#### Dr. Richard Cordero, Esq. Judicial Discipline Reform

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November 15, 2018

U.S. Representative Jerrold Nadler (NY-10<sup>th</sup> District) c/o: Ms. Clara Dorfman tel. (212)367-7350; Clara.Dorfman@mail.house.gov 201 Varick Street, Suite 669, New York, NY 10014

Dear Representative Nadler,

I would like to congratulate you for the opportunity that you have now that the Democrats have become the majority in the House to be appointed chairman of its Judiciary Committee.

On ABC "This Week", you said that if you became the Committee chair, you would investigate Judge Kavanaugh. Hence, I reiterate hereby the proposal that I made to you in my previous letter( $^{\dagger}$ >OL2:7774) and emails, to wit, not to revisit any unverifiable allegation of a 34-year old sexual abuse, but rather to base your investigation on an indisputably verifiable and current basis, i.e., the statistics that J. Kavanaugh and his peers and colleagues in the District of Columbia Circuit (DCC) compiled on complaints against them filed under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364; \*>jur:24<sup>18a</sup>). Their own statistics(infra 795§C) show that they dismissed 100% of the 478 complaints about them and denied 100% of the petitions for review of such dismissals filed during the 1oct06-30sep17 11-year period during which he served on its court of appeals and already reported to Congress and the public as required under 28 U.S.C. §604(h)(2) (jur:26<sup>23a</sup>). The grave legal and practical implications of such abuse of their self-disciplining power to evade any discipline are set forth in detail in the accompanying complaint addressed to Supreme Court Chief Justice John Roberts, Jr., just as other 15 complaints about J. Kavanaugh have been.

Your investigation of Judge Kavanaugh based on those official judicial statistics can expose the same abuse of power that pervades the Federal Judiciary: Federal judges dismiss 99.82% of all complaints about them(\*>jur:10-14). Your constituents and those throughout the rest of the country are left at their mercy, for as a matter of fact they are Untouchable Judges Above the Law.

Equally cloaked in impunity were sexual abusers for thousands of years. But then the unforeseeable occurred: The New York Times and The New Yorker (NYT and TNY) published their exposés on Harvey Weinstein and the VIPs that covered up his sexual abuse for decades. In a matter of days the MeToo! movement emerged here and abroad. It has led to a historic societal transformation from sexual abusees resigned themselves to suffering in silence and isolation to a national public that shouts self-assertively: Enough is enough! We won't take any abuse by anybody anymore. After receiving almost 700 letters from clerks complaining about abuse by judges, C.J. Roberts referred to the 2<sup>nd</sup> Circuit for investigation for sexual harassment Former 9<sup>th</sup> Circuit Chief Judge Alex Kozinski, who thereupon resigned. The Chief Justice admitted in his 2017 Annual Report on the Federal Judiciary to abuse in the Judiciary and set up a group to study it (OL2:645). However, abuse there continues(OL2:796). All this is precedent for the impact that you can have here and abroad if you take the unprecedented step of holding a press conference to ask We the People to exercise their 1st Amendment rights by sending you copies of their 478 complaints about J. Kavanaugh and all other federal judges. Thereby you can launch a generalized media investigation into judges' abuse of power akin to the one into sexual abuse; insert the issue of judges' abuse into the presidential campaign; and set in motion a historic transformation whereby We the Masters for the first time ever hold our judicial public servants accountable and liable.

Thus, I respectfully request that you *call* me to invite me to make a presentation on your becoming the national Champion of Justice; and that you consider this letter as a formal application for employment in your investigation of J. Kavanaugh, his DCC peers and colleagues, and others.

Dare trigger history!(\*>jur:7§5)...and you may enter it Sincerely, Dr. Richard Condero, Esa. thttp://judicial-Discipline-Reform.org/OL2/DrRCordero-Honest\_Jud\_Advocates.pdf>from OL2:394 0L2:799

http://Judicial-Discipline-Reform.org/OL2/DrRCordero-RepJNadler.pdf

http://www.Judicial-Discipline-Reform.org

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November 9, 2018

Chief Justice John G. Roberts, Jr. Supreme Court of the U.S. One First Street, NE Washington, D.C. 20543

