

FORMER BUSH SPECIAL COUNSEL SCOTT BLOCH BULLIES JOURNALISTS AND THREATENS 1ST AMEND SPEECH BEFORE CRIMINAL SENTENCING

When this blog
last
substantively
left the
continuing saga
of Bush/Cheney
Special Counsel
Scott Bloch, it
was with these
words:



So, between August 2, 2011 and December 21, 2012, a period of nearly a year and a half's time, the DOJ has done nothing whatsoever in furtherance of prosecuting Scott Bloch. Until today. And the vaunted Department of Justice has, on the Friday before the Christmas holiday....filed a **Motion to Dismiss**. However, that is not the end of the story, as clause 5 of the Motion to Dismiss contains this language:

Concurrent with this Motion to Dismiss, the government is filing a new information.

Well, not quite concurrent, as the Motion to Dismiss was filed mid to late morning, and the new information was just now made public. The new charge, a misdemeanor, is pursuant to 18 USC 1361 Depredation of Government Property or Contracts. The factual basis is made out

from the "seven level wiping" Bloch caused to be done. Here is the new information just filed.

Yes, that is the "Reader's Digest" version of how Scott Bloch came to be where he is now....awaiting sentencing in the United States District Court for the District of Columbia. For a crime that barely even references, much less is indicative of, the actual acts he committed against the United States Government, and the citizens it represents.

But, Bloch is indeed now facing sentencing on the latest cushy plea he has been afforded by the Department of Justice; sentencing scheduled for Monday May 13, 2013, less than one week from today. Here is Defendant Bloch's sentencing memorandum, and here is the curiously collusive memorandum from the DOJ, who simply cannot stand for any Article II Executive Branch attorney being sent to jail/prison for lying to Congress because, seriously, many more might be in jeopardy if that was the case and precedent.

So, what is Mr. Scott Bloch doing? Taking his medicine quietly for having been given the gift plea by the DOJ to a misdemeanor after he actually committed such acts that appear by all legal rights to warrant felony allegations? Allegations as were described the last time Bloch was tried to be handed such a gift horse plea by the DOJ as:

...felony crimes Bloch could have been, and should have been, charged with are staggering; including obstruction of justice, false statements, perjury, willful destruction of government property and Federal Records Act violations. But Defendant Bloch made a deal to plead to one little misdemeanor with the guarantee he would be considered under the most favorable sentencing guideline conditions imaginable.

Nothing has changed; not a single underlying fact has changed in the least, and Bloch still stands imperious and unrepentant. Scott Bloch has never disputed the report of the sworn statement of facts he previously submitted to the court that clearly supports charges of far more serious conduct. Indeed, at this point, Mr. Bloch could not dispute said statement of facts without committing even more false statements and/or perjury.

What is truly shocking about Scott Bloch is not just that he is colluding with the Department of Justice to skate, as he is, because no Article II branch wants to set a contrary precedent, but what is really shocking is that Scott Bloch has had the hubris to threaten and bully independent bloggers who have spoken the truth about his misconduct.

It has come to this blog's attention that Scott Bloch has authored one or more threatening and bullying letters, ahead of his criminal sentencing, to internet journalists reporting facts on his previous professional misconduct*. Letter(s) threatening the very root First Amendment freedoms of the press and free speech. A copy of one such letter is attached here, and spelled out in relevant form as follows:

I have been the subject of articles and blogs on your [redacted] website and blog site. The content and intent of these blogs/articles is to defame me by casting aspersions on my professional standing and ability to represent contractors.

....

I write to demand that you remove these articles and blogs about me and my time as Special Counsel immediately. This is harmful to my professional reputation as a lawyer and **you are not commenting on any public matters that are current.** The prior legal defense fund is defunct and has not been active for over two years. Your demeaning and personal attacks

impute to me qualities that tend to injure me in my business of representing contractors. Your website is dedicate [sic] to them and therefore you are targeting my business in Washington, D.C. intentionally, and my residence in Virginia, from where I draw some of my clients.

