

On December 1, 2010 I had a very informative and substantive conversation with Ms. Claire Whitaker, the Assistant U.S. Attorney in the U.S. Justice Department who is responsible for defending the decision of APHIS to withhold information from the HSUS that was provided by breeders on their Forms 7003. Although there is no absolute guarantee that the Federal District Court in Washington DC will rule in favor of APHIS and the Missouri breeders, the HSUS faces an almost insurmountable hurdle in overcoming the opposition to the release of the information by the U.S. Department of Justice!!!!

My reading of the lawsuit that was filed by the HSUS on October 4, 2010 reveals that the **HSUS did request information on every Class A and B licensee in Missouri.** In contrast, the HSUS only requested information with respect to 33 specifically named licensees from the other 49 States. I believe that the **court filed documents by the HSUS** conclusively substantiate that the HSUS has improperly and selectively "targeted" breeders in Missouri, and that the HSUS may have unwittingly crossed the line that is set out in the Animal Enterprise Terrorism Act. In this regard, it is not unreasonable to assert that HSUS Lawsuit was filed to support its "STOP "PMs" CAMPAIGN," and that the HSUS FOIA request was filed for the intended purpose of using the requested information to disrupt the operation of "animal enterprises" in Missouri. Not only do I believe that this will strengthen the argument against the release of information to the HSUS, but it opens a door for each breeder who responds to the APHIS letter to send a courtesy copy of their E-Mail response to APHIS to the two FBI District Offices in Kansas City and St. Louis, Missouri. If those two offices received "courtesy copy" E-Mails from more than 1,000 affected breeders in Missouri, it just may open some eyes within the FBI, and result in some follow-up inquiries by the FBI, which could set the stage for an FBI investigation of the harassing activities of the HSUS. There is no guarantee that the FBI will open a full-fledged investigation of the harassing activities of the HSUS. However, if the two FBI Offices in Missouri were to receive potentially up to or more than 1,000 Courtesy Copy E-Mails that suggest that the HSUS may have violated a Federal Terrorism Statute, the FBI may be hard pressed to ignore the contents of those 1,000+ E-Mails.

APHIS needs to receive the responses from breeders no later than December 10, 2010. Ms. Whitaker confirmed to me that E-Mail responses are acceptable. Accordingly, I recommend that all breeders who received a letter dated November 22, 2010 should use the wording in the attached draft letter in their E-Mail responses to APHIS.

I am sensitive to normally never using the "PM" phrase. However, I do believe it is important to use that phrase in the "quotes" from HSUS documents as it demonstrates that the HSUS indiscriminately mischaracterizes "ALL" responsible breeders with its "ethnic-type of slur." (See Attached Letter, which I recommend be sent by every breeder who received the November 22<sup>nd</sup> letter from APHIS.)

For those who do not have access to E-Mail, you may mail your letter by regular or certified mail to the address listed on the Attached Letter. If you are mailing your response, add your Name and APHIS License Number at the bottom of the letter.)

#### **INSTRUCTIONS FOR SENDING RESPONSE BY E-MAILS TO APHIS AND TO THE FBI**

1. Address your E-Mail to: [FOIA.Officer@aphis.usda.gov](mailto:FOIA.Officer@aphis.usda.gov)
2. Add the following E-Mail addresses on the Courtesy Copy (CC) Blank on Your E-Mail:

- [kansas.city@ic.fbi.gov](mailto:kansas.city@ic.fbi.gov) and [stlouis@ic.fbi.gov](mailto:stlouis@ic.fbi.gov)
3. Copy and paste the attached letter to your E-Mail.
  4. At the bottom of the letter, add your Name and your APHIS License Number.

I would appreciate if you would share this information with any breeder who did not receive a copy of this E-Mail. Thank You! **"May the Force be with you!!!!"**

Frank Losey