

**How to Conduct
A Watergate-like *Follow the Money!* Investigation
To Expose Coordinated Wrongdoing in the Judiciary
While Applying the Highest Standards of Investigative Journalism**

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I. How federal judges have been able to engage in coordinated wrongdoing

1. Nobody breaks the law or ethical rules or disregards his duty just for fun and mindless of the concomitant risk of punishment. People do such wrong because they expect to obtain thereby a benefit, whether the direct or indirect acquisition of a desired material or moral object or the avoidance of an undesired one, while escaping any adverse consequences. If the wrongdoer is also the person that has the power to enforce the law or rule or oversee the performance of the duty, and thus, to prevent any such consequences, that person has the incentive of a benefit to do wrong and the assurance, rather than just the expectation, of escaping the disincentive of such consequences. When that person can take the opportunity to exercise his power as a means to act even unlawfully or unethically on the motive of acquiring the benefit without suffering any consequences, that person wields absolute power: He can do whatever it takes to get whatever he wants without paying a price for it. It has proved to be true that, as Lord Acton put it, power corrupts and absolute power corrupts absolutely.
2. Federal judges wield power to decide controversies over the property, the liberty, and even the lives of people that appear before them and their decisions affect many others, if not all others, who do not even appear before them. They hold office for life “during good Behaviour” and during that time their salary cannot be diminished. (U.S. Constitution, Article III, Section 1) Moreover, in the system of judicial self-discipline set up under the Judicial Conduct and Disability Act of 1980 (the Act; 28 U.S.C. §§351-364; <http://Judicial-Discipline-Reform.org/docs/28usc351-364.pdf>¹), they are the ones entrusted with the power to process complaints filed against them and decide whether to impose on themselves disciplinary consequences for their complained-about conduct or disability.

¹ For the whole of Title 28 of the U.S. Code go to <http://uscode.house.gov/pdf/2005/2005usc28.pdf>.

3. To obtain the benefit of wielding their decision-making power even unlawfully and unethically without being disciplined, they have wielded abusively their self-disciplining power to exempt themselves from discipline by systematically dismissing the 7,462 complaints filed against them during the 10-year period 1997-2006, in which they have disciplined only 9 of their peers!² This means that although federal judges took an oath of office and assumed the duty to apply the law “without respect to persons” (28 U.S.C. §453), instead of applying the law of the Act to themselves, they have in practice self-exempted from its application and in effect unlawfully abrogated it. In fact, their abusive exercise of power has been so effective that in the 219 years since the creation of the federal judiciary by the Constitution in 1789, the number of judges impeached and removed from the bench is 7!³
4. Fearing no disciplinary, let alone penal, consequences, the judges have engaged in, or tolerated, the types of misconduct and disability under which they classify and dismiss the complaints filed against them: abuse of judicial power, prejudice, bias, conflict of interests, bribery, corruption, undue decisional delay, incompetence, neglect, mental or physical disability, and judicially unbecoming or abusive demeanor. Consequently, whether through explicit or implicit concerted activity, they have actively or passively participated in coordinated wrongdoing. (http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf)
5. Resorting to legal action to expose the judges coordinated wrongdoing is a losing battle, for the courts are the judges’ turf, where they can once more wield their power unlawfully or unethically in self-interest to disregard the law and the rules cited in support of the action. However, the benefits that they derive through their participation in such wrongdoing is mainly managed and enjoyed outside the courts. Out there in the open, judges cannot wield the same power to impede or suppress the alternative means of exposing their wrongdoing: The conduct by parties wronged by them, investigative journalists, and bloggers of a Watergate-like *Follow the money!* investigation. (http://Judicial-Discipline-Reform.org/Follow_money/investi_jour_proposal.pdf.)

II. Intrinsic review of judges’ financial disclosure reports in search of conflicts of interests requiring disqualification or divestment of property

6. Federal judges, among other public servants, are required to file financial disclosure reports

² This follows from the official statistics of the Administrative Office of the U.S. Courts (AO). This is the highest body in the federal judiciary that provides administrative services to all federal courts under a director and deputy director appointed by the Chief Justice of the Supreme Court. (28 U.S.C. §§604, 601) Its policies and instructions are implemented by a body of judges in each circuit, known as the judicial council of the circuit. (§332(b,c)) Statistics on §351 complaints by anybody against a federal judge filed with the chief judge of the respective circuit court are compiled by the respective judicial circuit and transmitted to AO (§332(g)), which must in turn file with Congress annually a summary of those statistics (§604(h)(2)). All AO statistics from 1997 to date are available on its website (<http://www.uscourts.gov/judbususc/judbus.html>); those on complaints have been extracted therefrom and collected with links to the originals in http://Judicial-Discipline-Reform.org/Follow_money/DrCordero_revised_rules.pdf. These statistics have been presented graphical in that file as well as below; the graphs illustrate how judges systematically dismissed 99.88% of all complaints against them during 1997-2006.