Dear Chief Justice Roberts<sup>1</sup>,

- 1. I and the people assembled with me, exercising our 1<sup>st</sup> Amendment "freedom of speech, of the press, and the right of the people peaceably to assemble, and to petition the Government for a redress of grievances"(\*>jur:111§3)<sup>2</sup>, which no statute or self-interested required 'confidentiality' can abrogate, file publicly this complaint under the Judicial Conduct and Disability Act of 1980 (the Act), 28 U.S.C. §§351-364(jur:24<sup>18a</sup>) about Judge Brett Kavanaugh, Chief Judge Merrick Garland, and their peers and colleagues in the U.S. District of Columbia Circuit (the complained-about judges or the judges; DCC) for dismissing 100% of the 478 complaints about them filed under the Act in DCC, and denying 100% of petitions for review of such dismissals during at least the 1oct 06-30sep17 11-year period. This is a fact established by the statistics(infra 795§C) that they were required under 28 U.S.C. §604(h)(2)(jur:26<sup>23a</sup>) to submit and did submit to Congress and the public.
- 2. The Act is to be construed broadly: It does not require complainants to show standing to file a complaint about a judge, whether by having suffered injury in fact as a result of the judge's misconduct or disability complained about; meeting any residence requirement relative to the judge's workplace or residence; or otherwise. Rather, it provides under §351(a) that "Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct".
- 3. The 15 complaints filed with DCC about J. Kavanaugh following his confirmation hearings in Sep. 2018 were transferred under Rules 25 and 26 of the Rules for Judicial Conduct and Disability Proceedings(Rules; jur:125<sup>264</sup>; <sup>†</sup>>OL2:778) by C.J. Garland, who disqualified himself, to DCC Judge Karen Henderson, who in turn transferred them to you. You assigned them on Oct. 10 to Ten Cir. C.J. Timothy Tymkovich. We respectfully petition you and all other officers to likewise transfer and process this complaint with the other 15 so that their processing may be informed by each other; all be used to detect judges' patterns and trends of misconduct and the Federal Judiciary's institutionalized policy of misconduct as its modus operandi; and their processing may lead to the independent investigation of the Judiciary's unlawful interception of its critics' communications.

#### A. The facts of the complained-about judges' prejudicial conduct

- 4. Through their 100% dismissal of the 478 complaints about them and 100% denial of the petitions for review, the judges have "engaged in §351(a) prejudicial conduct". Indeed, they have:
  - a. arrogated to themselves the power to abrogate in effect that Act of Congress, which it is "the business of the courts" and its judges(¶c infra) to enforce together with its other acts;

Pioneering the news and publishing field of judicial unaccountability reporting\* \*

<sup>†</sup> http://Judicial-Discipline-Reform.org/*OL2*/DrRCordero-Honest\_Jud\_Advocates.pdf >from OL2:394

 $<sup>^{1}\</sup> http://Judicial-Discipline-Reform.org/retrieve/DrRCordero-SupCt\_CJ\_JGRoberts.pdf$ 

<sup>&</sup>lt;sup>2</sup> The materials corresponding to the (parenthetical references in blue) are contained in my 2-volume study of judges and their judiciaries, which is titled and downloadable thus: Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing:

- b. abused the self-disciplining power entrusted to them under the Act by exonerating themselves from all complaints so as to evade any disciplinary action, thereby resolving in their favor the conflict of interests arising from being the target and the judges of the complaints;
- c. breached their oath of office under 28 U.S.C. §453 whereby "[We] solemnly swear (or affirm) that [we] will administer justice without respect to persons [like our peers, colleagues, and friends as opposed to other parties to complaints], and do equal right to the poor [in connections to us] and to the rich [in IOUs on us that we gave the peers, colleagues, and friends who dismissed complaints about us], and that [we] will faithfully and impartially discharge and perform all the duties incumbent upon [us] as judges under the Constitution and laws of the U.S. [e.g., the Act]". Instead, they administered 'unequal protection *from* the law' with respect to relationship to them by being 100% partial toward their peers, colleagues, and friends when they became the target of complaints, all of which they dismissed;
- d. disregarded their duty under the Code of Conduct, Canon 1, which requires them to "uphold the independence and integrity of the judiciary". They have shown that how they "discharge and perform all the duties incumbent upon [them] as judges under the...laws [such as the Act]" depends upon whether the person whose conduct they are judging is their peer, colleague, or friend, on whom they dependent for cover-up of their misconduct and disability;
- e. prejudiced through interdependent partiality "the integrity of the judiciary", of whose essential character for the "effective...administration of the business of the courts" they have imputed knowledge because the Commentary to Canon 1 provides that "Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn on their acting without fear or favor. Although judges should be independent, they must comply with the law and should comply with this Code. Adherence to this responsibility helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code diminishes public confidence in the judiciary and injures our system of government under law";
- f. failed to maintain the "good Behaviour" required of them under Article III, Section 1, of the Constitution "to hold their Offices"; defined by what their oath singles out, i.e., their pledge to "faithfully and impartially discharge and perform all the duties [under the] laws", such as the Act; and reiterated by Canon 1 in its Commentary "they must comply with the law";
- g. committed "impropriety and the appearance of impropriety" prohibited by Canon 2, for under Canon 2A "reasonable minds with knowledge of the relevant circumstances after reasonable inquiry would conclude" that it is 'beyond reasonable doubt' impossible for all the judges to independently deem that 100% of the 478 complaints about them filed over 11 years were properly dismissible but for a complicit reciprocal complaint dismissal agreement;
- h. denied complainants the benefit intended for them under the Act of redress for the prejudice that they had suffered or witnessed relating to the judges' misconduct or disability;
- i. deprived complainants and the rest of the public of the working mechanism for complaining that the Act had provided for their protection from misconducting and disable judges;
- j. showed reckless disregard for 100% of the nature, extent, frequency, and gravity of the misconduct and disability complained about in the 478 complaints filed about, and dismissed by, them, whose recklessness was aggravated by their systematic failure to investigate the complaints through the appointment of special committees, provided for under §353;
- k. showed reckless indifference to the rights and well-being of complainants and the rest of the public by leaving them exposed to 100% of the prejudice caused by the misconduct and

