

Evidence of AG Michael Mukasey's incapacity to stand up to former colleagues in the judiciary engaged in wrongdoing

with supporting documents in http://Judicial-Discipline-Reform.org/Follow_money/JMukasey_2.pdf

The principal reason why another Attorney General was needed was that Former AG Alberto Gonzales conceived his main function as that of serving and protecting his friend and mentor, President Bush, rather than acting as the top law enforcement officer of the U.S. on behalf of everybody. An investigation is still under way to determine whether he tolerated, or even participated in, the firing of U.S. Attorneys because they were investigating friends or supporters of the President. Hence, a key consideration in assessing the performance of now AG Mukasey should be whether he shows the required independence and strength of character to apply the law even to his former friends and colleagues in the judiciary and not misuse his office to obstruct any investigation of wrongdoing judges. Let's see whether he can allow himself to do so.

As chief judge of the U.S. District Court for the Southern District of New York, Judge Mukasey was a member of the Judicial Council of the Second Circuit, the body of judges that must "make all necessary and appropriate orders for the effective and expeditious administration of justice within the circuit". As such, he decided on petitions for review of denials by his colleague, the chief circuit judge, of judicial complaints against his peers in the circuit engaged in conduct "prejudicial to the administration of justice", including bribery, corruption, prejudice, bias, and conflict of interests.

Yet, he participated in the systematic denial of such petitions without any investigation, thus leaving complainants and the public at large at the mercy of peers of him that were actually, or gave the appearance of being, unfit for judicial office. Moreover, Judge Mukasey was between 2004-06 also a member of the Judicial Conference, which is the highest policy-making body of the federal judiciary and presided over by the Chief Justice of the Supreme Court. As such, he had access to the reports on conduct and disability orders from all the 13 judicial circuits.

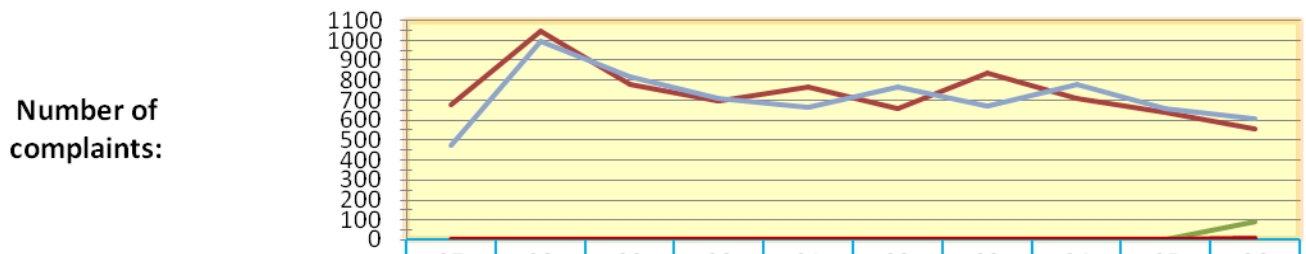
Thus, as member of both bodies, he had actual or constructive knowledge of the shocking official statistics, which now stand thus: Between 1997 and 2006, 7,462 complaints were filed against federal judges, who only disciplined 9 of their peers! Judge Mukasey and his peers granted themselves immunity from the judicial self-discipline law.

Judge Mukasey did not stand up to his peers even when he repeatedly received documentary evidence of a pattern of acts pointing to the support by judges in the U.S. Bankruptcy and District Courts in Rochester, NY, of a bankruptcy fraud scheme.

In one case, a 39-year veteran of the banking industry, still working in M&T Bank's bankruptcy department, filed bankruptcy petition 04-20280 claiming that he and his wife had only \$535 in cash and on account, yet IRS and mortgage documents show that they had earned or received \$673,657, which is still unaccounted for because the judges covered for them by not requiring that they produce even their bank account statements! (http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf)

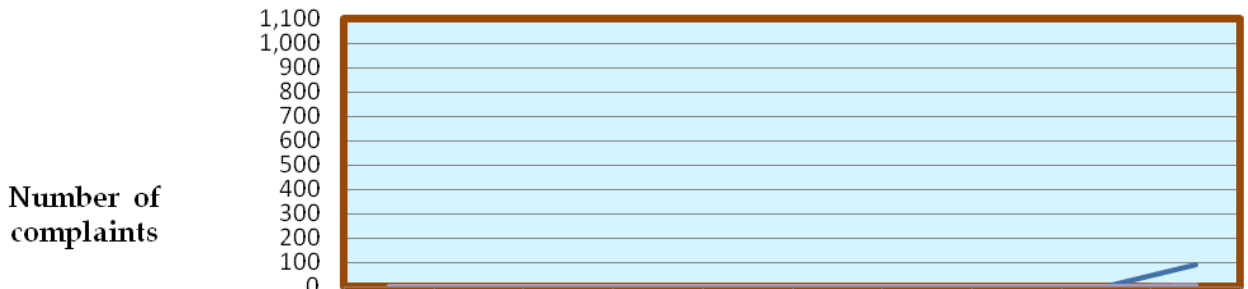
Judge Mukasey first covered for his peers by dismissing the evidence by his letter of March 2, 2004, though he had a statutory duty to report it to the U.S. Attorney. Now as the AG, he can be expected to cover for his friends, lest he incriminate himself. How can he perform on behalf of everybody in the U.S.? (http://Judicial-Discipline-Reform.org/Follow_money/JMukasey_2.pdf)