³ This is an official statistics, produced by the Federal Judicial Center, the research and training body of the federal judiciary whose board of directors is presided over by the Chief Justice of the Supreme Court. (<http://www.fjc.gov/history/home.nsf> >Judges of the U.S. Courts>Impeachments of Federal Judges)

under the Ethics in Government Act of 1978 (5 U.S.C. Appendix IV⁴; http://Judicial-Discipline-Reform.org/Follow_money/Ethics_Gov_Act.pdf; and http://Judicial-Discipline-Reform.org/Follow_money/fin_disclosure_form.pdf). Failure to disclose a financial item as required by law is in itself an unlawful act sanctionable civilly and criminally under 5 U.S.C. App. IV §104 and may also give rise to disciplinary action by the judges themselves.

7. The judges' financial disclosure reports are useful to determine whether they have a financial or social relation to a party to a case before them. If so, it may point to a conflict of interests that impairs the judge's impartiality or creates a situation where "his impartiality *might* reasonably be questioned" under 28 U.S.C. §455(a) (emphasis added; http://Judicial-Discipline-Reform.org/docs/28usc455_disqualification.pdf). This calls for the application of the standard of *appearance* of impropriety, which is an objective one applied by a reasonable person informed of the facts, rather than a subjective standard applied by the judge himself to find out whether he feels that he is impartial toward all the parties.
8. Where the appearance of lack of impartiality obtains, the judge has the duty to disqualify himself from the case, either on his own motion or at the request of a party. (§455(b)(4)-(c)) A judge may cure his failure to disqualify himself through the divestment of disqualifying property that belongs to him, his spouse, or minor child residing in his household. (§455(f))
9. However, judges have frequently failed to provide the required financial disclosure and to disqualify themselves despite their conflict of interests. (http://judicialwatch.org/http%3A//www.corruptionchronicles.com/2007/03/federal_judges_ignore_disclosu.html) So much so that members of Congress have called for the appointment of an inspector general for the federal judiciary. (http://Judicial-Discipline-Reform.org/Follow_money/S2678_HR5219.pdf) To ward off such appointment and preserve the system of self-discipline that has allowed the judges to self-exempt from any accountability for their conduct, the Judicial Conference⁵ adopted a "conflict-screening policy that mandates checking for financial conflicts of interest with the aid of computer software", as stated in the Report of its Proceedings on September 19, 2006, p 5, 11. (http://Judicial-Discipline-Reform.org/judicial_complaints/JConf_Reports.pdf >JC:689, 694)
10. Judges' filings must be made annually with, and be kept for seven years by, the AO:

Administrative Office of the U.S. Courts
Thurgood Marshall Federal Judiciary Building
One Columbus Circle NE
Washington, D.C. 20544; <http://www.uscourts.gov/adminoff.html>

11. Contact AO Assistant General Counsel Bret Saxe at (202) 502-1100; or. AO Office of Public

⁴ The number of the Appendix is not official, but is used by Thompson West in its United States Code Annotated.

⁵ The Judicial Conference of the United States is the highest policy-making body of the federal judiciary, set up under 28 U.S.C. §331, presided over by the chief justice of the Supreme Court, and constituted also of the chief judges of 14 circuits as well as representatives of the district courts. (http://Judicial-Discipline-Reform.org/docs/28usc331_Jud_Conf.pdf) It meets twice a year, in March and September, and several months after each meeting it issues a report of its proceedings, which are posted on the Administrative Office's website at <http://www.uscourts.gov/judconfindex.html> . All the posted reports of the proceedings since March 1997 are collected with links to the originals in http://Judicial-Discipline-Reform.org/judicial_complaints/JConf_Reports.pdf, where its pages have also been numbered consecutively as JC:# for ease of reference.

Relations Dick Carelli at (202) 502-2600.

