

Scape-Vote

Mark Jacoby's GOP plea deal is justice on a platter

By: David Silva

Mark Jacoby, a Laguna Beach resident arrested in Ontario last year on felony voter-registration fraud charges, has pleaded guilty to a single misdemeanor count and sentenced to 30 days of Caltrans service and three years probation.

Was justice served?

Consider the facts: Jacoby is the owner of Young Political Majors (YPM), a company contracted by the California Republican Party to register voters in the run-up to last November's General Election. California Secretary of State Debra Bowen launched an investigation into YPM-and Jacoby-following allegations that YPM employees were tricking people into registering as Republicans by telling them they were actually endorsing popular ballot initiatives.

Jacoby was arrested in October at an Ontario hotel and charged with two felony counts of voter-registration fraud and two felony counts of perjury. Two weeks ago, L.A. prosecutors dropped all the felony charges in exchange for Jacoby's guilty plea to one count of voter-registration fraud.

So, again: Was justice served?

Sure it was. Sending Jacoby to prison for YPM's excesses was never what this case was about. How could it be? Jacoby wasn't charged with a single allegation of wrongdoing related to YPM (nor, for that matter, was anyone else). Instead, he was charged with listing his parents' old street address on his voter registration card, when in fact his true address was a few blocks away. The entire episode was over a residency issue.

"When all is said and done, what did the guy really do?" asks Jacoby's attorney, Michael Goldstein, adding his client used his childhood address on the registration card because he had been threatened by a former employee and didn't want to disclose his actual address. "He certainly wasn't required to register at one address or another to do the job he does, and he never voted at the childhood address. He had, in fact, been raised in the house and his first driver's license reflected that."

No, what this case was really about was headlines. Recall that last summer newspapers were filled with stories on the ACORN voter-registration scandal, in which employees of that community organization were accused of falsifying tens of thousands of registration cards. Republican Party leaders and their media surrogates were working feverishly to tie ACORN around candidate Barack Obama's neck. Jacoby's residency problem-uncovered by an investigation launched by Democrat Bowen at the urging of state Democratic Party Chairman Art Torre-presented a golden opportunity for the Dems to provide a counterweight to all that pressure. Provided, of course, that the matter was handled just right.

It was. Though Jacoby was required to be in near-constant communication with Bowen's office, no effort was made to inform that he needed to fix the bad address on his registration card-that would be telling. Instead, nine Ontario Police officers and two state investigators in seven squad cars descended upon the businessmen in the dead of night. Within hours of the arrest, Bowen put out a statement decrying the evils of voter-registration fraud; a day later, Torres had his own statement out, linking-erroneously, but, hey, this is politics-Jacoby's problems with the unverified allegations against YPM.

The mainstream media both here and abroad happily played their part. Dozens of newspapers ran variations of the same fundamentally misleading headline: GOP voter-registration official arrested for voter-registration fraud. Christmas comes early for the Democrats.

Now, with the November elections well in the past and passions cooled, why wouldn't L.A. prosecutors accept Jacoby's misdemeanor plea deal? Who would want to bring a case like this to a jury, anyway?

"We're certainly pleased that Mr. Jacoby was arrested and that the DA decided to go ahead with the case, and we're certainly pleased that the matter has resolved itself," says Evan Goldberg, chief deputy for the Secretary of State.

Unfortunately for Jacoby, the matter may be resolved in criminal court, but the mainstream has trouble letting go. Nearly every story on Jacoby's plea deal ran under headlines suggesting a link between his arrest and allegations against YPM. The San Bernardino Sun published a story falsely claiming Jacoby pleaded guilty to three felonies.

Justice? I'm reminded of a line from an old Twilight Zone episode, in which a disillusioned newspaper editor talks about a particular brand of jurisprudence we can all only hope isn't forced to us one day.

"Justice is being served," the editor says, "on a platter with its tongue cut out, just like the carcass of any dead animal."