disability complained about, and any additional prejudice at the hands of the exonerated judges, who were left free of any deterrent to further committing misconduct and indulging in disability; and at the hands of other judges who, realizing that misconduct and disability had no adverse consequences for judges, committed misconduct and indulged in disability;

- disregarded Canon 3 providing that "The duties of judicial office take precedence over all other activities", for the number of extra-judicial activities highlighted on their individual page on the DCC website allows 'the math of perfunctoriness'(OL2:760) to demonstrate how lack of time accounts for 93%(OL2:457§D) of appeals being disposed of through the clerk-filled out, reasonless, arbitrary, fiat-like dumping forms of summary orders(jur:43§b);
- m. intentionally "prejudic[ed] the effective and expeditious administration of the business of the courts" and the persons to whom they swore to administer justice, *We the People*, for it is a torts tenet that "people are deemed to intend the foreseeable consequences of their acts". By dismissing 100% of the complaints and denying 100% of review petitions, the judges rendered their misconduct and disability riskless, which enabled their further prejudicial misconduct and disability. Worse yet, they emboldened themselves and others to commit misconduct and indulge in disability of ever more diverse nature, to a greater extent, more frequently, and of higher gravity. While dismissing and denying for over a decade, they saw their foreseeable prejudice become a fact, whose continued occurrence they intended;
- n. deceived potential and actual complainants by pretending that their complaints would be fairly and impartially processed although the judges intended to dismiss 100% of them, thus running the Act's complaint mechanism as a sham that works fraud on *We the People*.

#### **B.** Action requested

- 5. Therefore, we respectfully petition the judicial officers processing this complaint to:
  - a. deem and treat this complaint as the public document that it already is; and make it available to the public easily and widely as it progresses through the stages of its processing;
  - b. communicate to us and the public the judges' answers; and afford the opportunity to reply, for it would constitute partiality toward them to take their answers at face value;
  - c. in the interest of justice for the complainants and public confidence in judges, make the 478 complaints and their dismissal orders, review petitions, and denials public, and transfer them under Rules 25 and 26 to be processed impartially by DCC-unrelated §353 special committees, whose members need not be judges or lawyers (next) and which can replace the failed mechanism of judges –priests, police officers- judging their peers, colleagues, and friends;
  - d. hold fact-finding public hearings on this and all other complaints to ascertain the causes for complaint, which hearings Judge Anthony Scirica, Chair of the Judicial Conduct and Disability Committee, stated at the Oct. 30 hearing on Code and Rules proposed changes are conceivable as part of the Committee's work; and let independent fact-finders, i.e., news anchors and editors, investigative reporters, and journalism professors(OL2:777[21c), conduct them to find whether dismissing complaints not matter the nature, extent, frequency, and gravity of the misconduct and disability turned into all judges' pattern of action that became the Judiciary's institutionalized policy of misconduct as its modus operandi(OL2:756[9-11);
  - e. have independent IT, mail, and phone forensic experts investigate the Judiciary's interception of its critics' communications(OL2:781), such as mine by email, mail, phone, my website, *PayPal*, GoFundMe, LinkedIn, and FB accounts(\*>ggl:1); and make their findings public:

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Visit the website at, and subscribe for free to its series of articles thus: http://www.Judicial-Discipline-Reform.org >+ New or Users >Add New

