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Searching for The Champion for Justice Among Presidential Candidates

How entities and individuals that advocate judicial reform
can increase their efficiency through the support of a common strategy
that capitalizes on the possibility that a presidential candidate
may in his or her own interest wish to stand out from the other candidates by
becoming known as the one who will fight judicial corruption and bring
integrity to judicial process that ensures "Equal Justice Under Law"[1]

I. Why neither the Executive nor the Legislative Branch investigates the Judiciary

1. The investigation of corruption in the federal courts is carried out by the U.S. Department of Justice through its district attorneys and the FBI.[2] It is a most infrequent occurrence, as shown by the statistic that in the 218 years since the federal judiciary was created by the U.S. Constitution of 1789 the number of federal judges impeached and removed from the bench is seven! This is an official statistic of the Federal Judicial Center, the research and training body of the federal judiciary whose presiding board member is the chief justice of the Supreme Court. The reason for the reluctance of the Executive Branch to investigate judges for wrongdoing is that it has to litigate cases before judges all the time and antagonizing them with a probe of their conduct would be a certain way of ensuring many judgments against its interests. (http://www.fjc.gov/history/home.nsf >Judges of the U.S. Courts>Impeachments of Federal Judges)

2. This reluctance to investigate judges is shared by Congress, but there it is personal, a matter of individual survival. Indeed, Congress could exercise its subpoena and contempt powers to investigate coordinated judicial wrongdoing, that is, patterns of acts by federal judges pointing to the concerted wrongdoing among themselves and with non-judicial parties through active participation in wrongful conduct or passive participation by silent toleration that enables active wrongdoers to keep doing wrong, all to the detriment of third parties and the integrity of judicial process. However, according to its Speaker, H.R. Pelosi, Congress is "dominated by the culture of corruption". Thus, its members would rather be remiss in their duty to supervise the judges' fair and impartial application of Congressional enactments than become known as the nemeses of judges by investigating patterns of complaints about their conduct. Members of Congress must be aware that their own corruption can land them before judges, who could exploit that opportunity to retaliate against them for having investigated them or their peers.

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[1] It complements my earlier proposal for exposing corruption in the courts through the conduct of a Watergate-like *Follow the money!* investigation of public documents and interviews, whose details are set forth in http://Judicial-Discipline-Reform.org/Follow_money/disclosures_to_assets.pdf

[2] This analysis applies, mutatis mutandis, to state courts, including family courts. However, the investigation of state courts need not be conducted only by state law enforcement agencies. As shown by Operation Greylord in Chicago in the 1980's, the FBI and the IRS Criminal Investigation Division can be brought in to investigate patterns of complaints against state judges.

II. A presidential candidate can in his own interest become the Champion for Justice

3. This leaves only one other political player, one who has no power to launch any investigation of judicial wrongdoing, but by steering the public's attention to the subject can force Congressional and Executive authorities to use their power to that end: Presidential candidates. One of them may see it in his or her interest to make the subject of judicial wrongdoing his or her rallying call in order to become the Champion for Justice of complainants against wrong-doing judges, thereby becoming their undisputed candidate. If soccer moms, concerned about the preservation of their good suburban life, are said to have decided the first race of the candidate who went on to become President Clinton, can you imagine what women fighting for their children and against abusive and deadbeat husbands as well as what fathers fighting for shared custodial and visitation rights could do for a candidate that embraced their cause?
4. Here it is where we enter to grab the opportunity to make presidential candidates –and by the same token, candidates in other races- aware of the potential support that they can gain by becoming the Champion for Justice who fights wrongdoing judges. This requires that we get this issue before the candidates and gain access to them so that we can make the case of how beneficial it would be for them to incorporate in their stump speech coordinated judicial wrongdoing and their plan to combat it.
5. One way of accomplishing this is by persuading organizers and moderators of presidential debates to ask questions about coordinated judicial wrongdoing. This would be the first step toward holding a debate exclusively on that subject, just as the "Values" debate was held last week by members of Christian denominations. Holding such a debate would recognize moms and pops fighting for justice from wrongdoing judges as a distinct voting bloc to be courted by any candidate viable enough to consider seriously that in the 2000 Presidential Elections some electoral districts were won or lost by one single vote of an electorate that for all practical purposes was and may very well remain evenly divided. Every vote does count.

III. Parents and parties appearing pro se or by small firm lawyers need a Champion

6. Parents involved in custody, alimony, and partition of marital property make for zealous advocates of judicial reform. So do pro se parties and those represented by lawyers of small law firms and by public defenders. They complain that judges have no respect for their procedural and even substantive rights in proceedings that they terminate with non-precedential, non-citable decisions. These are perfunctory quick scribblings with little reference to the law and worse legal reasoning that puts an end to most of those parties' cases and their quest for justice.
7. If an appeal can be afforded, most are disposed of without oral argument, with motions handled through a form where a judge or even a clerk simply circles either the word "Granted" or "Denied", and with judgment entered on a summary order merely stating the "Affirmance of the decision on appeal". Summary orders leave so many parties profoundly upset by both the appearance that no judge had to read any pleadings to get rid of a case by option-checkmarking and the fact that justice was not public, but rather capricious, lazy, and secretive. It is said that in the U.S. Court of Appeals for the Second Circuit well over 60% of all cases is disposed of by summary order. This represents tens of thousands of people that paid the same appeal filing fee of $455, spent months or years in legal battle, and endured the deep emotional stress of fighting for their rights as 'David without the sling' only to receive for all justice the "Affirmance" form.

