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BLOCH: Some Bushies had it coming

Hatch investigation was about higher purpose, not partisanship

By Scott J. Bloch

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Illustration: Hatch Act by Alexander Hunter for The Washington Times

The Founders of our country thought that the impulse toward partisanship was a darker side of human nature that needed checks. They called it faction. They wrote about it, especially in the Federalist Papers, and warned of its insidious effect on government and society. They knew that good government resides in following the law, not implementing party or interest-group agendas on the public dime.

For the Founders, the guiding star of our structure of government was checks and balances on power. To ensure that one part of government cannot be misused for partisan ends, we have oversight by Congress, the courts and by agencies such as the Office of Special Counsel (OSC), which I oversaw for five years. One part of government checks the others.

That is why the report from the Office of Special Counsel on Political Activity in the White House and various executive branch agencies that came out this week is important. The Hatch Act prohibits political activity on the job or with federal resources or use of official authority to influence the outcome of elections. The report of the investigation, which was launched under my leadership, concludes that George W. Bush administration officials were involved in activities that violated this law, including improper trips by Cabinet secretaries intended to influence the outcome of congressional elections.

We decided early on in the investigation of the Bush administration activities related to the 2006 election that such a report should be issued at its conclusion. We knew that it would take thousands of hours and involve hundreds of interviews and would likely go well beyond the end of my five-year term. That is why I obtained a special appropriation from Congress in early 2008 to fund this investigation.

It gave me no pleasure to see names of individuals I number as friends in the report issued this week. I knew they might be mentioned when we started down that road. But as a watchdog over the executive branch, it was my job to make sure that tax dollars were not used for promoting partisan politics. It was the same motive I had in investigating the partisanship at the U.S. Department of Justice and the firing of the U.S. attorneys. Then as now, there were voices of praise and blame, even from within our agency. The mob likes to ascribe all sorts of motives that are not there. I did not listen to those voices. The report this week from OSC and the report of the Department of Justice inspector general in the earlier investigation validate my decisions to probe into those matters and use the powers of my office for independent oversight, even when some within my own agency and from without resisted.

The attacks on me from Republicans have been the most vicious. Even members of Congress got in on the attacks. Former Rep. Thomas M. Davis III of Virginia was the most vociferous. Sometimes the press was prone to praise me or, alternately, to invent fallacious explanations for why I was doing my job. The truth was simple: The office has a noble mission, to protect integrity in government, and to call public servants to higher use of their time than getting their favorite candidate elected. I relished that role and tried to perform without regard to party or person.

The Obama administration eliminated the Office of Political Affairs in the White House almost simultaneously with this report. This seems to be a positive outcome of the investigation. While the creation of the office bowed to certain realities that politics does happen, it allowed for blurring of lines to occur over the years. Our early interactions with the Bush administration were extremely positive on wanting to do the right thing under the Hatch Act. The counsel's office in 2003-2004, through the re-election campaign cycle, bent over backwards to get our advice and often went further than the law required to do what was right. Something happened to change that, and the 2006 elections were a crossing of the Rubicon in terms of the Hatch Act, as the report points out. It is an object lesson about independent oversight, the importance of adhering to the law and reshaping our government to be more responsive to the citizens and less about inner circles and politics.

I think this report is important for what it shows about the willingness of our government to check itself and to try to play to the better angels of our nature, to quote an embattled president who took it on the chin for opposing his own party from time to time. The office is to be commended for waiting until after the 2010 midterm elections to issue this report, which is the same policy we had when I

headed the office. We did not want our reports to be seen as in any way trying to influence elections - the very opposite of our statutory charge.

We would do well to remember the public servants throughout our government who are trying to overcome their own tendency toward partisanship, to bring about better government with integrity and to provide an example of what is possible even when mobs will blame everybody or overpraise in an effort to satisfy their own factions.

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