Number of Complaints Filed by Complainants and Systematically Dismissed by Chief Judges and Judicial Councils Between '97 and '06



	97	98	99	00	01	02	03	04	05	06
filed by complainants	678	1,049	781	695	766	656	835	712	642	555
filed by chief judges	1	2	0	1	0	1	0	0	0	88
dismissed by chief judges & judicial councils	477	995	820	710	663	770	673	781	661	609
referred to Judicial Conference	0	0	0	0	0	0	0	0	0	0
special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

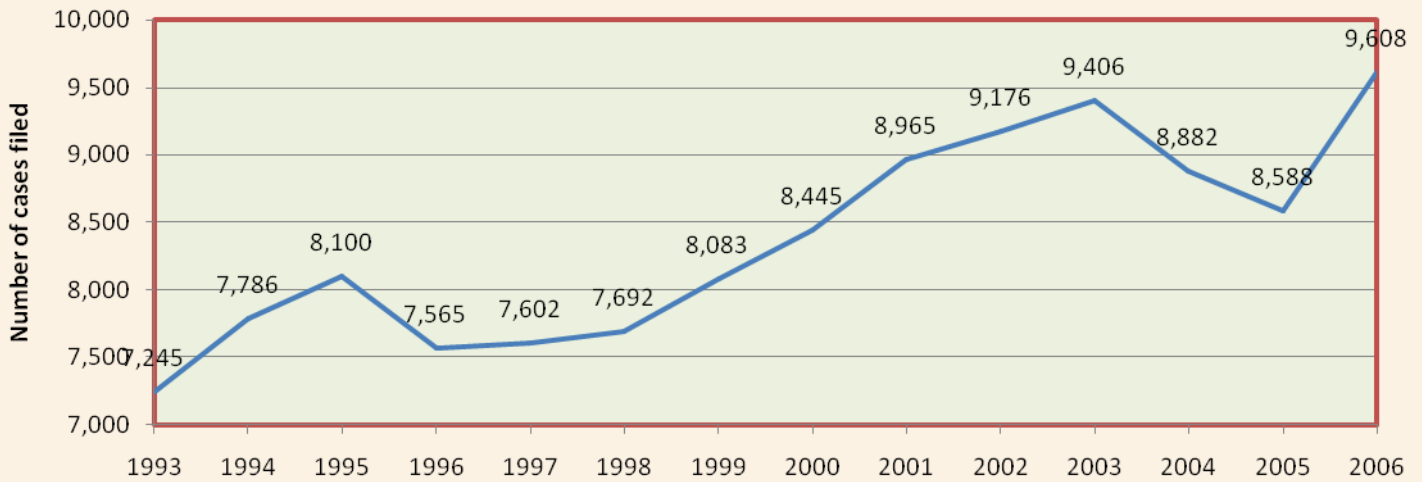
Judicial Councils' Action Against Complained-about Judges From 1997-2006