8. Their anger and resentment must be tapped and turned into productive energy for judicial reform as voters and even volunteers for the Champion of Justice. However, they currently are not even aware of their political weight. Instead of constituting a voting bloc, they are dispersed among the hundreds of websites where they do one thing of little value for their situation: They complain, and complain, and complain about the judicial system as they swap e-mails that form part of no strategy and pursue no concrete and realistic objective. They e-wail as a hobby.

IV. A strategy to organize parties to unequal justice as a voting bloc

9. This calls for your organization and me to work to organize parties to unequal justice into a voting bloc and show them how to make its existence known by becoming e-advocates that as required can be mobilized to spam on given issues candidates for the presidency and other office. The Internet's significance in presidential elections is so well-established that recently the candidates held the first presidential e-debate. However, for us the window of opportunity is rather narrow, for it is during the stage of the primaries, when there are still many candidates, that the chances are highest that one of them will try to stand out of the pack as the one who will fight coordinated judicial wrongdoing. Once the presidential nominees are chosen, they will tone down their rhetoric to offend no constituency, even that of wrongdoing judges with deeper pockets than those of parties whom they wrong. Meeting this organizational challenge and its time constraint requires a strategy, such as the following, which I submit as a discussion paper:

10. We e-mail the members, in general, and the owners, in particular, of Yahoo and Google groups as well as websites that complaint about abusive judges and rigged courts to make them aware of their voting power as part of a united movement and the need to work on a concise platform that advocates the following at the federal level and its state level equivalent:

    a) Official investigation of patterns of coordinated judicial wrongdoing, which is very different from the review of the merits of an individual case. To that end, we must insist that as many parties to unequal justice as possible summarize their complaints in 350 or fewer words. (http://Judicial-Discipline-Reform.org/judicial_complaints/summarizing_complaints.pdf)

    b) The suspension of judges under investigation; impeachment and removal of judges found to be corrupt, and the review of their cases.

    c) The termination of the system of judicial self-discipline provided for under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364), which has allowed federal judges to exempt themselves from any discipline by engaging in the concerted activity of systematically dismissing the 7,462 complaints filed against them in the 10-year period 1997-2006 while disciplining only 9 judges! These are official statistics of the Administrative Office of the U.S. Courts, which are collected with links to the originals in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_draft_rules.pdf .

    d) The creation of a Citizens Board of Judicial Discipline and Accountability:

        1) formed by individuals not appointed by, and unrelated and unresponsive to, any judges;

        2) designated to receive and hold as publicly filed and available documents complaints claiming complainable conduct or condition on the part of one or more judges, such as;

            (a) individual or coordinated, whether active or passive, wrongdoing, such as bribery, kickbacks, fraud, perjury, condonation of perjury, conflict of interests, disregard for the law and the facts, abuse of judicial power, ex-parte contacts, neglect of judicial

duties, undue delay, disposition of cases by conclusory or summary orders;

(b) temperament incompatible with judicial duties, including bias, prejudice, and demeaning treatment of others;

(c) mental or physical disability that prevents the performance of the judicial duties;

3) authorized to investigate and determine such complaints in public proceedings through the use of subpoena and contempt power, just as charges against the President, i.e. President Clinton, aides to the President, i.e. Scooter Libby, and members of Congress, i.e. H.P. Duke Cunningham, are discussed and processed in public. Judges are not entitled to secret discipline by their peers and co-wrongdoers in proceedings that confirm their status as the only class of people in our society that as a matter of practice has placed itself above the law and beyond public scrutiny. To that end, the Board may:

4) order the production of documents by parties and non-parties to the complaint;

(a) call and depose witnesses at public hearings and entertain the examination and cross-examination of witnesses by the complainant and the complained-about judge or their counsel;

(b) order the suspension of a judge once an investigation of a complaint has produced evidence showing probable cause for the belief that such judge, whether the one complained-about or one who has come within the scope of the investigation, engaged in or exhibited complainable conduct or condition;

(c) issue public reprimands;

(d) recommend to the chief judge of the court of the complained-about judge and the judicial council of his circuit that rulings and decisions of such judge be vacated;

(e) recommend to Congress the impeachment and removal of a federal judge found to be unfit for the administration of "Equal Justice Under Law";

(f) order compensation of those harmed by a wrongdoing judge.

V. A meeting needs an agenda based on a discussion paper circulated & commented upon

A meeting of judicial reform advocates, to be effective, can be envisaged once there is a clear agenda that gives it a theme and direction, and allows participants to know what to expect and how to prepare for the discussion ahead. A brainstorming meeting will only be an opportunity for everybody who has a complaint against somebody in the judiciary, elsewhere in government, or on the moon to stand on a soapbox to have their 15 minutes of famous speech, however unfocused, unsupported by evidence, and extremist so that it will only bore and alienate more people than it will enlighten and unite them. People can be put off quite easily by others babbling half-baked ideas off the top of their heads. This can be avoided if in advance they think through their ideas, write them in a discussion paper, thus showing commitment and competence, and circulate it to give others the opportunity to comment on them. After their revisions have developed a document enjoying the majority's approval, an auspicious meeting can be held to discuss sticking points and adopt concrete decisions for further action, thus producing evidence of real progress.

Actually, that meeting can be an occasion for celebratory speeches and a press conference that the media can report as that of a team of professionals with a well-conceived program, the public can feel addressing its own problems and attracted to support or even join it, and the judges can take seriously as the statements of competent people very capable of taking them on.