



Sprint

Whistleblower protection agency stuck in neutral

By Robert Brodsky rbrodsky@govexec.com April 8, 2010

In his first year-plus in office, President Obama has spoken frequently about improving conditions for federal employees, strengthening the rights of whistleblowers and making government "cool" again. But some suggest the administration might be missing out on a vital avenue to implement federal policy reforms.

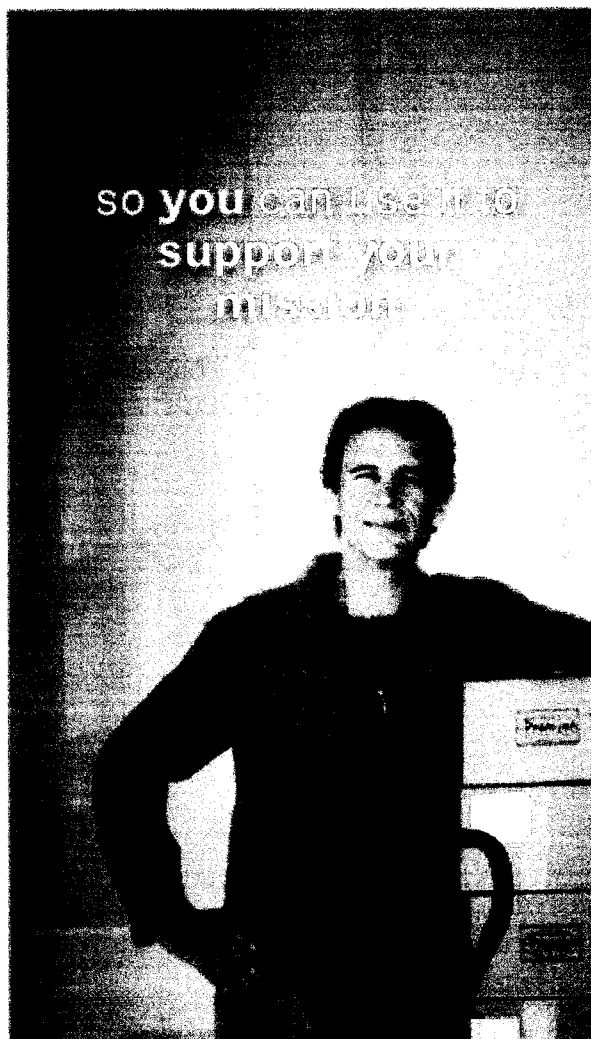
It has now been almost 18 months since Scott Bloch was forced out as the head of the Office of Special Counsel, an independent oversight agency charged with protecting federal employees from prohibited personnel practices, including retaliation for whistleblowing.

"It is imperative for the administration to put someone in place" at OSC, said Timothy Hannapel, who served as deputy special counsel during the Clinton administration and is now national counsel for the National Treasury Employees Union. "Accountability and transparency is what OSC is all about. They could be an invaluable ally for this administration."

The White House has vetted at least one candidate for the OSC post, according to a source familiar with the search process, but has yet to fill the slot.

The opening has not gone unnoticed by federal labor unions. "While NTEU is disappointed there is still a vacancy at OSC, we are confident the administration is working as quickly as possible to fill remaining vacancies," President Colleen M. Kelley told *Government Executive*. "Permanent leadership will strengthen the ability of the agency to carry out its mission and continue protecting the rights of federal employees."

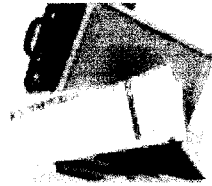
The White House did not respond to repeated requests for comment. OSC also declined to comment for this story.



U.S. General Services Administration

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Sprint

Former special counsel charged with criminal contempt of Congress

By Robert Brodsky rbrodsky@govexec.com April 23, 2010

The former leader of an independent whistleblower protection agency is expected to plead guilty to withholding information from congressional investigators regarding allegations he used a private technology company in 2006 to delete files on his work computer.

