

SCOTT BLOCH AND ROLL: DOJ TAKES A HOLIDAY FRIDAY NEWS DUMP

The event we have all been waiting for is here in time for the Christmas Holidays! Yes, it is the long awaited news on the DOJ "prosecution" of the former Office of Special Counsel head under the Bush/Cheney regime, Scott Bloch.



As you may recall, when we last heard tangible news on the Blochhead front, it was June 20 of this year when his release restrictions were voided. The court voided Bloch's release conditions because the DOJ had inexplicably left the case hanging in limbo after the previous guilty plea had been set aside, thus allowing Bloch to withdraw from it, all the way back in August of 2011.

So, between August 2, 2011 and December 21, 2012, a period of nearly a year and a half's time, the DOJ has done nothing whatsoever in furtherance of prosecuting Scott Bloch. Until today. And the vaunted Department of Justice has, on the Friday before the Christmas holiday....filed a Motion to Dismiss. However, that is not the end of the story, as clause 5 of the Motion to Dismiss contains this language:

Concurrent with this Motion to Dismiss, the government is filing a new information.

Well, not quite concurrent, as the Motion to Dismiss was filed mid to late morning, and the new information was just now made public. The new charge, a misdemeanor, is pursuant to 18 USC 1361 Depredation of Government Property or Contracts. The factual basis is made out from the "seven level wiping" Bloch caused to be done. Here is the new information just filed.

Well, at least that is what the information is SUPPOSED to charge. That is the crime noted in the caption, and clearly the crime contemplated by the framing, but in the key statute recitation paragraph, the controlling body of the document mistakenly charges 18 USC 1362 instead. A year and a half the DOJ has had to conjure up this smoking pile of whitewashing garbage, and they still can't get a basic misdemeanor plea right. It will have to be amended to reflect the correct statute. Merry Christmas Dump!

A separate docket entry has set the date for formal entry of the plea for Friday January 4, 2013:

Set/Reset Hearings as to SCOTT J. BLOCH:
Plea Agreement Hearing set for 1/4/2013
at 9:30 AM in Courtroom 4 before
Magistrate Judge Deborah A. Robinson.

The sentence is not stipulated, but you can bet there will be no jail time involved for Mr. Bloch. The original charge Bloch pled guilty to, 2 USC §192 Refusal of witness to testify or produce papers, was also a misdemeanor. But it involved presumptively mandatory jail time the court – gasp! – indicated it would enforce. Not only did Scott Bloch flinch at having to serve minimal jail time, the DOJ agreed with him and fought side by side with him to make sure his butt never saw a cell for the mandatory jail for the charge he stood in open court and pled guilty to. With a damning set of factual admissions.

As both Marcy and I said back when the true

nature of the DOJ's collusion with Bloch was cast in stone:

But given the record of this Administration—from the mantra of “look forward” to the refusal to charge Dick Cheney for illegal wiretapping Americans to the refusal to charge Jose Rodriguez for destroying evidence of torture—I think it's just that they refuse to send an official—one of their own—to jail. They cannot uphold the law, because the law might be upheld against them.

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So, back to I guess he won't see a cell Bloch Scott. Is DOJ really saying that a guy who wiped his hard drive shouldn't go to jail? Yes, and they are willing to fight for him and with him to see that such is indeed the case. First the government filed a **Motion to Reconsider** dated February 7, 2011 regarding Judge Robinson's 2/2/2011 ruling discussed and linked above. The Motion to Reconsider was basically five pages of whining that there was compelling authority to the effect the *criminal they were prosecuting* did NOT have to serve jail time. Yes, that is one hell of a strange argument for government prosecutors to be making.

Then, the willingness of the government prosecutors to fight to keep the criminal Bloch from serving one lousy second in jail goes from the absurd to the ridiculous. A mere four days after having filed the whiny Motion to Reconsider, and before it was substantively ruled on, the government, by and through the ever ethical DOJ, suddenly files a pleading encaptioned “**Governments Motion To Withdraw Its Motion To Reconsider The Court's February 2, 2011 Memorandum Opinion**”. In this pleading, the government suddenly, and literally, admits their February 2

Motion to Reconsider was without merit.

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Let me put that bluntly for you: the DOJ is helping a guy they have already convicted by way of guilty plea – that has already been accepted by the court – get out of that plea conviction. And they are already negotiating a different deal with the defendant, Bloch, to insure he doesn't serve one stinking day in jail.

The foregoing is the background that brings us to where we are today, with Bloch pampered with a cuddly gift plea for Christmas, and with the DOJ depriving American citizens of the zeal in advocacy ethically required and needed to ensure the integrity of the federal government. Rather than defend the rule of law, DOJ has fought to help Scott Bloch get out of his plea deal because he might actually have to serve even minimal jail time for his crimes.

The number and quality of felony crimes Bloch could have been, and should have been, charged with are staggering; including obstruction of justice, false statements, perjury, willful destruction of government property and Federal Records Act violations.

But Defendant Bloch made a deal to plead to one little misdemeanor with the guarantee he would be considered under the most favorable sentencing guideline conditions imaginable. And, in return for this staggeringly mild treatment, both Bloch and the government swore and promised, in writing to the court, not to withdraw or appeal. Yet, that is exactly what both cravenly did – together in collusive unison.

It is the duty of the federal court system to provide fair and impartial justice to those before it and to stand as one of the three co-equal branches of government with a solemn duty to protect the sanctity of the government and see that justice is done not just for the

powerful and privileged, but for all.

For a misdemeanor plea case, there were powerful and critical factors involved in the case of Scott Bloch which warranted serious treatment and a precedent set to deter future corruptors of American government. Central is the question of whether there is now, and will be in the future, any meaningful accountability whatsoever for Executive Branch officials as to the crimes they commit in office, and to the Congress, in the name of the United States citizenry.

The resounding answer to the accountability question from the actions of the Obama Department of Justice, as evidenced by the Scott Bloch prosecution, is no. There is no accountability, and there will be no accountability, because if Scott Bloch can go to jail for crimes in office, any other common government criminal can too.

The grandees of government, entrusted with the ethos of the American people, cannot possibly be treated with the same zeal for prosecution of perjury and obstruction that is doled out to common athletes such as Roger Clemens (and do check out the graphic at the bottom of the linked post, it is stunning) and Barry Bonds. Why can't the Executive Branch officials be held to the same standard?

[For more on the Bloch saga today, see Mike Scarcella at Blog of the Legal Times]

[As nobody in the world will see this post this late in the afternoon, I may repost it substantially later, probably a couple of days before the January 4 plea entry setting]