

James P. Scanlan
Attorney at Law
1529 Wisconsin Avenue, NW
Washington, D.C. 20007
(202) 338-9224
jps@jpscanlan.com

July 14, 2010

Rebecca Catalanello
Kevin Graham
Colleen Jenkins,
Alex Leary
Lucy Morgan
Staff Reports
St. Petersburg Times
490 First Ave. S
St. Petersburg, FL 33701

By Email

Re: False Statement by Robert E. O'Neill in Application for United States Attorney
Position Submitted to Florida Federal Judicial Nominating Commission

Dear Ms. Catalanello, Mr. Graham, Ms. Jenkins, Mr. Leary, and Ms. Morgan:

This is a follow-up to my letter of June 29, 2010, which concerned a false statement Robert E. O'Neill made on his Florida Federal Judicial Nominating Commission application for the United States Attorney position. Mr. O'Neill had stated that a District of Columbia Bar Counsel investigation of his conduct in *United States v. Dean* was initiated by a complaint filed by the defendant. In fact, the investigation was not initiated by the defendant or anyone associated with her.

There have been a number of developments concerning this matter since my letter. These are largely summarized in [Appendix 7](#) to the [Robert E. O'Neill profile](#) on jpscanlan.com. Only two warrant specific mention. On July 4, 2010, drawing on my June 23, 2010 [editorial](#) on truthinjustice.org, Paul Mirengoff posted an [item](#) on powerlineblog.com styled "A Nomination That Should Be Closely Scrutinized." The item discussed both the courts' criticism of Mr. O'Neill's conduct in the *Dean* case and my claim that Mr. O'Neill provided misleading information on his application. Powerlineblog.com is visited by over 40,000 users daily including staffers of the Senate Judiciary Committee. The item substantially increased the traffic to the prosecutorial misconduct portions of jpscanlan.com, including traffic from the Department of Justice. Second, on July 11, 2010, I published a [second editorial](#) on truthinjustice.org, making available documentary proof that the District of Columbia Bar Counsel investigation of Mr. O'Neill's conduct in the *Dean* case was not initiated by the defendant; rather, the investigation was initiated by Bar Counsel itself as a result of reading an appeals court's criticism of Mr. O'Neill's conduct. As discussed in the editorial, the inference is inescapable that Mr. O'Neill

misrepresented the origin of the investigation because he believed an investigation initiated by a complaint filed by a convicted defendant would raise fewer concerns with the Florida Nominating Commission or other readers of his application than an investigation initiated by Bar Counsel itself, especially one prompted by a court's criticism of Mr. O'Neill's conduct.

As discussed in [Appendix 7](#), the false statement is likely to cause Mr. O'Neill not to be confirmed as United States Attorney, if it does not cause his nomination to be withdrawn. But, as also suggested in that addendum, a larger issue involves the nature of the advice the Department of Justice gave to the President concerning Mr. O'Neill's suitability for the United States Attorney position. The Department could not fulfill its obligations to provide a candid assessment of Mr. O'Neill's suitability for the position without providing information concerning (1) the severe criticism of Mr. O'Neill's conduct in the *Dean* case by the United States District Court for the District of Columbia and the United States Court of Appeals for the District of Columbia Circuit and (2) my extensive allegations against Mr. O'Neill and the fact that the allegations are published on the Internet (as well as the Department's views as to the justification for the courts' criticisms and as to the validity of my allegations). If you look into the matter, I think that you will find that the Department of Justice addressed none of these issues with the President.

Of course any criticism of the Department of Justice in this regard would apply to any even greater degree to the Florida Federal Judicial Nominating Commission. As discussed in Addendums 2 and 3 to the O'Neill profile, my letters to the Commission of [July 13, 2009](#), and [July 20, 2009](#), alerted the Commission to these issues and should have caused it to make the inquiries that would also reveal that Mr. O'Neill's statement concerning the DC Bar Counsel investigation was false.

Sincerely,

/s/ James P. Scanlan

James P. Scanlan