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Donate to Judicial Discipline Reform's professional research and writing effort to advance our common interest in exposing unaccountable judges' riskless abuse of power;



or at the GoFundMe campaign https://www.gofundme.com/exposeunaccountable-judges-abuse

https://www.linkedin.com/in/dr-richard-cordero-esq-0508ba4b

### C. Links to official court statistics on complaints about judges and their analysis

- 6. Article on official statistics on complaints about J. Kavanaugh, DCC Chief Judge Merrick Garland, & peers and their analysis using "the math of abuse": http://Judicial-Discipline-Reform.org /retrieve/DrRCordero\_JJ\_Kavanaugh-Garland\_exoneration\_policy.pdf
- 7. Table of complaints against judges lodged in, and dismissed by, DCC in the 1oct06-30sep17 11year period: http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\_table\_exonerations\_by\_ JJ\_Kavanaugh-Garland.pdf
- 8. Collected official statistics on complaints about federal judges in the 1oct96-30sep17 21-year period: http://Judicial-Discipline-Reform.org/retrieve/DrRCordero\_collected\_statistics\_complaints\_v\_judges.pdf
- 9. Template to be filled out with the complaint statistics on any of the 15 reporting courts: http:// Judicial-Discipline-Reform.org/retrieve/DrRCordero\_template\_table\_complaints\_v\_judges.pdf
- 10. Article on statistics and math: neither judges nor clerks read the majority of briefs, disposing of them through 'dumping forms': unresearched, unreasoned, arbitrary, and fiat-like orders; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest\_Jud\_Advocates.pdf >OL2:760, 457§D

*Dare trigger history!*(\*>jur:7§5)...and you may enter it.

Sincerely,

Dr. Richard Condero, Esa.

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October 2-24, 2018

U.S. Representative Jerrold Nadler (NY-10<sup>th</sup> District) c/o: Ms. Clara Dorfman tel. (212)367-7350; Clara.Dorfman@mail.house.gov 201 Varick Street, Suite 669 New York, NY 10014

Dear Representative Nadler,

- 1. You stated on ABC "This Week" that if the Democrats retake the House and you become the Judiciary Committee chairman, you will have the latter investigate Judge Kavanaugh. This is a proposal, not to revisit any sexual abuse allegations, but rather for you to denounce at a press conference even before the mid-term elections 1) his and his former peers' 100% dismissal of the 478 complaints about them; 2) judges' October 30 sham hearing, whose details were announced to the public only today, the 24<sup>th</sup>, on proposed changes to the rules for processing complaints about judges; and 3) their power-abusive service, not only their fitness to serve, beginning with the form of abuse of power that will outrage voters the most: judges' interception of their critics' communications. You can thus become a Champion of Justice, one deserving of the chairmanship.
- 2. Indeed, the very politicians who put judges in office cannot thereafter turn around and investigate their appointees for lack of integrity and competence, lest they incriminate their own vetting procedures and skills for evaluating character and competence. To evade their responsibility for exercising constitutional checks and balances on '*their* men and women on the bench', politicians have delegated self-disciplining authority to judges. In the federal government, they have adopted the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364; \*>jur:24<sup>18a</sup>). Under it, the only way for anybody to complain about a federal judge is by lodging a complaint in the circuit where the judge serves. There it is processed by precisely his or her peers, colleagues, and friends. They are required to submit the statistics on their processing of those complaints to Congress and the public in the Annual Report of the Director [who is appointed by the Supreme Court chief justice] of the Administrative Office of the U.S. Courts (AO; 28 U.S.C. §604(h)(2); jur:26<sup>23a</sup>).
- 3. Those statistics(<sup>†</sup>>OL2:772§G) show that Judge Kavanaugh and his peers dismissed 100% of the 478 complaints about them lodged with their District of Columbia Circuit and reported in the annual official statistics for the 1oct06-30sep17 11-year period(OL2:748). They have abused their authority by granting themselves 100% exoneration from complaints regardless of the complained-about conduct's nature, extent, and gravity. Acting only in self-interest, he and his peers have left complainants and the rest of the public at the mercy of complained-about and coveringup judges. Held by politicians and themselves unaccountable, life-appointed judges, in practice unimpeachable and irremovable(jur:21§a), risklessly abuse(\*>OL:154¶3) for their convenience and gain their enormous power over people's property, liberty, and all the rights and duties that frame their lives. Their partiality toward themselves and unfairness to those entitled to "equal protection" incriminates their service, as shown by their non-partisan, verifiable, and official statistics. The latter's analysis through "the math of abuse" exposes them as Judges Above the Law. This novel statistics-based approach to judicial service evaluation is the product and distinguishing feature of my study of judges and their judiciaries, Exposing Judges' Unaccountability and Consequent **Riskless Wrongdoing:** Pioneering the news and publishing field of judicial unaccountability reporting \*<sup>†</sup>.
- 4. Justice Kavanaugh now has the strongest personal motive to prevent any investigation into his and his peers' abuse of power to secure their 100% exoneration from complaints about them. Such investigation can force the disclosure of the complaints, conveniently kept secret; make the detection of patterns and trends of abuse possible; and lead to the exposure of the organization and