12. Do your homework before contacting AO so that they realize that you know what you are talking about and how to assert your rights. It will not be easy to obtain those reports, for the judiciary has invoked security concerns to try to redact those reports and thereby limit access to their sensitive, potentially incriminating information. Yet, the public have a statutory right to obtain a copy of them.
13. Judicial Watch, Inc., a government watchdog based in Washington, D.C. 20036 –P.O. Box 44444tel; tel. 888-593-8442, fax 202-646-5199- has posted a number of such reports at <http://www.judicialwatch.org/judges.shtml>. It may provide some pointers on how to obtain others as part of its Judicial Financial Disclosure Project. (<http://judicialwatch.org/special-projects>)
14. Some TV stations have announced that they have posted on their websites the financial reports filed by judges, mainly referring to state judges sitting in the geographic area covered by their respective TV signal. While the Watergate-like *Follow the money!* investigation has federal judges as its main targets, it is mutatis mutandis applicable also to state judges.

III. Extrinsic review of financial disclosure reports by comparison with public property registries held at county clerks' offices

15. The information disclosed by judges in their reports can be compared with recordings of property in public registries held in county clerks' offices, whether the property is registered in the judges' names, their relatives', or their strawmen's. The purpose of the comparison is to determine whether the judges dutifully declared all their assets and their values match up with the judges' declared income.
16. A finding of a judge's failure to disclose begs the question about her motive: For what motive did a federal judge keep an asset or a liability out of public view? It may be an inadvertent omission perhaps if only once and depending on its value. However, two or more failures may give rise to a pattern⁶ that supports the reasonable inference of intentional concealment of assets.
17. Thus, the omission of an asset may be motivated by the judge's need to conceal it because:
 - a) obtained illegally, e.g. through bribes, kickbacks, or real estate sweet deals;
 - b) in excess of and thus unaccountable by the judge's declared income,
 - c) included in a money laundering scheme (c.f. 18 U.S.C. §1957, <http://uscode.house.gov/pdf/2005/2005usc18.pdf>); or
 - d) the tax due had the asset been declared is being avoided.
18. As to a liability, its omission may point to a loan or a lease obtained at a preferential rate as a quid pro quod for the judge's judicial act in benefit of the lender or lessor or one of its clients or related parties.
19. Hence, an omission and all the more so a pattern of omissions justify further investigation into

⁶ See the Racketeer Influence and Corruption Organization Act, 18 U.S.C. §1961(5), which provides that a "pattern of racketeering activity" requires at least two acts of racketeering activity within 10 years of each other, excluding any period of imprisonment.

possible judicial participation in criminal financial activity.

20. Conversely, a judge may have disclosed a piece of property in her judicial financial disclosure report but failed to register it. Given the difficulty in obtaining such reports, they are likely never to be seen by any other than the judges' peers, who accept them at their intrinsic face value. Judges do not audit judges' reports for their extrinsic compatibility with external records, such as those held at county clerks' offices, which by contrast are in fact public due to their ease of access to anybody, or other reports, such as IRS returns.
21. Consequently, the judge may have gambled that she had nothing to lose by disclosing the property in her report, thereby being straight with her peers and giving them no cause to discipline her or withdraw their support for her if need be. If the judge's failure to register the property or declare it in her IRS returns were detected and became grounds for charging her with an offense, she would then introduce her financial disclosure report, only in theory a public document, as evidence that she had publicly declared that property and that the detected failure, far from being an intentional attempt to conceal an asset, had been inadvertent. The judge would have used her full disclosure in her hardly accessible judicial report as a hedge against her non-disclosure in widely accessible property registries and auditable IRS returns.
22. County clerks' offices can be located and even accessed through the website of their organization, to wit, the National Association of Counties' www.naco.org. That website, just as those of the individual counties, has a wealth of information on how to conduct a property search. Not all such offices make all their registries available online. Consequently, you may have to request documents by phone, fax, or letter, or even travel physically to some of them to do a manual search.
23. You may also benefit from reading *Public Records Online*, The National Guide to Private & Government Online Sources of Public Records, 6th edition, Michael L. Sankey and Peter J. Weber, Facts on Demand Press, 2006; ISBN: 1-889150-48-7; tel. (800)929-3811; www.brbpub.com .
24. For an example of an ongoing investigation with intrinsic and extrinsic elements into coordinated wrongdoing where its manifestation is a judicially supported or tolerated bankruptcy fraud scheme, see http://Judicial-Discipline-Reform.org/Follow_money/disclosures_to_assets.pdf and http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf .

