


ANOTHER NEW MONTH, AND STILL NO OPR REPORT

John Yoo has spent the last several weeks insisting he did not give George W Bush a blow job—while admitting that sometimes, he just had to play favorites with the President. 

Were you close to George Bush?

No, I've never met him. I don't know Cheney either. I have not gone hunting with him, which is probably a good thing for me.

[snip]

So you're saying you were just one notch above an intern, you and Monica Lewinsky?

She was much closer to the president than I ever was.

[snip]

When you say you had "a client," do you mean President Bush?

Yes, I mean the president, but also the U.S. government as a whole.

But isn't a lawyer in the Department of Justice there to serve the people of this country?

Yes, I think you are quite right, when the government is executing the laws, but if there's a conflict between the president and the Congress, then you have to pick one or the other.

Meanwhile, it has been 48 days since Eric Holder said the OPR Report on John Yoo and other OLC lawyers would be released by the end of November. And yet we still don't have that

report.

That's particularly interesting because—as I pointed out a month ago, just days after Holder promised the OPR report imminently, the lawyers for Jose Padilla got an extension on their appellate response to Yoo and the government's claim that Padilla couldn't sue Yoo for all the bad lawyering he did. Their deadline? January 15, now just 11 days away.

In the government's amicus brief in this suit, they boasted that Padilla didn't need to sue Yoo personally, because the government had means to punish him for bad lawyering on its own. One means they boasted of? An OPR investigation.

In addition to potential discipline by a state bar, **Department of Justice attorneys are also subject to investigation by the Office of Professional Responsibility ("OPR")**, see 28 C.F.R. 0.39 and the Office of the Inspector General, 5 U.S.C. App. §8E. Section 1001 of the USA Patriot Act directs the Department of Justice Inspector General to review information and receive complaints alleging abuses of civil rights and civil liberties by Department of Justice employees. See Pub. L. 107-56, § 1001, 115 Stat. 391 (2001). **OPR and the Office of the Inspector General have broad investigatory powers and can recommend discipline and even criminal prosecution, where appropriate.** [my emphasis]

At the rate we're going, Padilla's lawyers will have to file their response to the boast that OPR can offer adequate discipline in cases like this, without yet learning what OPR did **in this particular case.**

I'm increasingly convinced that's by design.