execution of, and benefits from, their cover-up. Nor can such investigation be allowed by Justice Gorsuch, who comes from the 10<sup>th</sup> Circuit. There he, who so values camaraderie(OL2:546¶¶4-6), and his peers dismissed 99.83% of complaints about them(OL2:548). This explains why the 15 complaints about Judge Kavanaugh lodged in the last month that his peer, Judge Karen Henderson, referred to Chief Justice John Roberts, were in turn referred by him for processing to precisely the 10<sup>th</sup> Cir. The presumption of a whitewash would not be less justified if C.J. Roberts had referred them to the 2<sup>nd</sup> Cir., the former circuit of Justice Sotomayor. While there, she and her peers denied by "Denied" form 100%(jur:11) of petitions for review of dismissal of complaints about them (jur:65§§1-3). The percentage of complaints dismissed in all the circuits is 99.82%(jur:10, 12-14).

- 5. The exposés of Harvey Weinstein's sexual abuse and its cover-up by VIPs published by NYT and The New Yorker pressured C.J. Roberts into referring for sexual misconduct investigation Former 9<sup>th</sup> Cir. Chief Judge Alex Kozinski, who then resigned. Only after receiving almost 700 letters of complaint about abuse in the Federal Judiciary did the Chief Justice admit to abuse therein and set up a study committee(<sup>†</sup>>OL2:645). Its report has led to proposed changes to the Code of Conduct for U.S. Judges and the Judicial Conduct and Disability Rules for processing complaints.
- 6. Only on October 2 did AO announce only on its site that the changes will be the subject of only one hearing at the Federal Judiciary Building in D.C., rather than at each of the 200+ federal courts. How many people can afford to travel to D.C. at all, let alone do so the day before to be ready to testify at 9:00 a.m. on October 30, for only five minutes? A request to be heard had to be emailed by October 18 to CodeandConductRules@ao.uscourts.gov; for the first week, "a technical issue"(OL2:779) prevented AO's receipt of those emails. "Additional details regarding the hearing will be provided by October 23", only then can one decide whether to attend. This is an announcement pro forma about compliance in bad faith with the hearing requirement. It is a sham! No change to the Code or the Rules will stop judges from dismissing complaints about them, just as the changes adopted in 2008 and 2015 did not. Such dismissal is the judges' institutionalized mechanism for enforcing the complicit agreement through which they reciprocally ensure their corruptive unaccountability for their past abuse of power and the risklessness of their future abuse. Abuse is the modus operandi(OL2:457§D, 760) of Untouchable Judges Who Can Do No Wrong.
- 7. The publication by *NYT* and *The New Yorker* of their exposés caused in a matter of days the emergence of the *MeToo!* movement here and abroad. It has led to a historic societal transformation from silent sexual abusees to a national public that shouts: *Enough is enough!* We won't take any abuse by anybody anymore. It forced C.J. Roberts and the other judges to take action. That is precedent for the expectation that if you denounce such action as a sham intended not to keep J. Kavanaugh's peers from dismissing complaints to assure their unaccountability, you can likewise launch a generalized media investigation into judges' abuse of power akin to the one into sexual abuse. You can thus insert into the mid-term elections and the presidential campaign what is more important than judicial candidates' fitness to serve, namely, judges' actual service(OL2:717).
- 8. The investigation launched by your press conference can expose a national outrage: judges' interception of their critics' communications. The probable cause to believe that judges intercept them is furnished by a statistical study and verifiable by IT experts examining computers and servers(OL2:775). That outrage will be graver than that provoked by Snowden revealing NSA's illegal collection of data on communications: At stake here is the prevention of communications. Through its exposure, you can set in motion a historic transformation whereby *We the Masters* for the first time ever hold our judicial public servants accountable. Your causing the publication of this letter and articles(OL2:755, 760; 719§C) will contribute thereto. Thus, I respectfully request that you *call* me to invite me to make a presentation on your becoming the national Champion of Justice.

