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August 14, 2009

Bruce C. Swartz, Esq.  
Deputy Assistant Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

**PERSONAL**

Re: *United States of America v. Deborah Gore Dean*, Criminal. No. 92-181-  
TFH (D.D.C.).

Dear Mr. Swartz:

As you know, I maintain materials on the website jpscanlan.com regarding prosecutorial conduct in the referenced case, including a profile page on your conduct in the case. This letter addresses several matters related to those materials.

First, the profile page on you was recently modified in a number of respects. As always, I would appreciate your bringing to my attention any matter as to which you believe my treatment is inaccurate or unfair. I shall consider addressing any sound points you make.

Second, you will note that on the Arlin M. Adams profile page and elsewhere, I address matters relating to Judge Adams based on the belief that he was fully aware of the conduct of his subordinate attorneys that I maintain was abusive, especially with regard to post-trial defense of actions of those attorneys. On the basis of my understanding of the matter, I have recently brought the Adams profile page to the attention of several institutions that in some manner honor Judge Adams. Thus, while I believe the record supports my manner of treating Judge Adams' role in the conduct I have criticized, please advise me if I have in any way attributed knowledge to Judge Adams in circumstances where such attribution is unwarranted.

Third, a page styled ""Temp Confidential," which is maintained under the Password Protected tab on jpscanlan.com, can be accessed with the user name "suletc" and the password "sulpp3." The narrative on the page explains why the subject has so far been given limited attention as well as why that situation may change. A crucial issue is whether in February 1994 the subject of that material was aware that Deborah Gore Dean had called Supervisory Special Agent Alvin R. Cain, Jr. in April 1989 to complain about

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the treatment of former Attorney General John N. Mitchell in the HUD Inspector General's Report and to demand to know if there existed a check showing the payment to Mr. Mitchell on the Arama project. I do not know how the subject could possibly have failed to be aware of such fact. But if you believe you have a sound basis for persuading me that the subject was unaware of such fact, I urge you to explain that basis to me.

Fourth, as I trust you are aware, Robert E. O'Neill is a leading candidate for the position of United States Attorney for the Middle District of Florida. Given the importance of that position, I suggest that you have an obligation to bring to the attention of your superiors in the Department of Justice any information about Mr. O'Neill's conduct in the *Dean* case that might ultimately cause embarrassment to the Department of Justice if Mr. O'Neill is appointed to the United States Attorney position. For example, let us suppose that with regard to the Agent Cain matter mentioned in the prior paragraph and to which I have given such attention throughout the prosecutorial misconduct materials on my website, I am correct that, even though Agent Cain remembered the April 1989 call from Deborah Gore Dean, he provided the testimony that seemed to contradict her because he was persuaded by Independent Counsel attorneys that his testimony would nevertheless be literally true. Even if you believe that eliciting Agent Cain's testimony in such manner and relying on it in the manner that Mr. O'Neill did in closing argument were defensible prosecutorial tactics, I am sure you recognize that some people would disagree. There exists a substantial possibility that the facts concerning this matter will become widely known, a possibility that will increase if Mr. O'Neill is appointed United States Attorney. Such widespread knowledge then may cause embarrassment to the Department of Justice as well as a general diminution of the public's respect for federal law enforcement. Thus, you have an obligation to inform your superiors of these facts – as well as any other facts concerning Mr. O'Neill's conduct in the *Dean* case of which segments of the public might disapprove – in order that those superiors may make fully informed decisions about the potential ramifications of Mr. O'Neill's appointment to the United States Attorney position.

**[PARAGRAPH REDACTED]**

Please feel free to contact me by email to provide a response to this letter.

Sincerely,

James P. Scanlan

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