If you choose to ignore this and not remove the materials from your internet site and blogs and all caches, I will be forced to sue for an injunction and to seek damages. As long as the article remains on your website, you are publishing it. In addition, you are publishing it in various fora, including in Virginia and Washington D.C. where I represent employees and federal employees [sic] Continuing publication also subjects you to Virginia jurisdiction as long as the article remains on the web. I will institute an action in Virginia and in Washington D.C. against you for defamation and actual malice, together with damages and punitive damages.¹ I will also seek damages for civil conspiracy to harm my business, and Virginia courts and juries have proved to be very protective of one's business reputation when gratuitously harmed by publications.² If I determine through discovery that you have worked with others to do this, I will join them as well. (emphasis added)

Threatening not only freedom of speech and press, but the right to speak the truth. Mr. Bloch has hubris beyond description to think that discussion of the misconduct and facts he has admitted to, as factually depicted by his own sworn statement of facts, are beyond "commenting on any public matters that are current". When HE IS PENDING CRIMINAL SENTENCING on those *very* same facts. The name and contact information of the recipient of this letter were

redacted at the request of the recipient, who indeed fears the wrath of Bloch and his threats.

When Bloch could have been, and should have been, charged with FAR more serious federal crimes, Scott Bloch is out threatening citizen journalists reporting on his conduct. By the way, upon information and belief, the "legal defense fund" Mr. Bloch and/or his friends had set up for him was still up and on the internet as of the time the blog posts he complained of were written; it was just conveniently taken down before Bloch threatened the innocent bloggers for discussing it.

Threatening internet journalists who have reported facts about Mr. Bloch, and who object to what he has done in the name of the American people. Journalists who object to the skating kid gloves treatment curiously afforded Mr. Bloch by the DOJ despite his egregious, and admitted, acts.

Massive prosecutorial effort was expended by the DOJ on Roger Clemens, a man who, at worst, was accused of lying to Congress about taking a few shots of steroids while playing the game of baseball. The DOJ pursued another player of games, Barry Bonds every bit as relentlessly for years before getting a single count of obstruction of justice that is very likely to be thrown out on appeal.

The Department of Justice pursued these crimes, all for lying to Congress, far, far more aggressively compared to the silk hands treatment they have afforded their own former fellow Executive Branch attorney, Scott Bloch.

Roger Clemens and Barry Bonds lied about, at worst, whether they enhanced their ability to play a silly game (and none of that was proved). Scott Bloch ADMITTED to facts that, on their face, appear to constitute obstruction of justice, false statements, perjury, willful destruction of government property and Federal Records Act violations. There is a qualitative difference here, and it is hard to envision how

it runs in favor of Mr. Bloch.

The dangerous and constitutionally subversive apparent (and admitted) acts of Scott Bloch, a man entrusted with representing, shepherding and protecting the lifeblood of honest government – whistleblowers meant to keep the government honest and forthright – betrayed every ounce of that trust. Bloch's own stipulated facts described the office he was entrusted with as:

The United States Office of Special Counsel ("OSC") is an independent federal agency charged with safeguarding the merit-based employment system by protecting federal employees and applicants from prohibited personnel practices ("PPP"). As such, OSC receives, investigates and prosecutes allegations of PPPs, with an emphasis on protecting federal government whistleblowers.

Bloch himself was accused of violating the very tenets of good government he was charged with protecting. Bloch scrubbed the very digital records of his federal agency that could, at least partially, document what he had done and perhaps substantiate the claims of whistleblowers in his own agency. And Bloch did it via a completely outside of the government, "Best Buy Geek Squad" self described "seven level wipe" of pertinent computers. Computers that belonged to the government, to the people of the United States. Computers and records subject to the the Federal Records Act. Then Bloch gave misleading and false information about his conduct to Congress.

The man, Scott Bloch, charged with protecting the watchers of the government, turned out to be the very man who violated and betrayed all three branches of Constitutional government at the same time. The effects are still being felt right now in the court Bloch is before. Yet, oddly, the DOJ seems to think Scott Bloch is infinitely less harmful than the likes of common

ballplayers like Clemens and Bonds. How can that be?

It can only be if one is to be so absurd as to consider corruption of the very foundation of all three branches of government to be less important than cheating in a baseball game. When the Scott Bloch corruption of all three branches of government is ADMITTED and the ball field allegations are unproven. Yet, that is exactly where the record is with respect to Mr. Bloch and the DOJ.

And, so, sentencing is set for Scott Bloch on 5/13/2013 at 9:30 AM in Courtroom 27A before Judge Robert L. Wilkins. What should the court do with Mr. Bloch? The position here has not changed one iota since the sentencing letter we sent that stated before the last attempted sentencing of Bloch on a cushy plea deal from the DOJ:

The number and quality of felony crimes Bloch could have been, and should have been, charged with are staggering; including obstruction of justice, false statements, perjury, willful destruction of government property and Federal Records Act violations. But Defendant Bloch made a deal to plead to one little misdemeanor with the guarantee he would be considered under the most favorable sentencing guideline conditions imaginable. ... It is scandalous and should not be permitted by the Court. There is, however, much more to this case than just that.