Dr. Richard Cordero, Esq. Judicial Discipline Reform

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October 2, 2018

Att.: Ms. Clara DorfmanClara.Dorfman@mail.house.govRep. Jerrold NadlerManhattan: (212)367-7350; Brooklyn: (718)373-3198U.S. House of Representative<br/>Washington, D.C.Description

How U.S. Representative Jerrold Nadler can demonstrate Judge Brett Kavanaugh's partiality, unfairness, and disregard for the law based on his participation in the 100% dismissal of the 478 complaints about him and his peers lodged with the District of Columbia Circuit and reported to Congress in the annual official statistics for the 1oct06-30sep17 11-year period, thus leaving complainants at the mercy of complained-about judges and their covering-up peers: Impeaching his suitability on the strength of the non-partisan, objective, and verifiable

"math of abuse" of power to ensure the judges' impunity http://Judicial-Discipline-Reform.org/retrieve/DrRCordero-RepJNadler.pdf

Dear Representative Nadler,

This letter is intended to be of interest to you because it can enable you to insert yourself in the national debate regarding Judge Kavanaugh, enhance your national profile, and thereby contribute to your becoming the next chairman of the House Judiciary Committee in the event of the Democrats retaking the House in the mid-term elections.

This letter concerns the conduct of Judge Brett Kavanaugh based, not on allegations or opinions, but rather on the official statistics of the District of Columbia Circuit (DCC), required under 28 U.S.C. §604(h)(2) to be submitted to Congress and the public annually by the Administrative Office of the U.S. Courts.

You and your colleagues in Congress have without dispute accepted those statistics for decades; are presumed to be familiar with them; and have relied on them to oversee the performance of the federal courts. Hence, the information hereunder will enable you to question J. Kavanaugh's partiality, unfairness, and disregard for the law on a basis trusted by you, verifiable by others, and persuasive thanks to its foundation in 'the math of abuse' of power. By its objectivity, novelty, and incisiveness, you can make this line of questioning the modern equivalent of Sen. Howard Baker's famous question at the Watergate hearings: What did the President know and when did he know it?

### A. J. Kavanaugh has participated in the dismissal of 100% of the 478 complaints about him and his peers lodged with DCC

- 1. The official statistics at stake here concern the handling by J. Kavanaugh and his peers of complaints about them in the 1oct06-30sep17 11-year period during which he has served on DCC. Those statistics and their analysis can be retrieved through the links in §F infra.
- 2. The statistics show that 478 complaints about them were lodged. He tolerated the dismissal of the 478 of them regardless of their gravity and without any investigation, except in one case, which

also ended up in complaint dismissal; as a current member of the DCC Judicial Council, he has participated in the 100% denial of petitions to review those dismissals.

- Such 100% record betrays his and his peers' complicity in an unlawful agreement to protect each other from any adverse consequences of their complained-about conduct. Theirs is not the "good Behaviour" required by the Constitution, Article III, Section 1(\*>jur:22<sup>12a</sup>), but rather behavior in dereliction of duty.
- 4. Indeed, the essence of being a judge is being impartial and fair. That is how a judge conducts himself who is faithful to his oath of office(\*>jur:53<sup>90</sup>), and thereby discharges his duty, to uphold the law.
- 5. Judge Kavanaugh has shown that he is neither impartial between complainants and complainedabout judges nor fair to the plight of complainants, other parties, and the rest of the public, whom he has recklessly left at the mercy of complained-about judges and their covering-up peers regardless of the gravity of their alleged misconduct. He has held himself and his peers unaccountable. As a result of such assurance of risklessness, he has emboldened himself and them to keep engaging in ever graver misconduct.
- 6. J. Kavanaugh's partiality, unfairness, and disregard for the law are proven by his covering up for him-self and his peers in 100% of the 478 complaints about them lodged in DCC. His conduct shows his contempt for the requirement imposed on him by the judges' own Code of Conduct for U.S. Judges, Canon 2, which provides that 'a judge must avoid impropriety and even the appearance of impropriety' (\*>jur:68<sup>123a</sup>).
- 7. Exonerating himself and his peers from 100% of complaints constitutes not merely an impropriety; rather, it is abuse of power to implement an institutionalized complicit agreement to ensure the judges' impunity. They have turned themselves into Judges Who Can Do No Wrong.
- 8. Therefore, J. Kavanaugh's conduct provides probable cause to believe that he:
  - a. covered up the sexual misconduct of Former 9<sup>th</sup> Circuit Chief Judge Alex Kozinski, for whom he clerked and with whom he interviewed prospective clerks for Supreme Court justices; and
  - b. covers up for himself regarding the sexual assault accusations of Dr. Christine Blasey Ford.
- 9. That probable cause is undergirded by my study of judges and their judiciaries(e.g., \*>jur:21§§1-3), titled and downloadable thus: Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting \* <sup>†</sup>

