

Montgomery Alabama

Justice Department Prosecution Team Whistleblower Terminated

Justice Department whistleblower, Tamarah Grimes, formerly a member of the prosecution team in the case against former Governor of Alabama, Don Siegelman and former HealthSouth CEO Richard Scrushy has been terminated by the U.S. Department of Justice. On June 9, 2009, Ms. Grimes received notice of immediate termination from Terry Derden, of the U.S. Department of Justice, Executive Office for United States Attorneys. Ironically, her termination came just one week after two significant events. First, attorneys for Richard Scrushy requested permission to interview Ms. Grimes under federal regulation 28 CFR § 16.21 relating to allegations of prosecutorial misconduct during the Siegelman/Scrushy prosecution. Second, Ms. Grimes submitted a letter to Attorney General Holder on June 1, 2009 providing details of the misconduct on the part of the prosecutors in the Siegelman/Scrushy trial.

In late 2008, Ms. Grimes provided internal documentation to the Senate Judiciary Committee which contradicted the claims of U.S. Attorney Leura Canary and Acting U.S. Attorney Louis Franklin regarding the recusal of Leura Canary, as well as documents regarding known juror misconduct which was not disclosed to the Judge or defense counsel.

In a letter sent to Ms. Grimes's attorney on June 9, 2009, the agency stated that the whistleblower disclosures were unrelated to her termination. Rather, on behalf of the Executive Office for United States Attorneys, Mr. Derden alleges that Ms. Grimes's termination arose from a management decision made after-hours meeting in the lobby bar at the Embassy Suites Hotel in Montgomery, Alabama during an active mediation more than 3 months after the agency learned of Ms. Grimes's whistleblower disclosures.

Ms. Grimes, currently a former Justice Department employee, stated, *"As a federal employee with a previously exemplary record, the decision to engage in protected activity and file whistleblower claims under the "No Fear Act" was a careful decision made of necessity and conscience. In consideration of necessity, as federal employees, we are continuously reminded of our duty to report waste, fraud, abuse and misconduct. We are assured that the U.S. Department of Justice is an Equal Employment Opportunity workplace. We are even offered "safe conduits" for making EEO and whistleblower claims.*

*It is my hope that any federal employee who may be considering a decision to engage in protected EEO or whistleblower activity under the "No Fear" Act will learn from my example. In reality, there is much to fear from filing an EEO claim or a whistleblower claim under the "No Fear" Act and there are no "safe conduits" for making such claims. Ultimately there is little value in the performance of your duty as a federal employee, or even as a loyal citizen of the United States, if the result is loss of your security clearance and termination of your federal employment. The knowledge that you have admirably performed your duties as a federal*

*employee cannot pay the mortgage or buy food for your family when you are rewarded with whistleblower retaliation.”*

*I am the second employee to be terminated from the U.S. Attorney's Office for the Middle District of Alabama for opposing unlawful conduct in the workplace. A third employee awaits her fate after seeking relief from violence in the workplace. The message to those left behind is clear: The price for opposition at any level, is at a minimum, termination.*

*My hope is that my plight will serve as a warning to other federal employees contemplating EEO or whistleblower activity. In my experience in the Middle District of Alabama, at the agency level, the decision to engage in protected EEO or whistleblower activity requires that you enter the agency's arena where federal law and regulation is subject to interpretation by agency counsel; rules of evidence do not apply. Constitutional protections and guarantees afforded to every U.S. citizen must be waived under threat of disciplinary action, up to and including termination of federal employment.”*

*Ms. Grimes states, “My hope remains with the Attorney General of the United States. I remain confident that Mr. Holder will provide assistance to the employees of the United States Attorney's Office for the Middle District of Alabama, to wrongfully terminated former employees of the U.S. Attorney's Office, and to citizens of the United States within the Middle District of Alabama whose interests have not been well served under the Canary administration.*