

December 14, 2008

Honorable Michael Mukasey
Attorney General of United States
950 Pennsylvania Ave, NW
Washington, DC 20530

Subject: Former Special Counsel Scott Bloch and U.S. Office of Special Counsel (OSC)

Dear Attorney General Mukasey,

The Department of Justice is currently investigating Scott Bloch, the former Special Counsel, for obstruction of justice. OSC Watch, on behalf of the many thousands of federal employees who have sought OSC's protection since 1979, respectfully request the scope of this investigation be expanded to include OSC as a whole, for its compliance with its nondiscretionary duties to enforce the laws, rules, or regulations under its jurisdiction. We stand ready to assist such an investigation in any possible way.

The U.S. Office of Special Counsel (OSC) <www.osc.gov> is the law enforcement agency created by the Civil Service Reform Act of 1978, in order to protect federal employees from agency violations of the "merit principles" of the civil service. Such violations, detailed at 5 U.S.C. §2302(b), are called "prohibited personnel practices" (PPP's) and include whistleblower reprisal. OSC also is also responsible to protect federal employees from agency "activities prohibited by any civil service law, rule or regulation, including any activity relating to political intrusion in personnel decision-making," by §1216(a)(4).

For 30 years, OSC has obstructed justice in failing to enforce the laws, rules or regulations within its jurisdiction. Specifically, by claiming the reporting requirements of §1214(e) do not apply to the laws, rules, or regulations within its jurisdiction, OSC claims to have no duty to inform anyone, including the involved agency head, when it determines such violations have occurred.

Instead, OSC claims it need only formally report the (very few) violations it decides to prosecute, making it impossible for agency heads to comply with their duty to "prevent PPP's" in their agencies, per §2302(c). No other law enforcement agency claims such a prerogative - that it has complete discretion about reporting its determinations of violations within its jurisdiction. Such a claim is patently unlawful and, therefore, an obstruction of justice. The result of OSC's lawbreaking and obstruction of justice is a battered civil service, corruption and dysfunction having taken firm root in many federal workplaces, and a much diminished and more threatened America.

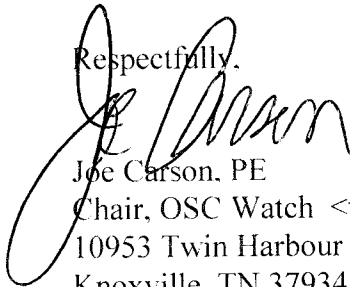
OSC's failures did not occur in a vacuum, they were enabled by the failure of the US Merit Systems Protection Board (MSPB) to conduct "special studies," as required by §1204(a)(3), to determine whether federal employees were adequately protected from PPP's.

General Mukasey, you are on record that “the system failed” in enforcing the laws, rules, or regulations under OSC’s jurisdiction in the Department of Justice. No wonder, given OSC’s longstanding obstruction of justice. But “the system has failed” in many other agencies too, for the same reason.

According to Wikipedia, “obstruction of justice” refers to interference of any sort to the work of police, investigators, regulatory agencies, prosecutors, or other (usually government) officials. OSC’s 30 year-long failure to report, publicly as the law requires by §§1214(e) and 1219(a)(3), its determinations that violations within its jurisdiction occurred has obstructed justice - to the affected employees, to the involved agency heads, to the Congress, and to the public - all of whom OSC has willfully and unlawfully kept in the dark.

In summary, OSC has failed to protect, as the law requires, many thousands of loyal, ethical, patriotic federal employees who sought its protection in the past 30 years. These people deserve some measure of justice. Both OSC and MSPB are also now overdue for Congressional re-authorization. Your actions in this matter could go far to correct “the system failed,” including some measure of justice for those directly harmed - not only in the Department of Justice, but throughout the Executive Branch.

Respectfully,



Joe Carson, PE
Chair, OSC Watch <www.oscwatch.org>
10953 Twin Harbour Drive
Knoxville, TN 37934
865-300-5831 <jpcarson@tds.net>

Concurrence:

Traci Hallstrom
Director of Communications, OSC Watch
Redding, CA
530-339-0210

David Nolan, Esq.
Legal Advisor, OSC Watch
8310 Wagon Wheel Drive
Alexandria, VA 22309
703-780-1864

copy: Eric Holder, Office of President-Elect