation of LTC Donald Heilig, United States Army.
- A copy of the Inspector General Report on the investigation of Captain Rowland Huss, United States Navy.
- Colonel Spellissy's FOIA request seeks a copy of all internal agency documents related to the investigation of himself.

Colonel Spellissy is also conducting an investigation into War Profiteering by general officers assigned and formally assigned to the United States Special Operations Command. A war profiteer is any person or organization that improperly profits from warfare or by selling weapons and other goods to parties at war. General profiteering may also occur in peace time. The public can be deprived of its proper use of tax dollars when government officials

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knowingly profiteer with private contractors. Colonel Spellissy also needs to be protected by the Whistleblower Protection Act to prevent any further adverse actions to be taken by the Department of Defense. The Whistleblower Protection Act (WPA) provides statutory protections for federal employees who engage in "whistleblowing," that is, making a disclosure evidencing illegal or improper government activities.

On November 10, 2008 Colonel Spellissy through undersigned counsel filed a FOIA request to USSOCOM. At 4:56 pm, November 10, 2008, USSOCOM accepted the request and sent counsel a receipt of filing. On November 12, 2008 USSOCOM FOIA officer, Kathryn Meeks requested a signed letter by Colonel Spellissy. On November 13, 2008 counsel faxed the letter and informed Ms. Meeks that Colonel Spellissy had sent Admiral Eric Olson, Commander, USSOCOM, a letter with a similar request. On November 14, 2008 Ms. Meeks acknowledged receiving the faxed letter and informed counsel that it would take approximately (20) twenty more days to satisfy the request. On December 4, 2008 undersigned counsel sent an email to USSOCOM to check on status of request. USSOCOM responded that they were checking with legal and their Inspector General and would have an answer soon.

As of today, we have not heard from USSOCOM as to the disposition of the FOIA request. Colonel Spellissy informed the Commander, USSOCOM concerning this request and has not heard from his office. All administrative remedies have been met since the Commander is responsible for all actions under his command.

On January 21, 2009 your office published a Memorandum for the Heads of Executive Departments and Agencies on the Freedom of Information Act in the Federal Register. Mr. President, you said, "A democracy requires accountability, and accountability requires transparency." The Memorandum goes on to say, "The Freedom of Information Act should be administered with clear presumption: In the face of doubt, openness prevails." It also states, "The presumption of disclosure also means that agencies should take affirmative steps to make information public." You directed the Attorney General to issue new guidelines.

On January 26, 2009 my office sent the same FOIA request to the Department of Defense Inspector General (DoDIG). On February 3, 2009 the DoDIG responded acknowledging the request and gave me Mr. William Goehring as a point of contact. Mr. Goehring does not answer his phone nor does he return phone calls and as a matter of fact no one from his office returns phone calls.

Colonel Spellissy was the Program Executive Officer, Special Programs (PEO SP) for USSOCOM under the President George W. Bush administration. As the PEO SP he commanded the most powerful and demanding acquisition unit in the Department of Defense (DoD). He was directly responsible for over \$3,500,000,000.00 (\$3.5 billion) of our Nation's classified research, development, test and evaluation, and procurement of equipment to support our covert soldiers, airmen, and SEAL units at war. This responsibility included leading and managing all of the unclassified ground warfare programs, all USSOCOM collateral classified programs for the Joint Special Operations Command, and all of the USSOCOM acquisition classified Special Access Programs. Colonel Spellissy was also trusted with practically all of the nations classified acquisition programs, which included those of the Central Intelligence

Agency, the National Security Agency, the National Laboratories and the Department of Homeland Defense. He also had access to, and negotiated with, his foreign counter-parts in order to use selected National Level Classified Programs from others countries, such as the United Kingdom and the State of Israel, to benefit our Special Operations Forces. Colonel Spellissy led the most demanding Program Executive Office in this command. His contributions to our Soldiers, Airmen and SEALs during Operation's Enduring and Iraqi Freedom are significant. His office has arguably fielded more new and improved types of equipment than any other Program Executive Office in the Department of Defense. Our National Forces (classified) continues to be the most premier force in the world because of the acquisition work performed by Colonel Spellissy. There are several documented accounts where equipment fielded under his direct authority has saved the lives of members of our force during this Global War on Terrorism. He has been inducted as an Honorary Member of the 75th Ranger Regiment – a recognition achieved by only a few people. Under his leadership, his office has also won the David Packard Award for Acquisition Excellence – this is the highest award for Acquisition in the DoD. As a result of the USSOCOM's refusal to provide public records pertaining to the investigations related to Colonel Spellissy, he is deprived of important information essential to notifying the public through the website www.fight4spellissy.com of war profiteering and abuses of power by general officers. The Public is also deprived of the fraudulent use of tax payers dollars in a scheme to defraud the government by war profiteering.

My staff and I worked hard on your campaign and we believe in you. I hope you can assist Colonel Spellissy in his search for the truth and prevent a miscarriage of justice from further occurrence.

If you have any questions or concerns please contact my office. Thank you for your time and attention in this matter.

Respectfully,



John F. McGuire, Esquire

JFM/ts

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FACSIMILE TRANSMISSION

DATE: February 10, 2009
TO: President Barrack Obama
FROM: John F. McGuire, Esquire
FACSIMILE: (202) 456-2461
RE: FOIA Request
COMMENTS: The enclosed letter is provided as per your instruction.

NUMBER OF PAGES (including this page): **4**

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