IV. Non-disclosure of attendance at privately funded educational programs

25. Another promising investigative avenue in the Watergate-like *Follow the money!* investigation is judges' attendance at privately funded educational programs, also known less charitably as going on a judicial junket. These are seminars or public speech occasions at meetings organized by companies, their organizations, or lobbyists to discuss issues affecting their products/services and industries, with emphasis on their interests and points of view favorable to them, and to which judges get invited to be wined, dined, lodged and entertained at posh hotels or resorts, transported to and from, and even educated or listened to as panelists or speakers, with the organizer either paying all expenses or subsequently reimbursing them to the judges.
26. Judicial junkets have been criticized as opportunities that their deep-pocket organizers or their less visible but more moneyed sponsors have to influence judges' opinions on a subject or

simply cozy up to them socially, to the detriment of their less affluent traditional opposing parties that cannot afford so to ‘handle’ judges.

27. The Judicial Conference has recognized their appearance as impartiality-tilting devices because “judges may be influenced inappropriately by those who sponsor or contribute (financially or otherwise) to these seminar programs and who might be litigants before those judges. That influence, it is argued, may be exerted through program content, contact between judges and those who litigate before them, and perquisites provided to program attendees.” <http://www.uscourts.gov/library/manuals/policypurpose.html>. At its September 2006 meeting, it adopted a policy whereby “Both the seminar provider disclosures [sic] about programs and the judges’ disclosures about attendance at programs will be publicly available on the Internet. The policy becomes effective January 1, 2007”. (<http://www.uscourts.gov/judconf/proceedings/Sept06.pdf> >pg24; http://Judicial-Discipline-Reform.org/judicial_complaints/JConf_Reports.pdf >JC:708). Information on the implementation of this policy is available at <http://www.uscourts.gov/disclosure.html>.
28. Participation in such judicial junkets gives rise to grave questions as well as great opportunities to expose coordinated wrongdoing. To begin with, what is the nature of the “perquisites provided to program attendees”? Do they continue after the program is over as a means of deepening the relation of the organizers and their sponsors with all attendees or just the judges? Do they include features such as these?:
 - a) Passworded access to the program organizer or the sponsors’ websites through which one-sided or even biased information is provided to the attendee-judge that is not accessible to the public at large so that their traditional opposing parties have no way of countering it with their own information;
 - b) Investment opportunities at preferential rates;
 - c) Membership in discount programs for purchase of products and services at car rentals and car companies, hotels and resorts, restaurants, travel companies, etc., through the use of a special card bearing a coded number that whenever used by the judge alerts the organizer or sponsor to arrange for special, ingratiating treatment of the judge, throw in a gratuity or two, or even pick up the whole tab, which need not even be signed by the judge so as to avoid a paper trail while eliciting in the judge gratitude and refreshing his awareness of who is providing such benefits and how much his financial affairs and live style would change if the card were pull away due to an “ungrateful” judicial act by the judge;
 - d) A credit card with low or zero interest rate for a long time and high credit limit that entice the cardholder-judge to keep running up charges until she is ‘in the debt’ of the issuing organizer or sponsor.
29. One of the most insidious means of influencing a judge, even bribing him, is provided by the reimbursement of attendance expenses, particularly those that were never incurred by the judge or were knowingly billed and willingly paid at inflated rates, such as:
 - a) The judge traveled to and from the junket resort in coach class on the lowest fare ticket bought months in advance, but billed at the highest, on the spot rate for a first class seat;
 - b) He slept just one night at the equivalent of a YMCA dorm, but billed as if he had stayed the whole weekend at the Presidential Suite of the Waldorf Astoria;
 - c) He billed for a rental car to travel between the airport and the hotel and to the seminar

location, but he took the hotel van on every occasion –did not even tip the driver- and walked downstairs to the seminar room in the same hotel where he stayed;

- d) The judge requested and received reimbursement for the cost of a working lunch for the members of the panel that he chaired at the posh restaurant of the resort where the seminar was held, except that there was no such lunch at all and he ate at the free buffet;
- e) He billed for multivolume legal book titles used in the research for the paper that he submitted for publication at the request of the organizer, but neither the books were bought nor the paper was turned in.

30. For a mobile and competent investigative journalist these judicial junkets offer the opportunity to interview people that attended them, whether judges, judicial employees, lawyers, business people, etc., to find out what actually was taught at those seminars, what judges said in their speeches or as members of panels, or at interviews with journalists, who may confirm the account of racist, sexist, or biased remarks that the judge made. (cf. http://Judicial-Discipline-Reform.org/judicial_complaints/misconduct_remarks.pdf)

31. The most savvy and diligent investigative journalists would also talk to another type of people that may have invaluable information about the conduct of judges at those junkets, namely, service providers such as barmen, waitresses, maids, the hotel van driver whom the judge did not tip and who would not forget him, and the masseuse for which he overtipped the masseuse that he had, etc. Just as paparazzi take photos and trade autographs of celebrities, service employees collect and swap with the same gusto anecdotes of VIPs as they, oblivious to the little people around them catering to their demands and desires, boast how they played the system and scheme how to play it once more to go one better than the most daring peer so far.