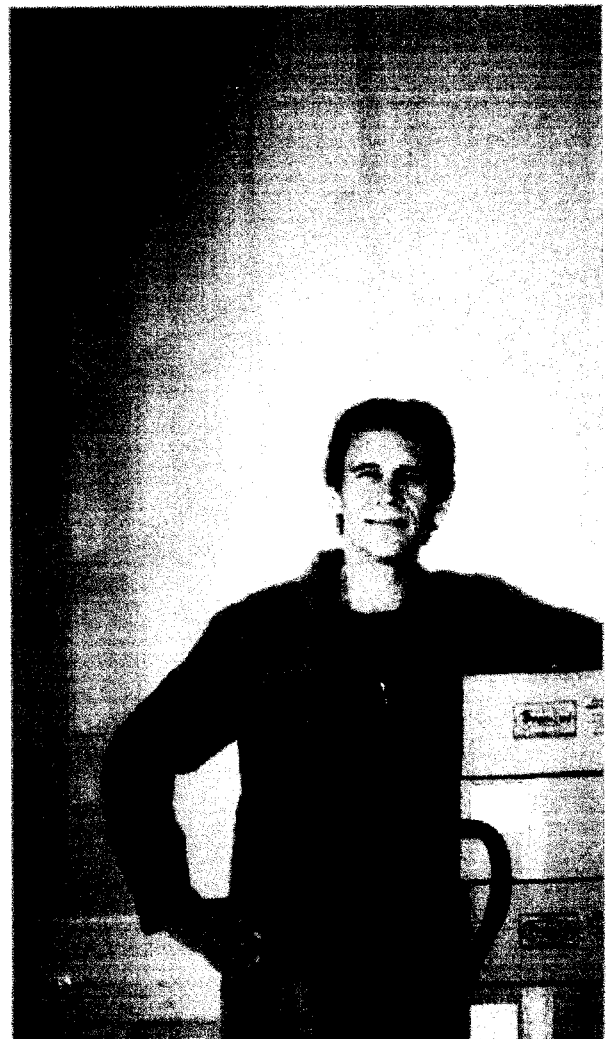
Federal prosecutors on Thursday evening charged Scott Bloch, head of the Office of Special Counsel from 2004 through late 2008, with criminal contempt of Congress, a misdemeanor. The two-page charging document, known as an information filing, typically is a sign that a defendant plans to plead guilty.

If convicted, then Bloch would face a maximum sentence of one year in prison and a \$100,000 fine. It is not clear, however, if the plea agreement would allow him to avoid prison. Bloch also could face a review by the American Bar Association disciplinary committee, which would determine whether or not to revoke his law license.

Prosecutors alleged that Bloch "unlawfully and willfully withheld pertinent information" about the deleted files from House Oversight and Government Reform Committee staffers during a March 4, 2008, interview. According to the charging documents, Bloch failed to "state fully and completely the nature and extent of his instructions" to the computer repair firm Geeks on Call.

In December 2006, Bloch allegedly directed the company to scrub files from his office computer using a process known as a "seven-level wipe." In May 2008, the FBI raided Bloch's home and office, collecting documents and laptop computers and issuing 17 subpoenas.

Prosecutors claimed Thursday that files also were deleted in 2006 from the work computers of two other unnamed OSC political appointees.



U.S. General Services Administration

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Published reports indicate that Bloch told the committee during his interview that the data wipe was necessary to protect federal and personal information on the computer. But investigators have tried to prove that Bloch was attempting to destroy information related to another probe of charges that he retaliated illegally against whistleblowers in his office.

"The committee vigorously defends its constitutional role to conduct investigations," House Oversight Committee spokeswoman Jenny Rosenberg said. "We applaud the Justice Department for pursuing this case."

The White House forced Bloch out in October 2008, and OSC has gone without a permanent leader since.

A whistleblower advocate said the charges against Bloch make it even more critical for President Obama to appoint a new special counsel.

