

NOW WHY WOULD THEY WANT TO BURY PLEA AGREEMENTS?

Readers of this blog no doubt know that Federal Courts have gone to lengths to make Courts more accessible to dirty fucking hippies citizens in recent years.

The policy of the Judicial Conference on privacy and public access to electronic case files has developed incrementally over the past four years. The application of the policy to various types of cases files has evolved to the point where the policy now provides for remote access to all electronic civil, bankruptcy and criminal casefiles with appropriate privacy safeguards.

After all, I've been a big beneficiary of it. This process has gradually made court files available via PACER to snot-nosed bloggers like me, allowing me to blog criminal cases in my PJs from my mother's basement. Or whatever. The whole public access gig allowed me to see not only how Scooter Libby planned to escape all responsibility for leaking Valerie Wilson's identity to Judy Miller, but it allows average citizens to pick through the messes that are the Cunningham and Abramoff scandals to see how Republicans "govern." All via the Toobz! (Think how fun it'll be to track the Ted Stevens criminal files through his Toobz.)

Curiously, the Court is considering putting a bit of this horse back in the barn. They're considering ending access to plea agreements.

The federal Judiciary is seeking comment on the privacy and security implications related to public Internet access to certain documents in criminal case files.

The Court Administration and Case Management Committee of the Judicial Conference of the United States is studying these issues so the Conference can develop policy guidance for the federal courts.

The committee is interested in comments on a proposal to restrict public Internet access to plea agreements in criminal cases, which may contain information identifying defendants who are cooperating with law enforcement investigations.

You see, I find it curious, because some recent plea agreements have been veritable gold mines of information on Republican corruption: the Abramoff plea, the Cunningham plea, the Griles plea. (Though technically, Abramoff's factual proffer remains sealed.) It's awfully nice as a blogger to be able to access these files while wearing PJs.

But the move to rebury these plea agreements is perhaps most interesting given the events in the Wilkes/Michael/Kontogiannis case. Ever since Tommy Kontogiannis' plea deal was unsealed, the government has been looking for pillows to hide it—and all the nasty information on Tommy K it includes—under.

All of which illustrates the value in keeping these files open. A common sense reading of the public information on Tommy K strongly suggests he's our government's criminal, and they'd like to use (another) plea deal to allow him to escape responsibility for his crimes, even if those crimes entailed bribing Congressmen. Tommy K may well have participated in a counter-terrorism sting in return for escaping further charges. Or not. But we, as citizens, ought to be able to consider whether we want to encourage the practice of government sanctioned criminals serving as a keystone to our judicial process. And they want to make that process harder for us to do.

Luckily, they're making *commenting* on the change in policy very easy—you can do that via email.