

September 1, 2024

Honorable Hampton Dellinger, Special Counsel
US Office of Special Counsel (OSC)
1730 M Street, N.W., Suite 218,
Washington, D.C., 20036-4505
info@osc.gov www.osc.gov

Subject: As apparent GOAT (i.e. Greatest Of All Time) of career federal agency whistleblowers, I publicly testify OSC is a decades-long, law-breaking fraud of a federal law enforcement agency.

Dear Special Counsel Dellinger,

I am Joseph (Joe) Carson, PE. I recently retired from the Department of Energy (DOE) after 40 years of federal service (six on submarines and 34 in DOE). I have good cause to claim “GOAT” status of career federal agency whistleblowers.

More importantly, I think my unresolved whistleblower disclosures against the Secretary of Energy, you and your predecessors as Special Counsel, as well as the current Chairman of US Merit Systems Protection Board (MSPB) and her predecessors, have troubling implications for nuclear weapon material security and much else relevant to American health, safety, security and welfare. So on I trudge, spending time writing things as this to people as you.

I am a licensed professional engineer (PE) for 40 years. As such I have a legal duty to be "truthful and objective" in my public statements relevant to public health and safety - I can be (and should be) disciplined by my PE licensing authority in Tennessee if I am an "engineer crying wolf." ¹

My public testimony is:

US Office of Special Counsel (OSC) is a decades-long, law-breaking fraud of a federal law enforcement agency, Cathy Harris and her predecessors as Chairman of US Merit Systems Protection Board (MSPB) are OSC's decades-long, law-breaking, enablers. This compounded, continuing law-breaking is a causal factor in much which has befallen America since 1979 (when these agencies were created) and besets America now. America and civilization are at unnecessarily increased risk of a nuclear 9/11 or other existential catastrophe because of it. "Weaponized" legal ethics is the cause. By it, the responsible attorneys in OSC and MSPB, including their Senate-confirmed heads, reason they would be corrupt as attorneys if they did not do their utmost to prevent any objective

¹ By its rules of professional conduct, I am also a mandated reporter, regardless of possible workplace retribution, when necessary to “hold paramount the public health, safety and welfare in the performance of professional duty.”

resolution of my - essentially uncontested - whistleblower disclosures against them and/or their agency clients - regardless of risk and harm to American health, safety, security and welfare.

Consistent with my claiming GOAT status, and to "put my money where my mouth is," I have offered a number of whistleblower advocacy groups, good government groups and engineering societies to put 5K in escrow (we can find an attorney to hold the money) if they file a professional misconduct complaint against me with my PE licensing authority. It would be on basis I'm an engineer crying wolf, contrary to its rule of professional conduct.

If the Tennessee PE Board takes any disciplinary action against me, they get the money. There is no cost to file a complaint and I'll even draft it. No takers so far - how about you? (You could designate a non-profit of your choosing to get any money).

Why would I do this? Because I have been to US Supreme Court four times about my whistleblower disclosures in past 15 years and, because of weaponized legal ethics, they are still basically uncontested and unresolved. (I do not claim to be "GOAT" without good cause!)

In the alternative (or in addition to) this "PE bounty" offer, I am soliciting such groups to get people to join the petition at <https://stopstonewallingmspb.com/sign-the-petition/>. My reasoning is that if several hundred people do, it could well result in Senators Grassley or Wyden (or others in Congress) getting activated to resolve my whistleblower disclosure against Cathy Harris. If it is vindicated, then I think one result could be my getting 300-500K in a lawful "make whole" settlement of a post-retirement whistleblower reprisal claim.

I have a secure retirement, I don't need - or at some level, even want - such money (I do want a public apology and the weaponized legal ethics and related law-breaking at OSC and MSPB to end). Having said that, if such groups help get names on the petition and such money comes to me, I pledge to make five figure contributions to them.

More important to your statutory mission - if a concerned federal agency employee would ask me for advice, as GOAT of career federal agency whistleblowers, I would say something as: "Can you live with yourself 'looking the other way?' If so, I cannot tell you to do so, but I would take no exception if you do."

Special Counsel Dellinger, this would be even if nuclear weapon material security or other things significant to American health, safety, security and welfare were involved. As GOAT, I cannot 'live with myself' having to give such dismal advice, so, again, I spend time writing things as this to people as you.

I fully expect that "weaponized legal ethics" means you will do your utmost to prevent any objective resolution of my whistleblower disclosures. You would do so in the name of legal ethics and "protecting" your client - OSC - the agency you also lead, regardless of risk and harm

to American health, safety, security and welfare.^{2 3 4}

Online, for years now, I have detailed my basis for publicly claiming OSC is a decades-long fraud of a federal law enforcement agency.⁵ Essentially, it boils down to OSC is a fraud because it is so woefully under-resourced to discharge its statutory duties.⁶ OSC it cuts (big) corners about its “shall” duties, using “weaponized” legal ethics to, somehow, swallow them up in its “may” discretionary authority.

It also seems to me that lots of people and organizations, benefit, directly or indirectly, from OSC being so woefully under-resourced, which is why it is me, in 2024, saying “but the Special Counsel has no clothes.”^{7 8}

² Last year, in response to professional misconduct complaints I filed against Cathy Harris and Raymond Limon, at that point the Acting Chairman and Member of MSPB, their (as your) licensing authority, the DC Bar, stated that they have no duty, as attorneys, to comply with the statutory duties of their office. The DC Bar then took no exception to my stating that legal ethics would permit, if not require, them to do their utmost to stonewall my whistleblower disclosure against them (and MSPB, their client) to “protect” the interests of their client - MSPB - the agency Cathy Harris also leads, regardless of risk and harm to American health, safety, security and welfare.