"Although the track record of the OSC has been highly criticized over the past 30 years, having the former head of whistleblower enforcement charged with serious criminal misconduct highlights how OSC has been abused by politicians intent on having the foxes guard the chicken coop," said Stephen Kohn, executive director of the National Whistleblowers Center.

Efforts to reach Bloch through the website for his legal defense fund were unsuccessful.

In a statement issued to several media outlets, Bloch's attorney, William Sullivan of Winston & Strawn in Washington, said he was "pleased that this unnecessary five-year inquiry is over for Scott, and that it confirmed his commitment to public service, as well as the many accomplishments he achieved as [special counsel]. Now it is time for Scott to move forward and to pursue the best interests of his private clients with the same vigor he displayed in promoting the welfare of the citizens of the United States."

Since his confirmation as special counsel in 2004, Bloch -- a lawyer who previously worked on a Justice Department task force for faith-based initiatives -- was a lightning rod for controversy and generated opposition from government watchdog groups and lawmakers from both parties.

As head of OSC, Bloch angered gay rights groups by temporarily reversing his predecessor's policy of enforcing cases of alleged workplace discrimination against homosexuals. Several OSC employees who opposed that decision later sued, saying Bloch illegally retaliated against them.

Other employees complained he forced senior career staff to move from OSC's headquarters to a regional office in Detroit. Washington attorney Debra Katz, who represents those former OSC employees, said she was disappointed that the charges against Bloch only amounted to a misdemeanor. Justice had reportedly been seeking an obstruction of justice or perjury charge for the past several years.

But, Katz said she was hopeful that a separate investigation by the Office of Personnel Management inspector general will back the claims of her clients, some of whom were forced out of the agency and want to get their jobs back. Others are seeking compensation for lost wages, she said. The actual redress, however, would have to be negotiated with OSC.

"People have been harmed economically as a result of Bloch's bogus reorganization and attempt to send people to Detroit," she said.

In October 2005, the Office of Management and Budget directed the OPM inspector general, through an administrative agreement, to investigate the whistleblower complaints. That investigation, however, was suspended when the criminal proceedings against Bloch began.

A government official with knowledge of the investigation said the OPM inquiry could resume once the criminal proceedings are finished, despite the fact Bloch is no longer a federal employee. The source said the complainants have a legal right for the case to be resolved -- notwithstanding Bloch's status at OSC.

"This is not over yet," Katz said. "There is nothing in the criminal investigation to stop the OPM IG from issuing a scathing report."

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  **The Washington Times**

Wednesday, April 28, 2010

Ex-Bush aide pleads to 1 count

Jerry Seper

The former head of the White House Office of Special Counsel in the Bush administration, whose job was to protect whistleblowers, pleaded guilty Tuesday to a misdemeanor count of contempt of Congress for withholding information from a House committee investigating his deletion of files from government computers.

Scott J. Bloch, who stepped down from the OSC post in 2008 after FBI agents raided his office and Virginia home, entered the plea before U.S. Magistrate Judge Deborah Robinson of the U.S. District Court for the District of Columbia. Sentencing is scheduled for July 20.

"Mr. Bloch is pleased to put this matter behind him and to move forward with his life," his attorney, William Sullivan, said.

Mr. Bloch faces up to a year in prison and a \$100,000 fine, although it was unclear yesterday whether government prosecutors had agreed to forgo prison time as part of a plea agreement. He was released on his own recognizance.

The government accused Mr. Bloch of "willfully" withholding information during a March 4, 2008, interview with staff members from the House Oversight and Government Reform Committee about deleted files.

He was accused of hiring a company, Geeks on Call, to delete the files from his office computer at a time he was under investigation by the inspector general at the Office of Personnel Management for retaliating against former employers.

Federal agents raided Mr. Bloch's office and home in May 2008 as part of an

investigation into accusations he obstructed justice. Nearly three dozen agents seized computers and reports from his office and Virginia home, seeking evidence that he intimidated and retaliated against whistleblowers among staff members working at the White House special counsel's office.