32. The serious investigative journalist would interview these people in order to obtain information helpful to answer these and similar questions:

- a) Did judges engage in conduct unbecoming of judicial office during their participation in those junkets, whether when they were sober in the morning session of the seminar or drunk past midnight in the suite of the chief circuit judge?
- b) Did the chief circuit judge or any of the other judges who witnessed one of their peers make such self-incriminating boasting and scheming remarks file a judicial misconduct complaint against him out of a sense of shared institutional responsibility to rid the judiciary of judges who show lack of personal integrity and respect for the law and who flaunt their deficiency in the high moral standards required of anyone vested with the power and duty to distinguish between right and wrong; or, far from it, nobody dare raise any criticism for fear of losing his peers' camaraderie and their consideration as 'one of us' on whose loyalty and prudence they could count to hear and see them speak and behave themselves without inhibitions but say not a word about it to "them", the others, those 'below' the law, much less file a complaint as only a traitor deserving to be humiliatingly shunned as a pariah at every opportunity would do? (cf. http://Judicial-Discipline-Reform.org/judicial_complaint/DrCordero_draft_rules.pdf >23§68)
- c) How widely spread among judicial officers and employees, lawyers, and the well-heeled and connected and how high in the federal judiciary hierarchy does wrongdoing reach so as to determine whether a federal judgeship has become a safe haven for institutionalized, coordinated wrongdoing?

V. Conducting an investigation that meets the highest professional standards

33. The only Watergate-like *Follow the money!* investigation that Judicial-Discipline-Reform.org endorses is one that abides by the highest standards of investigative journalism and professional responsibility such as spelled out concisely and unambiguously in http://Judicial-Discipline-Reform.org/Follow_money/PBSJimLehrer_journalism.pdf. The high moral ground from which to condemn wrongdoing in the judiciary can only be preserved by neither engaging nor even giving the appearance of engaging in any wrongdoing.
34. Moreover, from a practical point of view, taking on the federal judiciary and its members assumes awareness of the obvious fact that they have access to, and will mount their defense through, the best and the brightest legal minds on Wall Street and its equivalent everywhere else in the country. They will find out and review every step that the investigative journalist takes not only during the course of the investigation, but also outside it, and will look for points of vulnerability on every statement that he makes so as to impeach the journalist's personal and professional integrity and diminish his effectiveness by forcing him into a defensive position.
35. This means that the only statements that the journalist can allow herself to make are those that are reasonably supported by reliable evidence. There is no room in responsible journalism for unsubstantiated allegations, let alone for statements with knowledge of their falsity or with reckless disregard for their truth or falsity. If in doubt as to its accuracy and reliability, she must make no statement and keep pursuing her leads and sources until she has found evidence to determine whether the statement can be made responsibly or should be dropped out of caution or fairness.
36. Indeed, fairness should be a key criterion in deciding what to do and say while engaged in investigative journalism. If you, as a person injured by wrongdoing judges, allow your resentment toward them to cloud your judgment, you can very quickly do just as much wrong to them, others, and you yourself. You can end up facing a defamation charge that will be tried before the judge's peers. Guess who of you two is more likely to win. Therefore, treat the judge with the same fairness and sense of responsibility as you wish he had treated you.
37. This Watergate-like *Follow the money!* investigation is painstaking⁷ and time-consuming.⁸ It is undertaken out of the conviction that it can render a public service of the highest moral and practical value for the common good, including those least able to defend their property, liberty, and life but who are, like those most able to, just as entitled to "Equal Justice Under Law".
38. For those who embark on this noble mission and meet the high standards that it requires, there is the reward of public gratitude as well as the prospect of 15 minutes of fame, a Pulitzer Prize, or the recognition as the Bob Woodward and Carl Bernstein⁹ of our generation for their significant and long-lasting contribution to causing Government, in general, and The Federal Judiciary, in particular, to bring integrity to our system of dispensing Justice.

⁷ http://Judicial-Discipline-Reform.org/Follow_money/disclosures_to_assets.pdf

⁸ Since there is more than enough work to go around, you may try to enlist the efforts and resources of bloggers, as described in http://Judicial-Discipline-Reform.org/Follow_money/bloggers_to_media.pdf.

⁹ *All the President's Men*, The gripping story that began with the Watergate burglary and ended with President Nixon's resignation, Carl Bernstein and Bob Woodward, Simon & Schuster, 2nd Touchstone edition 1994.