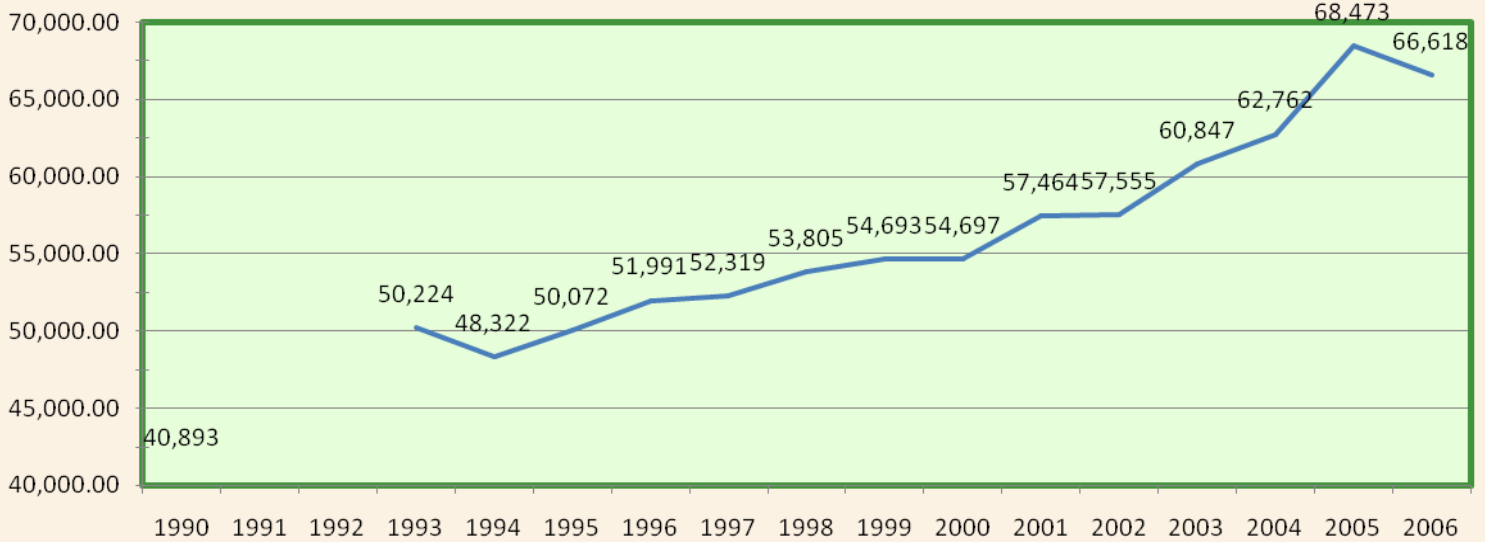
	97	98	99	00	01	02	03	04	05	06
filed by chief judges	1	2	0	1	0	1	0	0	0	88
directed chief district judge to take action (magistrate judges only)	0	0	0	0	0	0	0	0	0	1
certified disability	0	0	0	0	0	0	0	0	0	0
requested voluntary retirement	0	0	0	0	0	0	0	0	0	0
ordered temporary suspension of case assignment	0	1	0	0	0	0	0	0	0	0
privately censured	0	0	0	0	1	0	0	0	0	0
publicly censured	0	1	0	2	0	2	0	0	0	0
ordered other appropriate action	0	0	0	0	0	0	1	0	0	0
referred complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0
special investigating committees appointed[†]	0	0	0	0	0	0	0	0	0	7

Source: Tables of the Adm. Off. of the U.S. Courts; collected in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_on_rules.pdf

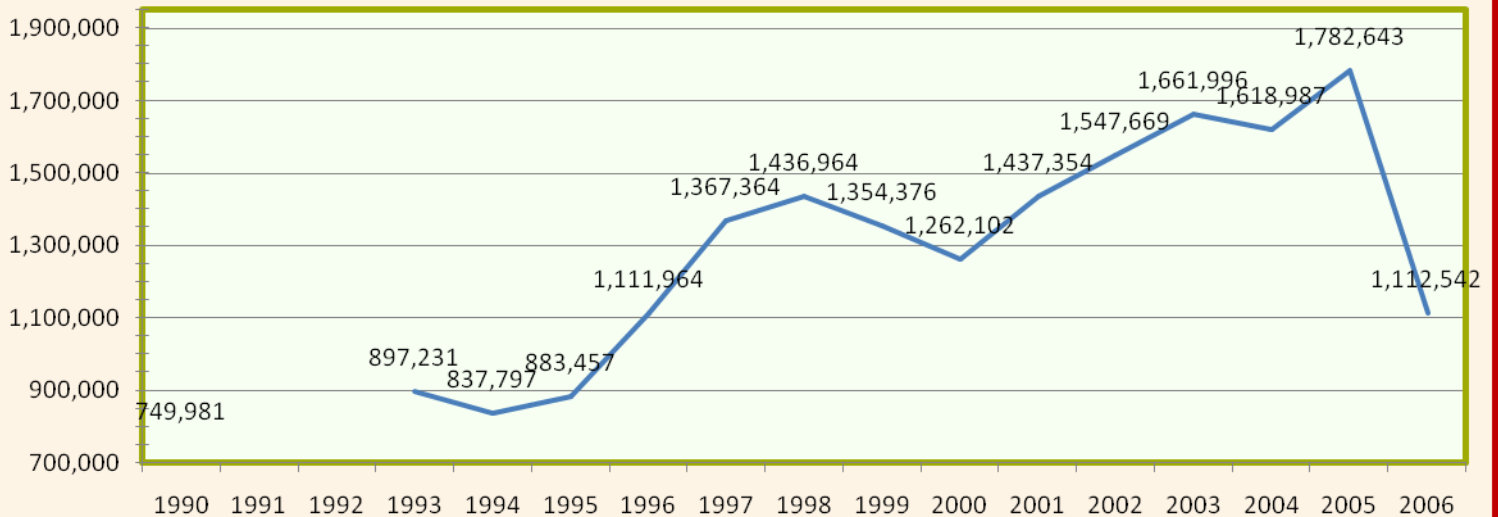
Cases Filed in the Supreme Court Between 93-06 showing a 33% increase