The OSC was established in the 1970s to protect whistleblowers and shield federal employees against improper management pressures.

Mr. Bloch was named by President Bush to head OSC in 2004. But the agency was at odds with the White House during his tenure.

The Office of Personnel Management (OPM), at the behest of the Office of Management and Budget (OMB), had been investigating a complaint by OSC staff members and others, who accused Mr. Bloch of interfering in cases involving the Hatch Act, which prohibits federal employees from engaging in partisan political activity.

At the same time, Mr. Bloch's staff was conducting an expanding investigation into questions of whether Bush administration officials, including former political adviser Karl Rove, illegally participated in partisan politics on the job.

The OPM investigation of Mr. Bloch centered on a complaint filed in 2005 that he retaliated against employees, that a dozen employees thought to be whistleblowers were involuntarily reassigned, and that Mr. Bloch did not enforce bans on workplace discrimination based on sexual orientation.



Former Head of the U.S. Office of Special Counsel Pleads Guilty to Criminal Contempt of Congress

WASHINGTON, April 27 /PRNewswire-USNewswire/ -- The former head of the U.S. Office of Special Counsel (OSC), Scott J. Bloch, pleaded guilty today to criminal contempt of Congress for willfully and unlawfully withholding pertinent information from a House committee investigating his decision to have several government computers wiped, announced U.S. Attorney for the District of Columbia Ronald C. Machen Jr., Office of Personnel Management (OPM) Inspector General, Patrick McFarland, and FBI Assistant Director in Charge Shawn Henry.

The plea was entered before U.S. Magistrate Judge Deborah A. Robinson in U.S. District Court for the District of Columbia, who scheduled sentencing for July 20, 2010. Bloch faces a maximum sentence of one year in jail and a fine of \$100,000. Bloch's likely sentencing range is 0 to 6 months in jail under the federal sentencing guidelines.

The OSC is an independent federal agency charged with safeguarding the merit-based employment system by protecting federal employees and applicants from prohibited personnel practices, with an emphasis on protecting federal whistleblowers. Bloch, a presidential appointee whose title was Special Counsel, headed the OSC from 2004 through 2008.

According to the statement of offense, on March 4, 2008, Bloch submitted to a transcribed interview with staff members of the U.S. House of Representatives Committee on Oversight and Government Reform, which was investigating, among other things, whether and why Bloch: directed the deletion of e-mails or files on any of Bloch's OSC-issued computers in December of 2006 by using the computer repair service Geeks On Call; directed that the computer repair service delete emails or files contained on the computers of two of his OSC aides; and directed that any such deletion of computer files be done by use of a "seven-level wipe" process. This duly empowered congressional inquiry came after various media reports that Bloch had directed the deletion of files on several OSC-issued computers by using the repair service.

The statement of offense describes five separate exchanges during Bloch's March 4, 2008, interview with staff members of the House Oversight Committee during which Bloch unlawfully and willfully withheld pertinent information from the committee. Bloch admitted in court today that he refused and failed to state fully and completely the nature and extent of his instructions that Geeks On Call perform "seven level wipes" on his OSC computers as well as the two OSC-issued computers of two non-career OSC staff members in December 2006.

In announcing today's guilty plea, U.S. Attorney Machen, Inspector General McFarland and Assistant Director in Charge Henry, praised the outstanding work of the investigative agents involved in this matter, especially Special Agent Marc R. Diehl and Andrew Smallman of the FBI, as well as Jill P.

Maroney, Deputy Assistant Inspector General for Investigations and J. David Cope, Assistant Inspector General for Legal Affairs of OPM. They also acknowledged the hard work of paralegal specialists Diane Hayes and Mary Treanor, legal assistant Jamasee Lucas, former legal assistant April Peeler, Supervisory IT Specialist, Joe Calvarese, Assistant U.S. Attorneys Laurel Loomis Rimon, Dan Butler, James Mitzelfeld and Glenn S. Leon, who is prosecuting the case.

SOURCE U.S. Department of Justice

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