



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300
Washington, D.C. 20036-4505

September 19, 2007

The Special Counsel

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-06-0784

Dear Mr. President:

I received disclosures from Scott Flood, a whistleblower at the Department of Justice (DOJ), U.S. Marshals Service (USMS). Mr. Flood, former Commander, Special Operations Group (SOG), USMS, alleged that, in Fiscal Years 2004, 2005, and 2006, the USMS withheld funds from SOG's budget that Congress specifically appropriated for SOG, in violation of the Purpose Statute, 31 U.S.C. 1301. He alleged that, as a result, SOG does not have sufficient operating funds to provide necessary training to Deputy Marshals, it is unable to provide Deputy Marshals with crucial protective gear and weapons, and it is unable to adequately maintain the SOG Tactical Center. As SOG performs an important strategic function in protecting the public, he alleged that SOG's budgetary shortfall poses a substantial and specific danger to public safety.

As discussed in the attached report, an agency investigation substantiated Mr. Flood's allegations in part. The agency concluded that USMS did not violate the Purpose Statute or misallocate funds; however, the investigators did discover that SOG lacked adequate operating funds and other critical resources. Among other findings, the investigators determined that SOG was unable to conduct regular sustainment training, could not fully staff teams deployed to cover high-profile trials, and was unable to replace heavy-duty vests whose useful life had expired. Although the agency did not find a violation of law or a substantial and specific danger to public safety, it does appear that the shortage of resources hindered SOG's ability to carry out its mission. The agency report states that USMS has since remedied the deficiencies uncovered by the investigation.

I required the Honorable Alberto Gonzales, former Attorney General of the United States, to conduct an investigation into the whistleblower's disclosures pursuant to 5 U.S.C. § 1213(c) and (d). The former Attorney General delegated authority to conduct an investigation and sign the agency report to Glenn Fine, DOJ Inspector General. The Inspector General subsequently submitted a report and a supplemental report to this office. Mr. Flood provided comments on the agency reports to this office pursuant to 5 U.S.C. § 1213(e)(1); his comments are enclosed. As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the reports to you.

The President

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Based on the representations made in the agency report and supplemental report and Mr. Flood's comments, I have determined that the agency reports contain all of the information required by statute and the findings appear to be reasonable. As required by § 1213(e)(3), I have sent a copy of the report, the supplemental report, and Mr. Flood's comments to the Chairmen of the Senate and House Committees on the Judiciary. We have also filed a copy of the reports and the whistleblower's comments in our public file and closed the matter.

Respectfully,

A handwritten signature in black ink, appearing to read "S. Bloch", written over the typed name.

Scott J. Bloch

Enclosures