It is the duty of the federal court system to provide fair and impartial justice to those before it and to stand as one of the three co-equal branches of government with a solemn duty to protect the sanctity of the government and see that justice is done not just for the powerful and privileged, but for all. For a misdemeanor plea case, there are powerful and critical factors involved

in the instant case which warrant consideration by the Court. Central is the question of whether there is now, and will be in the future, meaningful accountability for Executive Branch officials as to the crimes they commit in office and in the name of the United States citizenry.

As described at the start of this letter, our government and constitutional rule of law fails if Executive Branch officials can lie and destroy material evidence, not only to shield themselves from accountability, but to mask their efforts to deny legitimate governmental whistleblowers the light of day with which to inform and protect the public. It is truly that fundamental. And when you then compound the problem with fellow Executive Branch attorneys and officials colluding to minimize the crimes and frustrate even the minimum statutory punishment, the issue, and thus the case of Mr. Bloch, becomes of immense importance.

...

This Court should fulfill that duty, stand for the people and rule of law, and send a message to Mr. Bloch and subsequent Executive Branch officials that there is a penalty for criminal behavior in obstruction and contempt of Congress, and that it will be enforced.

And this, like the sentencing recommendation we made, is being formally sent to the United States District Court for the District of Columbia, care of Judge Robert L. Wilkens.

But, let this not be the only word on Mr. Bloch and his appropriate disposition; let us also consider the valid words of long time attorney John W. Cochrane, disciple of one of the greatest voices of the United States Circuit Court of Appeals for the District of Columbia, Judge Spottswood W. Robinson III:

Thirty-three years ago, it was my great honor to be selected by Hon. Spottswood W. Robinson III to serve as a Judicial Extern for three months. For a young man from the UCLA Law School, the opportunity to work with such a luminous and inspirational jurist, at such a phenomenal court, was something I have never stopped appreciating.

Judge Robinson instilled in me a deep respect for the Rule of Law, a reverence for the Constitution, and an abiding recognition that the courts of this country exist to assure and mete out Justice on an equal basis to all who come before them. I have gone on to become a partner in large American law firms and counsel to respected American companies; but it was the time I spent with Spottswood Robinson III, his clerks, and in the presence of his fellow judges, that I treasure most about my exposure to the Law in America. I am sure you understand exactly what I mean, and that you have the same feelings toward the position you are honored to hold in the courthouse you are able to work while overseeing a legal system dedicated to Equal Justice Under Law.

Please do not dishonor the memory of Judge Robinson, the sanctity of your Oath, and the preeminence of your Court – not to mention the romantic notions of a California lawyer who believes in the American system of justice – by allowing the present efforts of the Department of Justice to whitewash the despicable actions of Scott Bloch. Please, please, PLEASE send at least Scott Bloch to PRISON for the violations of law to which he has already pleaded guilty, and do NOT facilitate the cowardly and despicable efforts of the Justice Department to establish a principle that

governmental criminals should be exempted from the Rule of Law when it comes to sentencing.

You know the arguments. You know you are being played by the DOJ, who are counting on you to rubber-stamp a pernicious end run around Justice, and you know that the DOJ wants nothing more than for you to do so quietly so as to not “cause a stir”.

Please have the courage of America’s convictions. Send Scott Bloch to prison.

Whether it is Judge Spottswood Robinson III, or Judge Deborah Robinson, the previous judge in this sorry case, the result should be the same. The DOJ and Mr. Bloch should NOT be allowed to skate with this level of sheer impunity. It is flat out a violation of the interest of the American people, the officials they deem to elect, and the trust they are entitled to preserve. The same trust this court is obligated to protect by protecting and imposing the Rule of Law.

Scott Bloch must not be allowed to walk from this egregious conduct, and this court, “scott free”. What is being pitched by both parties to this court is an affront to both justice and the Constitution of the United States and the court should sentence accordingly, both to bring accountability here, and to deter such conduct in the future.

Let the record so reflect.

[* = Mr. Bloch has not now, nor has he ever, threatened this blog; instead, he has preyed on smaller blogs (whose proprietors were, in fact, chilled by the First Amendment icing of Scott Bloch)]