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A Lead for Editors and Investigative Journalists

to investigate coordinated judicial wrongdoing tolerated or supported by the judges in the federal courts and by the policy-making judges of the Judicial Conference of the U.S.

The Judicial Conference is the highest policy-making body of the Federal Judiciary. Its presiding officer is the Chief Justice of the Supreme Court and its other members are the chief judges of the 13 federal judicial circuits and two national courts together with 11 representative district judges. The chief judges and their peers in their respective circuit councils apply the rules for processing misconduct and disability complaints filed by any person against a federal judge under the Judicial Conduct and Disability Act of 1980, which established the system of judicial self-discipline. The judges are bound by law to collect the statistics on their processing of those complaints. The latter can be very serious, for the judges themselves classify them under categories such as conflict of interests, abuse of judicial power, prejudice, bias, bribery, corruption, incompetence, neglect, undue decisional delay, and physical or mental disability that prevents the performance of the duties of the judgeship. They discuss their data in the meetings of their councils just as the Conference members do in their meetings behind closed doors twice a year.

The coordinated wrongdoing among judges that their peers have supported by applying the rules so as to cover up their misconduct and disability and that the Conference has tolerated in their secretive policy-making meetings is an investigative journalism story that would grip your audience, for its exposure would outrage everybody and shake the Judiciary to its foundation.

Indeed, last April 10, the revised rules entered into force that the Conference adopted to replace the current ones. Since the rules only implement the Act, which did not change, the substance of the revised rules did not change, only some wording did. Moreover, the judges removed even the provision of the Conference Committee of drafters that timidly provided some means to make the judges account for their complaint processing by requiring that they submit a copy of each to the Committee. Hence, they know that by content and practice, their application of the revised rules will have the same result as they know their own statistics show they did in the 10-year period 1997-2006: Although 7,462 complaints were filed, the judges investigated only 7 and disciplined only 9 of their peers. This means that they systematically dismissed 99.88% of all complaints against them with no investigation regardless of the seriousness of their allegations!

By so doing, the judges have self-exempted from the consequences of their misconduct or disability, thus abusing the system of judicial self-discipline. For their benefit, they have made it riskless for themselves to wield with disregard for the law and the facts their decision-making power over people's property, liberty, and even life. They have turned such far-reaching power subject to no disciplinary control into absolute power. That is the kind of power that corrupts absolutely. They know that if they only cover for each other so as to make it appear that they satisfy the Constitutional requirement of "good Behaviour", they can exercise their power for life. This explains how although over 10,000 federal judges have taken the bench in the 219 years since the creation of the Federal Judiciary in 1789, the number of those that have been impeached and removed from office is 7![1] Power that is unaccountable becomes irresponsible. The judges have abused theirs to make themselves in practice "Unpunishable Judges Above Law".

The Supreme Court justices, each of whom is allotted to one or more of the circuits, just as the chief circuit judges and the other judges in the Conference and the circuit councils, not to mention those who count on them for their impunity, have known for decades that judges' absolute judicial power and their means to cover for each other have led to coordinated wrongdoing among themselves and between them and court staff, lawyers, judicial junket sponsors, powerful litigants, etc. Nevertheless, they have tolerated or supported it.

Your audience would want to know this story, for how much would they trust judges who abuse the law and ignore the facts of their peers' conduct and engage in wrongdoing of their own knowing that if they are ever the subject of a complaint their peers will simply dismiss it thanks to their explicit or implicit reciprocal protection coordination? That story would attract also the public at large because everybody is affected by federal judges' decisions. Just think of those concerning abortion, warrantless wiretapping, fraud on investors, and expropriation for public use. Would the public trust judges who show such contempt for the law to render decisions in those and any other matters according to the rule of law rather than in self-interest?

Your investigative journalism can expose the judges' coordinated wrongdoing, not for a scoop, but for a long series of pieces and a loyal and growing audience avidly trying to find out not only how it is harmed by those judges, but also how the nation fares after your exposure. This is a reasonable expectation because your exposé would give rise to a Constitutional crisis far graver than that triggered by the unmasking of the burglary in the Watergate complex as political espionage. At the time, President Nixon and his White House Aides could only further pursue their corrupt activity for the remainder of their second term of four years.

