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July 29, 2010

Alvin R. Cain, Jr.
11489 Reed Cir.
Ridgely, MD 21660-1772

Re: Nomination of Robert E. O'Neill for the Position of United States Attorney
for the Middle District of Florida

Dear Mr. Cain:

I previously wrote to you on [July 8, 2008](#),¹ and [July 11, 2008](#), regarding the testimony you provided in [United States v. Deborah Gore Dean](#) that seemed to categorically deny that the defendant Deborah Gore Dean had called you near the end of April 1989 to complain about the treatment of former Attorney General John N. Mitchell in the Department of Housing and Urban Development Inspector General's Report, dated April 17, 1989, which you authored. As explained in the July 8, 2008 letter, and as is more fully explained in [Section B.1](#) of the [Prosecutorial Misconduct](#) page of [jpscanlan.com](#), it is my understanding that you were pressured by Associate Independent Counsel Robert E. O'Neill and Deputy Independent Counsel Bruce C. Swartz to provide testimony that you were led to believe would literally mean only that Ms. Dean did not call you "at or about" April 17, 1989, nine or ten days before Ms. Dean even received a copy of the report.

There have been a few developments concerning this matter since July 2008. The most notable may be the July 9, 2010 nomination of Robert E. O'Neill for the position of United States Attorney for the Middle District of Florida, and that is the principal subject of this letter. But I first note certain other developments.

To begin with, when I searched for your name on the Internet back in 2008, there were very few entries. Since that time, because of varied treatments of issues concerning your testimony in the *Dean* case, there now are a great many Internet entries pertaining to you. Most of these entries involve items on my web site, especially [Section B.1](#) of the [Prosecutorial Misconduct](#) page and profile pages on [Robert E. O'Neill](#), [Bruce C. Swartz](#), and [Robert J. Meyer](#). But your testimony is also discussed or alluded to in a number of places elsewhere on the Internet, such as items of [August 8, 2008](#) ("The Prosecution of Deborah Gore Dean") and [July 4, 2010](#) ("A Nomination That Should be Scrutinized Closely") on [powerlineblog.com](#) and items of [June 23, 2010](#)

¹ Underlinings reflect links to referenced documents in an electronic copy of this letter that may be found by its date on the Letters (Misconduct) sub-page of the Measuring Health Disparities page of [jpscanlan.com](#).

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(“Curious United States Attorney Nomination for One of Nation’s Busiest Districts”) and [July 11, 2010](#) (“The Reason for the Bar Counsel Investigation of FL U.S. Attorney Nominee Robert O’Neill”) on truthinjustice.org.

As suggested by the last three items, the subject may receive further attention as a result of the nomination of Robert O’Neill for the position of United States Attorney for the Middle District of Florida. You will observe that in my [June 16, 2010 letter](#) to the Senate Judiciary Committee concerning the O’Neill nomination, I gave some attention to your testimony (at 5-7). I also provided the Committee your last known address, suggesting that the Committee contact you concerning whether my accounts and interpretations of matters relating to your testimony are essentially correct. And while my [July 26, 2010 letter](#) to the Committee principally concerns a false statement Mr. O’Neill made on his application for the United States Attorney position – which false statement alone ought to disqualify Mr. O’Neill from further consideration for the United States Attorney position – in the letter I urge the Committee also to consider the underlying conduct of Mr. O’Neill and his colleague in the *Dean* case. Of course, regardless of whether Mr. O’Neill is confirmed – though probably to a greater extent if he is confirmed – I will continue to cause the widespread publication of my interpretation of Mr. O’Neil’s conduct in the *Dean* case, typically giving special emphasis to the securing and use of your testimony that seemed to directly contradict Ms. Dean’s testimony about the call to you in April 1989.

I assume people will variously appraise your role in this matter. Some may regard you as a victim of the heinous actions of Mr. O’Neill and Mr. Swartz, while others will regard you as just culpable as Mr. O’Neill and Mr. Swartz. And many will judge you on your actions when it became clear to you exactly how Mr. O’Neill used your testimony and what Mr. Swartz and others then did to cover up the manner in which your testimony was secured. I assume that these things became clear to you upon receipt of my letters of July 8, 2008, if they were not clear to you earlier than that.²

In any case, in light of the nomination of Robert E. O’Neill for the United States Attorney position, I suggest that you have an obligation to bring to the attention of the Judiciary Committee the facts concerning Mr. O’Neill’s securing of your testimony in October 1993. That holds regardless of whether the facts you know support or contradict the description of the matter I provide in [Section B.1](#) of the [Prosecutorial Misconduct](#) and elsewhere.

Sincerely,

/s/ **James P. Scanlan**

James P. Scanlan

² My prior contacts to you regarding your obligations in this matter are discussed in Section C the Prosecutorial Misconduct page. This letter will probably be discussed in [Addendum 7](#) of the [Robert E. O’Neill](#) profile page, which addendum discusses matters relating to the O’Neill nomination.

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cc: The Honorable Patrick J. Leahy
Chair
Senate Judiciary Committee

The Honorable Jeff Sessions
Ranking Member
Senate Judiciary Committee

Robert Bauer, Esq.
Assistant and Counsel to the President

The Honorable Eric H. Holder, Jr.
Attorney General of the United States