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How do federal judges violate due process and get away with it?¹

The short answer is that they have nothing to fear from violating due process

Under Article III, Section 1 of the [Constitution](#) their salary can “not be diminished during their Continuance in Office”. Nor can they be removed from the bench except through impeachment in Congress. The risk of impeachment is devoid of deterrence capacity given that in the 220 years since the creation of the federal judiciary in 1789 the number of judges impeached and removed is seven! <http://www.fjc.gov/history/home.nsf> >Judges of the U.S. Courts>Impeachments of Federal Judges; also here [FJC_impeached_judges](#).

In addition, punishment by the Senate for conviction upon impeachment is limited to removal from the bench and the prohibition of holding federal office again. ([Const. Art. I, Sec. 3](#)) But even if impeached, a judge can resign and thus avoid in principle both conviction and such prohibition, as did Judge Mark W. Delahay on December 12, 1873. The ineffectualness of impeachment is most starkly shown by the case of former U.S. District Court Judge Alcee L. Hastings. He was impeached by the House and convicted by the Senate on eight articles of impeachment for bribery and perjury in 1989, yet in 1992 he was back in Congress as a representative elected to the House, where he still is.

A conviction carries no specific legal implication in the historically unlikely event of the removed judge being tried civilly or criminally in a court of law. History also supports the assurance of all but certain impunity through the exemption from discipline for judges complained against under the Judicial Conduct and Disability Act, which set up the current system of judicial self-discipline. Thereunder judges who receive from any person a complaint against a peer systematically dismiss it and deny any petition for review of such dismissal. http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf;

So according to the official statistics of the Administrative Office of the U.S. Courts, in the 11-year period between 1oct96 and 31sep07, the judges terminated 7,977 complaints against their peers while appointing merely 12 special committees followed by the administration of private or public discipline in only 11 cases. This means that 99.86% of the complaints were dismissed out of hand without any investigation and with no discipline administered. See the statistics at <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/judicial_complaints/complaint_tables.pdf; see their representation in graphs at http://Judicial-Discipline-Reform.org/Follow_money/Dynamics_of_corruption.pdf.

What is more, during the same period, the Judicial Council of the Second Circuit denied 100% of petitions for reviews of dismissals by the chief circuit judge. By so doing, judges arrogated to themselves total immunity from discipline, even such administered in private, let alone any whisper of recommendation for impeachment. This constitutes de facto self-elevation to a status antithetical to democracy and unequalled to that held by any other officer of government or citizen of our country: Judges Above the Law. http://Judicial-Discipline-Reform.org/judicial_complaints/in_15cir&natcourts_2ndCir.pdf

Therefore, a judge may further his wrongdoing through a blatant, intentional violation of a party's Constitutional guarantee of due process of law and realistically face nothing other than

¹ http://Judicial-Discipline-Reform.org/Follow_money/why_j_violate_due_pro.pdf

a reversal of a decision, which is not even in the nature of a slap on the hand. If the case is remanded, it may be returned to him so that he may give the appealing party another round of violations of due process that will wear him down emotionally and deplete his economic resources.

Such reversal is inconsequential. It is not other judges who evaluate the reversed judge's performance and recommend that he be promoted to a higher court, not to mention promote him to it. Only the President and the Senate can do so. Moreover, all deliberations by any appellate body and all meetings of circuit councils and the Judicial Conference of the U.S. are held behind closed doors. Opinions or comments expressed there will not reach the public and shame the judge into mending his ways or be used even by his peers to measure his subsequent conduct. Because of his life tenure, neither one nor 10 reversals can Constitutionally force him to retire.

As a result, a judge has the two strongest incentives, not just to disregard due process, but also to engage in wrongdoing: the above average profitability, whether in peer acceptance or material gain, of participating in, or tolerating, unlawful activity coupled with the assurance of risklessness. The latter is an apt enabler and a constant encourager of wrongdoing. To strengthen that assurance and maximize such profit, he can coordinate his wrongdoing with his peers. Coordination enhances the effectiveness of each individual's actions and binds everybody's fate as a group. Even those who only tolerate active wrongdoers cannot expose them without incriminating their own integrity. All must protect and keep tolerating each other, for a judge can tell his peers, "I know about your own wrongdoing. If you bring me down, *I take you with me!*"

You, the reader, do not have to resign yourself to the judges' disregard of due process. Rather, you can take action in an area that is not susceptible of their self-exemption from discipline and through a means that is not subject to their cover up, namely, their abuse of judicial power to benefit themselves, their relatives, or associates from the enormous amount of money that they dispose of, exposed on blogs as well as through traditional print and electronic media.

Unaccountable power and lots of money!, the two most insidious corruptors. In an area like bankruptcy, judges dispose of \$10's of billions annually. They can profit therefrom by coordinating their abuse of power to run or cover up a [bankruptcy fraud scheme](#). A case now pending before the Supreme Court on petition for certiorari, *DeLano*, (08-8382), provides evidence of such a scheme. http://Judicial-Discipline-Reform.org/Follow_money/How_fraud_scheme_works.pdf

You can use that case to conduct a pinpointed Watergate-like *Follow the money!* journalistic investigation reminiscent of that led once by Bob Woodward and Carl Bernstein. The exposure of coordinated or tolerated wrongdoing by judges all the way to the judiciary's top can cause such public outrage as to pressure law enforcement authorities and Congress into opening their own investigations; their findings can cause politicians to adopt legislation to render judges accountable for their actions and amenable to discipline. The reaction to the AIG bonuses and the government reform legislation adopted in the aftermath of Watergate shows the soundness of this strategy. http://Judicial-Discipline-Reform.org/docs/SCt_knows_of_dismissals.pdf
http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

For the bloggers and investigative journalists that expose evidence of coordinated judicial wrongdoing there are rewards awaiting them: 15 minutes of fame; a Pulitzer Prize; a bestseller or movie hit like *All the President's Men*; the title of 'Our Generation's Woodward/Bernstein'; and the most lasting and meritorious one of the recognition of a grateful nation for contributing to bringing our legal system closer to the inspirational ideal of "Equal Justice Under Law".