By contrast, federal judges are life-tenured and can only be removed by Congress. That is the institution that Speaker Pelosi described as "dominated by the culture of corruption". Would members of Congress dare discipline those whose colleagues and friends may one day judge them? By the same token, Congress could hardly resist media and public clamor to adopt fundamental changes in both the judges' scope of power and the control of their exercise of it.

There are rewards for those instrumental in both exposing coordinated wrongdoing as part of the judges' policy of reciprocal protection in defense of their power and causing its elimination, perhaps through the resignation of a circuit court or the Supreme Court itself –just as President Nixon had to do under intense media scrutiny. They range from 15 minutes of fame, a Pulitzer Prize, a movie deal, or the historic distinction of being recognized by a grateful nation as our generation's Carl Bernstein and Bob Woodward of Watergate fame.

Given the stakes for your audience and yourself, I respectfully request that you cause the publication of the letter to Chief Justice Roberts or CA2 Chief Judge Jacobs. It confronts them with their legal and moral duty to denounce coordinated wrongdoing among their peers and become Champions for Justice. (For their phone numbers, click here.) I also request that you pursue this story through a *Follow the Money!* investigation, for money is the insidious corruptor that works in tandem with power and the irresistible lure of absolute power. Its starting point can be a concrete case, *DeLano*, summarized in each letter and illustrating coordinated judicial wrongdoing in the form of a bankruptcy fraud scheme, where lots of money are in play; it can be moved along swiftly on the strength and wealth of evidence that I have gathered through my research. Your denunciation of it in the equivalent of Emile Zola's *I Accuse*, could earn you another reward: that of becoming known as the journalist who set in motion a process to bring the Judiciary closer to the lofty goal of dispensing "Equal Justice Under Law". Thus, I look forward to hearing from you.

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March27, 2008

Chief Justice John G. Roberts, Jr.
Judicial Conference of the U.S., Presiding Officer
c/oSupreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Dear Mr. Chief Justice,

Last February 9, I addressed to you, as presiding officer of the Judicial Conference, a letter requesting that you cause the Conference to take cognizance at its March 11 meeting of my comment[1] on the proposed Rules Governing Judicial Misconduct and Disability Proceedings. As expected, it adopted the Rules[2]. In my comment, I demonstrated that they are not different from the current ones that they replace. Hence, their application will have the same result as the official statistics show the current rules had from 1997 to 2006: Out of 7,462 complaints, the judges investigated only 7 and disciplined only 9 of their peers[3]. They systematically dismissed out of hand 99.88% of all complaints! Thereby the Judiciary self-exempted from any discipline and in effect abrogated an Act of Congress, i.e. the one enabling the making of those rules[4]. This presents you with the opportunity to do the right thing and be rewarded for it.

How would you have felt if the Late C.J. Rehnquist could have done to you whatever he felt like it because he knew that he would reach his retirement before any of your complaints was investigated and led to his being disciplined, let alone his impeachment and removal? Your likely feeling of betrayal of trust, abuse, and impotence is shared by all those that complain in vain. They are left at the mercy of judges that can abuse their power to dispose of people's property, liberty, and even life secure in the knowledge that their peers will protect them from any adverse consequences. As you would, they need a Champion for Justice. The latter would ensure that all of you received the "Equal Justice Under Law" that has been denied them by 'Unpunishable Judges Above Law'. Their enormous and uncontrolled power is in effect absolute power, the kind that corrupts absolutely. It turns a judgeship into a safe haven for coordinated judicial wrongdoing[5].