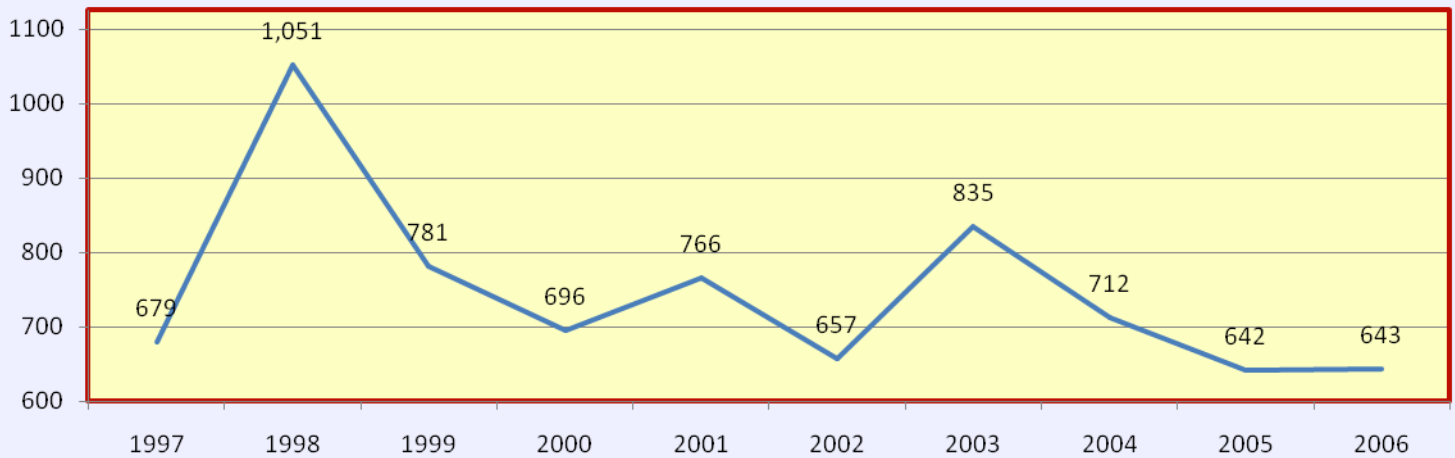
Cases Filed in the Court of Appeals Between 90-06 Showing a 63% Increase



Cases Filed in Bankruptcy Courts Between 90-06 Showing a 138% Increase at Peak



Complaints Filed Between 97-06 Showing a *Decrease of 5%*



[Footnotes in the originals]

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

CC- U.S. COURT OF FEDERAL CLAIMS.

CIT – U.S. COURT OF INTERNATIONAL TRADE.

* REVISED. [regarding complaints pending]

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Source: for Tables 1, 2, and 3, Judicial Business of U.S. Courts, 1997-2006 Annual Reports of the Director, Administrative Office of the United States Courts.

For Tables 3, 4, 5, 2005-2006 Judicial Facts and Figures, Administrative Office of the U.S. Courts.

The original Tables are collected and reproduced in http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_on_rules.pdf, wherein they are accompanied by links to the originals.

Tables 1, 2, and 6, supra, report on complaints filed and processed in the District of Columbia, the 1st-11th judicial circuits, and pursuant to 28 U.S.C. §363, CC, CIT, and the U.S. Court of Appeals for the Federal Circuit.

†The category “Special Investigating Committees Appointed” appears for the first time in the 2006 Table.

These figures do not even include cases filed with some Article I courts, which are part of the Executive, not the Judicial, Branch, such as the Tax Court, U.S., and the U.S. Court of Appeals for Veterans Claims. They too support the conclusion to be drawn from these statistics: The significant increase in cases filed with these courts every year attests to the litigiousness of the American society. They belie the judges’ report that for the last 10 years Americans have filed a steady number of complaints against them hovering around the average (after eliminating the outlier) of only 712 complaints. The explanation lies in the first footnote in the originals, above: Judges have arbitrarily excluded an undetermined number of complaints. The fact that they have manipulated these statistics is also revealed by the first table above: After 9 years during which the judges filed less than one complaint a year, they jumped to 88 in 2006...and that same year it just so happened that complainants filed the lowest number of complaints ever, 555, and the total of 643 was well under the average. A *statistical implausibility!* Yet, the judges did not discipline any of those 88 peers, just one magistrate. It was only for show.