

FOIA Marker

This is not a textual record. This FOIA Marker indicates that material has been removed during FOIA processing by George W. Bush Presidential Library staff.

Counsel's Office, White House

Fielding, Fred - General Files

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	19	23	3	2	11294	24157	10383	10821

Folder Title:

Office of Special Counsel Reports & Scott Bloch Issues: Office of Special Counsel

Fielding, Fred F.

From: Flood, Emmet T.
Sent: Wednesday, August 15, 2007 2:56 PM
To: Fielding, Fred F.
Subject: Re: OSC

Can fill you in when next we speak.

----- Original Message -----
From: Fielding, Fred F.
To: Flood, Emmet T.
Sent: Wed Aug 15 14:53:16 2007
Subject: OSC

Any luck?



Bakke, Mary Beth

From: Smith, Barbara A. OSC ✓
Sent: Wednesday, August 15, 2007 12:01 PM
To: Flood, Emmet T.; Burck, William A.; Scudder, Michael Y.; Bakke, Mary Beth
Subject: Gov. Exec. Article re: OSC/Rove/Hatch Act

Emmet asked me to locate and pass along this article.

Thanks,
Barbara

http://www.govexec.com/story_page.cfm?articleid=37737&dcn=todaysnews

Rove resignation unlikely to hinder Hatch Act investigations

By Elizabeth Newell enewell@govexec.com August 14, 2007

The resignation of Karl Rove, President Bush's top political strategist, will not stall ongoing inquiries into potentially improper political activity at agencies, those close to the investigations say.

The Office of Special Counsel, the independent agency charged with protecting the merit system and investigating Hatch Act violations, is in the middle of a governmentwide investigation focusing on briefings delivered by White House staffers at government agencies. The Hatch Act limits the political activity allowed in the federal workplace.

Loren Smith, a spokesman for OSC, said Tuesday that Rove's departure won't change the course of the agency's probe.

"In general, it doesn't [affect the investigation]," Smith said. "We've got a lot going on, and he is an individual. It's not really that great of an impact."

With Rove's resignation taking center stage, it is unclear whether key deputies will remain on board. It was Rove deputy Scott Jennings who briefed 30 political appointees at the General Services Administration in January during a meeting that became central to an OSC investigation of potential Hatch Act violations by GSA Administrator Lurita Doan.

Jennings' presentation included slides listing Republican and Democratic political races viewed by the White House as most vulnerable in 2008. Investigators from OSC concluded that Doan did commit a Hatch Act violation at that meeting, by asking what the agency could do to help Republican candidates.

The ongoing OSC investigation hinges on the question of whether other violations occurred at similar political briefings at other agencies.

"As far as the question of the political briefings, there are aspects to the task force that have to go forward regardless of the individuals in question," Smith said.

A White House spokeswoman refused to comment on whether Jennings or other Rove staffers would be leaving alongside their boss at the end of August.

Jennings also has been at the center of the recent Justice Department controversy. He appeared at an Aug. 2 Senate Judiciary Committee hearing but declined to answer questions about the firing of eight U.S. attorneys. Rove avoided the hearing altogether, citing executive privilege.

Smith acknowledged that while the Hatch Act investigation will go on, OSC would be unable to take action against any individuals found to be in violation if they no longer work for the executive branch.

"Once a person leaves government service, they are out of our jurisdiction," Smith said. "However, if we found any evidence of criminal political coercion, we could make a referral to the Justice Department."

8/15/2007

The OSC is not the only entity investigating possible Hatch Act violations during political briefings. Rep. Henry Waxman, D-Calif., chairman of the House Oversight and Government Reform Committee, has also taken up the cause.

A committee aide confirmed that an investigation is ongoing and said Rove's resignation or the resignation of any staffers should have "no material effect" on that investigation. He also said he wouldn't anticipate that resignations would make information related to the investigation any easier or more difficult to get.

"I doubt it will have any impact at all," he said.

The aide agreed with Smith that there would be no consequences for an individual found to be in violation of the Hatch Act who had already resigned. He said action could only be taken if another type of violation was found. He refused to speculate on the possibility of criminal action during these political briefings.

Keith Ausbrook, Republican general counsel for the committee, agreed that Rove's departure should not affect the ongoing inquiry. "Just because he's gone doesn't mean the investigation can't continue," he said.

Barbara A. Smith
Office of Counsel to the President
The White House
P: 202.456.7275 | F: 202.456.5440 | C: 202.494.5065
BASmith@who.eop.gov