³ I publicly testify that federal agency whistleblowers are NOT adequately protected by OSC from reprisal. Therefore, I also testify that the “the public interest in a civil service free of prohibited personnel practices is NOT being adequately protected.” No one, anywhere, takes exception to either claim, but I experience nothing but stonewalling by involved agency attorneys, now starting with Cathy Harris, Chairman of MSPB. She does NOT contest my public claims, she ignores/stonewalls them, per “weaponized legal ethics.”

⁴ How could Henry Kerner accept the nomination to become a Member of MSPB, knowing he has such a basic conflict about his statutory duty at MSPB to determine whether OSC adequately protects federal agency whistleblowers, given his previous attorney-client relationship with OSC, the agency he led for five years?

⁵ See “Broken Covenant of Federal Agency Merit Based Employment,” at <https://whsknox.blogs.com/mp/>.

⁶ OSC, on paper, is responsible to enforce no fewer than seven singular, diverse, statutory duties for a federal workforce of over 2 million people with workforce of about 130.

⁷ In late 2017, Public Law 115-91, section 1097(g), required OSC to establish an MOU with at least one agency inspector general by which OSC employees could make whistleblower disclosures against OSC. I submitted a FOIA for the MOU, #FOIA-2022-133. OSC’s FOIA response claimed the identity of the agency IG was legally privileged. Is this identity considered

After over 30 years of whistleblowing, I see my GOAT efforts reducing to engineering ethics non-violently confronting legal ethics, with troubling implications for nuclear weapon material security and much else relevant to American health, safety, security and welfare.

I publicly attest that I have been and am enjoying, but any objective measure, a pleasant and privileged life. America has been good to me and my family, the most “unfair” thing about its circumstances is how “unfairly fair” they have been, relative to the 100 billion or so other members of our species for past 250K years or so (including planet earth’s current eight billion crew members). I even get to hold the privileged, if burdensome, thought at 2 AM that what I am trudging towards as GOAT is relevant to the chances of planet earth of year 2124 not being a burnt-out, depopulated, cinder, and that, instead, humanity could be progressing towards a “world that works for all.”

I listened to your talk at the National Whistleblower Day on Capitol Hill on July 30. I appreciate your calling for Congress to make National Whistleblower Day permanent. I appreciate your new policy about Hatch Act enforcement by White House officials. I appreciate your plans to publicize outstanding whistleblower disclosures you refer to agency heads for investigation

Special Counsel Dellinger, I see you as constrained by weaponized legal ethics to do anything but stonewall my whistleblower disclosures against OSC. This is because if you were agree with them or allow them to be considered by the Attorney General, the result could well find your client - OSC, the agency you also lead - in the wrong and in the wrong for decades. So I fully expect you to stonewall - even if such stonewalling contributes to a nuclear 9/11 or other existential catastrophe.

At this point, absent my getting a response to this letter, I plan to summarize the points of this letter to attendees/organizers of the upcoming Workplace Promise Conference, at which you are scheduled to speak.

On the other hand, if you or anyone at OSC wish to chat before then, I will be civil and we can

“legally privileged” from OSC employees too? Shameful and fully consistent with “weaponized” legal ethics at OSC and OSC being a decades-long, law-breaking fraud of a federal law enforcement agency.

⁸ Federal employee unions, in particular, benefit from a feckless, fraudulent, OSC. How? They pitch membership (and their \$400/year dues) as “protection.” Protection from what? Agency violations of merit-based employment practices (i.e. prohibited personnel practices. They are open (in my experience and I ran for President of such a union) in saying they will only invoke their remedy for PPPs - binding arbitration - for dues-paying members. So they got “election of remedies” put into the law in 1994 and they want their members/prospective members to realize that their remedy for a PPP allegations - binding arbitration - is MUCH better than the alternative on an OSC complaint. Reality, like it or not.

see where it goes. I think OSC needs 2-3 times its current FTE count to be viable, so I am not calling for its abolishment, I am calling for it to have the resources to be viable, not a fraud.

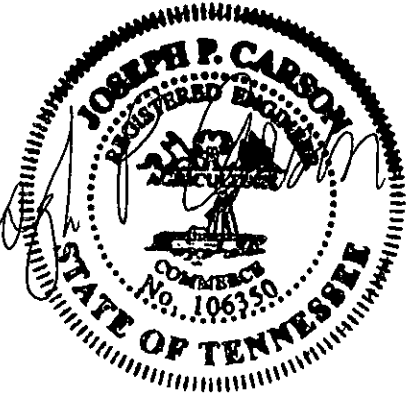

I will not threaten or do anything unlawful in pursuing a resolution of my whistleblower disclosures. While there is an extensive, final, legal record of federal agency law-breaking against me, I have broken no laws nor threatened to in my 30+ year trudge.

Finally, I am glad engineering ethics provides clear guidance to me, even if the engineering profession has no plan to do other than bystand to a whistleblowing engineer. Engineering ethics makes explicit that while the interests of the employer or client of the engineer are valid, they are not ultimate - that the ultimate duty of the engineer is to the common good.

Respectfully,

Joseph (Joe) Carson, PE
Knoxville, TN
jpcarson@tds.net
865-300-5831

copy: Other stakeholders to merit-based, not corruption-based, federal agency employment practices.



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