You can be the reluctant hero, who confronted with both the legal duty to safeguard the integrity of judicial process and the moral one of your oath 'to do equal justice to the litigant and to the judge', turns away from the comfort of complicit silence or willful ignorance and takes on the arduous task of denouncing judicial wrongdoing. A risky one, no doubt, which offers a commensurable reward: That of making a name for yourself as the Chief Justice who would not tolerate his peers' wrongdoing[6] to the detriment of "the general Welfare" and thus decided to expose the most secretive of the three branches so that "We the People" could see how they failed to discharge their duty, and how to ensure that others fulfill theirs, to "establish Justice".

Therefore, I respectfully request that you denounce the judges' coordinated wrongdoing operated with impunity through their systematic dismissal of complaints against them. Your denunciation can become known as Justice Roberts' *I Accuse*, the equivalent of Emile Zola's exposure of abuse of power by government officials in the Dreyfus Affair[7]. Your moral courage can be that of Prometheus, who took the secrets of corruption from the judges to give our nation the fire of justice. Meantime, I look forward to hearing from you.

Sincerely, Dr. Richard Cordero, Esq.

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(as of March 27, 2008)

The Abuse of Uncontrolled Judicial Power in The *DeLano* Case

showing a coordinated judicial wrongdoing in the form of a bankruptcy fraud scheme[1]

DeLano is a federal bankruptcy fraud case. As part of 12 such cases, it reveals fraud conducted through coordinated wrongdoing that is so egregious as to betray overconfidence born of a long standing practice: Fraud has been organized into a bankruptcy fraud scheme[2]. This case was commenced by a bankruptcy petition filed with Schedules A-J and a Statement of Financial Affairs on January 27, 2004, by the DeLano couple. (04-20280, WBNY (§V)) Mr. DeLano, however, is a most unlikely candidate for bankruptcy, for at the time of filing he was a 39-year veteran of the banking and financing industry and was and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a Xerox technician, declared:

1. that they had in cash and on account only $535 (D:31), although they had declared that their monthly excess income was $1,940 (D:45); and in the FA Statement (D:47) and their 1040 IRS forms (D:186) that they had earned $291,470 in just the three years prior to their filing;

2. that their only real property was their home (D:30), bought in 1975 (D:342) and appraised in November 2003 at $98,500, as to which their mortgage was still $77,084 and their equity only $21,416 (D:30)…after making mortgage payments for 30 years! and receiving during that period at least $382,187…through a string of eight mortgages! (D:341) *Mind-boggling!*[3]

3. that they owed $98,092 –spread over 18 credit cards (D:38)- while they valued their household goods at only $2,810 (D:31), less than 1% of their earnings in the previous 3 years and their excess income for 2 months! Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their worklives of more than 30 years.

4. Theirs is one of the trustee's 3,907 *open* cases[4] and their lawyer's 525[5] before the same judge.

These facts show that this was a scheme-insider offloading more than 78% of his and his wife's debts (D:58) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the schedules and that neither the schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents.

Moreover, they had spread their debts thinly enough among their 20 institutional creditors (D:38) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did! The Creditor analyzed their petition and documents and estimated that the DeLano Debtors had concealed assets worth at least $673,657!(§II)

The Creditor requested that the DeLano Debtors produce financial documents as obviously pertinent to prove the good faith of any debtors' bankruptcy petition as their bank account statements. Yet the trustee, who is supposed to represent the creditors' interests, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for orders of production. Contrary to their duty to determine whether the Debtors had engaged in bankruptcy fraud by concealing assets, the bankruptcy judge, the district judge, and the Court of Appeals also denied *every single document* requested[6]. Then they eliminated the Creditor by disallowing his claim in a sham evidentiary hearing.

Revealing how incriminating these documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, have been allowed to pay their lawyers $27,953 in legal fees (§XI)…although they had declared only $535 in cash and on account! To date $673,657 is still unaccounted for. Where did it go and for whose benefit?

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[1] The documents referenced by D: and §# are in http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf

[2] Http://Judicial-Discipline-Reform.org/Follow_money/how_fraud_scheme_works.pdf.

[3] Http://Judicial-Discipline-Reform.org/Follow_money/Penfield_homesale.pdf.

[4] Http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf.

[5] Http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf.

[6] Http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf.