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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 9, 2015

VIA ELECTRONIC TRANSMISSION

Karol Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice

Dear Assistant Attorney General Mason:

On September 5, 2014, January 14, 2015, and February 27, 2015, I wrote to the Office of Justice Programs (OJP) regarding allegations that OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) knowingly granted millions of taxpayer dollars to states that incarcerated runaway youth, foster youth, and other vulnerable minors in violation of the Juvenile Justice and Delinquency Prevention Act (JJDP Act).

In response to my request that you notify employees of their rights to cooperate with the Judiciary Committee's inquiry, the Department of Justice asserted that its "current procedures for advising employees of their rights regarding whistleblower protections are sufficient[.]"¹

However, whistleblowers allege that OJP and OJJDP management have impeded this Committee's inquiry by: (1) detailing certain employees with knowledge of these matters to the Bureau of Prisons; (2) preventing employees suspected of cooperating in this investigation from even applying for positions on a newly created compliance monitoring unit within OJJDP; and (3) allowing certain Office of General Counsel officials who are the subjects of some of the allegations outlined in previous letters to improperly influence a review of those very allegations.

Please provide a detailed response to each of these three allegations by March 23, 2015.

As you may be aware, obstructing a Congressional investigation is a crime.² Also, "the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied."³ In addition, the "anti-gag" appropriations rider provides:

¹ Letter from the Hon. Peter J. Kadzik, Assistant Attorney General, U.S. Department of Justice, to Sen. Charles E. Grassley, Chairman, Sen. Comm. on the Judiciary (February 27, 2015).

² 18 U.S.C. § 1505.

³ 5 U.S.C. § 7211.

No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who . . . prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having *any direct* oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee.⁴

Pursuant to 5 U.S.C. § 2302 (b)(8):

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority [] take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of [] any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences— [] any violation of any law, rule, or regulation, or [] gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs

Finally, I want to make clear that any OJP employees, including Union representatives, should be free to have direct contact with this Committee without fear of retaliation.

If you have any questions, please contact Jay Lim of my staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman

cc: Michael E. Horowitz, Inspector General, U.S. Department of Justice
Carolyn N. Lerner, Special Counsel, U.S. Office of Special Counsel

⁴ Consolidated and Further Continuing Appropriations Act, 2015, Pub. L. No. 113-235, 128 Stat. 2130, (2014), at Div. E, Title VII, at Sec. 713 (emphasis added).