

JAMES P. SCANLAN
1527 30th Street, N.W., Apt. B-2
Washington, D.C. 20007
(202) 337-3927

June 17, 1998

CONFIDENTIAL

The Honorable Janet Reno
Attorney General of the United States
Michael R. Bromwich
Inspector General
United States Department of Justice
10th Street & Constitution Ave., N.W.
Washington, D.C. 20530

Re: Inspector General Michael R. Bromwich's Letter of
May 4, 1998, Regarding My Request to the Attorney
General For an Investigation of Prosecutorial
Misconduct By the Office of Independent Counsel in
United States of America v. Deborah Gore Dean,
Crim. No. 92-181-TFH (D.D.C.)

Dear Attorney General Reno and Inspector General Bromwich:

I write to you both to seek clarification of a letter I received from Inspector General Bromwich dated May 4, 1998. The letter, a copy of which is enclosed, stated that my letter to the Attorney General dated March 2, 1998, had been referred to Mr. Bromwich for response. The March 2, 1998 letter to the Attorney General had provided additional information relating to my request, by letter dated January 14, 1998, that the Attorney General again examine the conduct of the Office of Independent Counsel in the prosecution of the referenced case. I had requested that the Attorney General do so both because Department officials did not previously consider the matter in good faith and because developments subsequent to the Department's last communication to me on the matter provided independent justification for reconsideration of the Department's earlier determination that no action was warranted.

Referencing his letter to me dated April 8, 1998, Mr. Bromwich advised me in his letter dated May 4, 1998, that the Office of Inspector General did not have jurisdiction to address the matters raised in my March 2, 1998 letter to the Attorney General. The April 8, 1998 letter referenced by Mr. Bromwich, a

The Honorable Janet Reno
Attorney General
Michael R. Bromwich
Inspector General
June 17, 1998
Page 2

copy of which is also enclosed, had responded to my letter dated December 23, 1997, in which I had requested Mr. Bromwich to investigate the Department's prior handling of allegations I made against the Office of Independent Counsel Arlin M. Adams and former Independent Counsel attorneys who went on to hold positions in the Department of Justice.

In support of the request to Mr. Bromwich, I detailed, among other things, reasons to believe that certain Independent Counsel attorneys who subsequently held positions in the Department of Justice, including Counsel to the Assistant Attorney General for the Criminal Division, Chief of Staff to the Assistant Attorney for the Criminal Division, and Attorney in the Criminal Division, had conspired to obstruct justice by deceiving the court in resisting discovery into whether Supervisory Special Agent Alvin R. Cain, Jr. had committed perjury while testifying as a government rebuttal witness in the Dean case. I also presented reasons to believe that, apart from failing to conduct a good faith investigation of the matters I had brought to the Department's attention in 1994 and 1995, Department officials may have affirmatively misled me concerning their beliefs as to the circumstances of Agent Cain's testimony and the effort by Independent Counsel attorneys to resist discovery on the matter. The December 23, 1997 letter to Mr. Bromwich, which I delivered to the Attorney General in early January, had also provided justification for the Attorney General to reexamine of the conduct of the Office of Independent Counsel.

In his April 8, 1998 letter, Mr. Bromwich had advised me that he could not address the issues raised in my December 23, 1997 letter because, by Attorney General order, the Office of Inspector General did not have jurisdiction to investigate matters concerning Department of Justice attorneys' exercise of their authority to investigate, litigate, or provide legal advice. Thus, if I correctly understand Mr. Bromwich's letter of May 4, 1998, the Attorney General, who does have authority to address the matter I brought to her attention (as well as a statutorily-imposed obligation to do so), has referred the matter to a division within the Justice Department that does not have authority to address it. And that division has deemed the matter resolved by informing me of its lack of authority.

In my experience, it is an unusual thing for the head of an agency of the United States, who has the authority to address a

The Honorable Janet Reno
Attorney General
Michael R. Bromwich
Inspector General
June 17, 1998
Page 3

matter, to refer the matter to a division of his or her agency that does not have such authority. I suspect that it is an unusual thing in state and local governments as well. When such things do occur, however, one expects that the division to which the matter was referred either will refer the matter back to the head of the agency, advising him or her of the division's lack of authority over the matter, or will inquire of the agency head whether the referral constituted authorization to address a matter otherwise outside the jurisdiction of the division.

In any event, I request clarification of whether the Attorney General intended that Mr. Bromwich should respond on her behalf by advising me of the lack of jurisdiction of his office.

If it was in fact the Attorney General's intention to refer the matter raised in my letter to a division of the Department of Justice that did not have jurisdiction over such matter, I suggest that such action would not discharge her responsibilities over the matter. I therefore would request that the Attorney General either address the matter herself or refer it to a division of the Department of Justice that does have jurisdiction.

Sincerely,

/s/ James P. Scanlan

James P. Scanlan

Enclosures

cc: The Honorable Orrin G. Hatch
Chairman
Senate Judiciary Committee

The Honorable Henry J. Hyde
Chairman
House Judiciary Committee