

November 7, 2018

Honorable Rick Perry  
Secretary of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
The.Secretary@hq.doe.gov

**Subject:** Request for Your Direct Involvement in Resolving the Whistleblower Disclosures of Joseph P. Carson, PE

Dear Secretary Perry,

We understand you are an advocate for a “safety conscious work environment (SCWE)” in the Department of Energy (DOE).<sup>1</sup> We understand you have a positive statutory duty for “preventing (reprisal and other types of) prohibited personnel practices (PPPs)” in DOE.<sup>2</sup> We understand that as of October 1, 2018, the annual performance plan of supervisors in DOE includes a new critical element about their advocacy for resolution for their subordinates’ whistleblower disclosures.<sup>3</sup>

We also understand that a long-time DOE employee, Joseph P. Carson, PE, has been making whistleblower disclosures for over 15 years that, contrary to law, rule or regulation, DOE does not have an adequate SCWE; you, as your predecessors, have no objective basis to claim you are “preventing PPPs” because DOE employees are adequately protected from them; and his supervisors have been bystanders to his concerns and engaged in reprisal against him for making them.<sup>4</sup>

We understand this is now undisputed: 1) Mr. Carson’s whistleblower disclosures involve the interpretation of approximately a dozen civil service statutes, there are no disputed facts, and 2) no one is now apparently claiming Mr. Carson lacks reasonable belief in his whistleblower disclosures.

We understand you have the undisputed legal authority, as the head of an Executive Department, to direct the Attorney General to issue, on behalf of the Executive Branch, binding opinions on the interpretation of these disputed civil service laws.<sup>5</sup>

We understand if you fail or refuse to do this, Mr. Carson intends to force the matter, by publicly claiming his supervisors are violating their duties and lack the commitment and/or moral courage to protect the public and workplace health and safety as their positions require. He will take this

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<sup>1</sup> Your two minute long video address about "safety culture" in DOE is available at <https://www.energy.gov/safety-culture/doe-safety-culture>.

<sup>2</sup> 5 U.S.C. §2302(c)(2)(A)

<sup>3</sup> 5 U.S.C. §4302(b)

<sup>4</sup> See [www.merit-principles.org](http://www.merit-principles.org) and, in particular, Mr. Carson whistleblower disclosure of 9/11/18.

<sup>5</sup> 28 U.S.C. §512

action in order to spur a disciplinary action against him, so he will have an opportunity to demonstrate, in a resultant whistleblower reprisal appeal, that he has at least “reasonable belief” in his whistleblower disclosures.

For all the above reasons, we, stakeholders to a trustworthy federal civil service and DOE, respectfully call upon you to take the necessary actions to obtain an objective resolution of Mr. Carson’s whistleblower disclosures.<sup>6</sup>

Respectfully,

Tom Devine, Legal Director  
Government Accountability Project  
[www.whistleblower.org](http://www.whistleblower.org)

Steve Kohn, Executive Director  
National Whistleblower Center  
[www.whistleblowers.org](http://www.whistleblowers.org)

Tom Carpenter, Executive Director  
Hanford Challenge  
[www.hanfordchallenge.org](http://www.hanfordchallenge.org)

Dr. Zena Crenshaw, Executive Director  
National Judicial Conduct Disability Law  
Program, Inc.  
[www.njcdlp.org](http://www.njcdlp.org)

David Williams, President  
Taxpayers Protection Alliance  
[www.protectingtaxpayers.org/](http://www.protectingtaxpayers.org/)

Police Chief Gordon L. Wiborg, Jr. (ret),  
Administrator  
Golden Badge (Law Enforcement  
Whistleblower Support)  
<http://goldenbadge.tumblr.com/>

Dr. Sandra Nunn, Acting Director  
Drum Majors for Truth  
[www.dm4t.org](http://www.dm4t.org)

Sarah Roche, Creative Director  
Theatre for Justice  
[www.t4j.co](http://www.t4j.co)

Gerald Rose, Founder & CEO  
New Order National Human Rights  
Organization  
[www.nonhro.org](http://www.nonhro.org)

Dr. Andrew D. Jackson, Co-Administrator  
The Third Degree featuring Opt IN USA  
[www.thethirddegree.net](http://www.thethirddegree.net)

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<sup>6</sup> Samantha Feinstein at the Government Accountability Project [samanthaf@whistleblower.org](mailto:samanthaf@whistleblower.org) can be contacted about this letter.