#### B. Judge Kavanaugh's conduct contradicts his statement "I'm a pro-law judge" and renders it perjurious

- 10. J. Kavanaugh has acquiesced and enforced DCC's institutionalized cover-up of his and his peers' complained-about conduct. Thereby he has impeached his assertion under oath during his confirmation hearings that 'he is not a pro-prosecution or pro-defense judge, but rather he is a pro-law judge'. If he were the latter, he would have denounced and refused to apply DCC's unlawful policy of 100% exoneration of judges.
- 11. On the contrary, he and his peers have arrogated to themselves the power to abrogate in effect, and risklessly show contempt for, the law governing complaints about judges: the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §§351-364; jur:24<sup>18a</sup>).
- 12. In defiance of the law, he has protected his and his peers' interest in escaping discipline warranted

by their complained-about conduct, while depriving complainants of their basic due process right: to be heard. They abuse their power to elevate themselves as Judges Above the  $Law(*>OL:5^6)$ .

### C. Issues for you and your colleagues to question J. Kavanaugh's partiality, unfairness, and disregard for the law

- 13. The official statistics allow you to impugn J. Kavanaugh's enforcement of the DCC unlawful policy of 100% exoneration of himself and his peers from complaints about them.
- 14. You can call on him to disclose his copies of all complaints involving him. All complaints are selfinterestedly kept secret, contrary to the tenet "Justice should not only be done, but should manifestly and undoubtedly be seen to be done"(\*>jur:44<sup>71</sup>). Such secrecy prevents ascertaining the nature, extent, and gravity of individual and collective misconduct, and detecting its patterns and trends.
- 15. Also, you can examine all the statements that J. Kavanaugh may have made concerning the Catholic Church's decades-old policy of covering for abusive priests while leaving at their mercy ever more Church members and the rest of the public. Do his statements reveal the partiality and unfairness of a hypocritical double standard in favor of himself and his peers? Can he claim to be a pro-law judge when his conduct is guided by what is anathema to his duty as such: "The Law is NOT Equal For All"?
- 16. Likewise, you can question him on the official statistics(§F infra) showing that he and his peers do not even read the majority of briefs, never mind write the dispositive orders(cf. <sup>†</sup>>OL2:546¶¶4-7). Their pretense at applying the law to briefs that they have not read causes injury in fact and renders them liable to a host of causes of action(OL2:729).
- 17. Such abusive conduct prompts the emergence from a *MeToo!* public, who is intolerant of any form of abuse, of a national movement of current, former, and prospective parties to demand that the courts refund filing fees, pay damages, and require judges to dispose of each case by writing a decision, one that is reasoned and addresses the brief section "Relief Requested", which is the only one with practical consequences for the briefing party and expresses its motive for going to court.

#### D. Requested action from you in your own and We the People's interest

- 18. Questioning the impartiality and fairness of J. Kavanaugh and other judges based, not on allegations and opinions, but rather on their own statistics will draw to you significant media and public attention. It can establish the framework for a bipartisan approach on the objective basis of "the math of abuse".
- 19. Such questioning can attract the attention of a huge (OL2:719¶6-8) untapped voting bloc: The Dissatisfied With The Judicial And Legal System. They are waiting for a courageous politician to expose unaccountable judges' riskless abuse of power. Similarly, you can appeal to the broader *MeToo!* public, whose rallying cry is: *Enough is enough!* We won't take abuse from anybody anymore. For all of them, you can become their national Champion of Justice.
- 20. Thus, I respectfully request that you:
  - a. expose J Kavanaugh's partiality, unfairness, and disregard for the law using the official statistics of his and his peers, as discussed above;
  - b. publish this letter on your website; and otherwise share and post it widely;
  - c. share it with the journalists that cover you and ask them to have their media outlets publish it;

its link is http://Judicial-Discipline-Reform.org/retrieve/DrRCordero-RepJNadler.pdf and

- d. call for nationally televised public hearings on judges' abuse of power resulting from their unaccountability.
- 21. Your publication of this letter can set in motion a generalized media investigation into judges' abuse of power akin to the one into sexual abuse sparked by *The New York Times*'s publication of its Harvey Weinstein exposé. It will be traced back to your concern for integrity in the federal and state judiciaries, and the welfare of a national public subject to judges' unaccountable exercise of their enormous power over people's property, liberty and all the rights and duties that frame their lives. By your making an Emile Zola's *I accuse!*-like denunciation of judges' abuse, you can establish that issue as the distinguishing one of your reelection campaign and even a presidential bid.

### E. My offer of a presentation of what you have to gain by exposing judges' abuse

22. The above shows the kind of strategic thinking(OL2:445§B, 475§D) that informs the presentation that I offer to make to you, your colleagues, and supporters on what you can gain by exposing unaccountable judges' riskless abuse of power. With them you can share this letter and its link.

### F. Links to official court statistics and their analysis

- 23. Article on official statistics on complaints about J. Kavanaugh, DCC Chief Judge Merrick Garland, & peers and their analysis using "the math of abuse": http://Judicial-Discipline-Reform.org/retrieve/DrRCordero JJ Kavanaugh-Garland exoneration policy.pdf
- 24. Table of complaints against judges lodged in, and dismissed by, DCC in the 1oct06-30sep17 11year period: http://Judicial-Discipline-Reform.org/retrieve/DrRCordero table exonerations by JJ Kavanaugh-Garland.pdf
- 25. Collected official statistics on complaints about federal judges in the 1oct96-30sep17 21-year period: http://Judicial-Discipline-Reform.org/retrieve/DrRCordero collected statistics complaints v judges.pdf
- 26. Template to be filled out with the complaint statistics on any of the 15 reporting courts: http://Judicial-Discipline-Reform.org/retrieve/DrRCordero template table complaints v judges.pdf
- 27. Article on statistics and math: neither judges nor clerks read the majority of briefs, disposing of them through 'dumping forms': unresearched, unreasoned, arbitrary, and fiat-like orders; http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest\_Jud\_Advocates.pdf >OL2:760, 457§D

I look forward to hearing from you; and kindly request that you acknowledge receipt of this letter.

Visit the website at, and subscribe for free to its series of articles thus: www.Judicial-Discipline-Reform.org> + New or Users >Add New

*Dare trigger history!*(\*>jur:7§5)...and you may enter it.

Sincerely,

Dr. Richard Condero, Ese.

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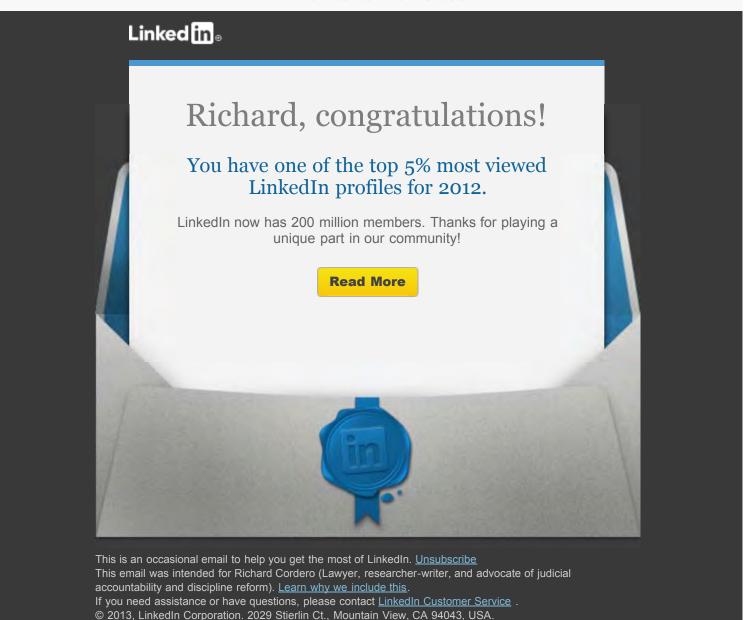
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Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting\* †

### By Dr. Richard Cordero, Esq.

- \* Volume 1: http://Judicial-Discipline-Reform.org/OL/DrRCordero-Honest\_Jud\_Advocates.pdf >all prefixes:page number up to OL:393
- <sup>+</sup> Volume 2: http://Judicial-Discipline-Reform.org/OL2/DrRCordero-Honest\_Jud\_Advocates.pdf >from OL2:394
- a. On judges' abuse of power over your property, liberty, and all the rights and duties that frame your life, and their systematic denial of your constitutional right to due process and equal protection of the law, see <sup>†</sup>>OL2:608§A; 455§§B-D, 707§B.
- b. On their unaccountability through self-exemption from discipline see \*jur:21§a, <sup>†</sup>>OL2:548.
- c. See also the proposal for the publication of a series of expository articles at  $^{\dagger}$ >OL2:703.

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We won't tolerate to be abused by anybody, not even judges, anymore.

Contact us: Dr.Richard.Cordero\_Esq@verizon.net, DrRCordero@Judicial-Discipline-Reform.org; or write to Judicial Discipline Reform at the address found at \* <sup>†</sup>.

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