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Mr. Donald Graham  
Chairman  
The Washington Post  
Washington, D.C. 20071

Dear Mr. Graham,

I would like to encourage you to make yourself heard in the nation as the woman did in J. Davidson's "Whistleblower Makes Herself Heard on the Hill" (#1 infra) and as the Post during Watergate. So I propose that you investigate and bring to your editorial board the story in my publishable article Whistleblowing on J. Sotomayor and Congress While the Nation Listens for an Account of Judicial Performance:

The confirmation by the Senate of Judge Sotomayor has focused national attention on judicial performance. It offers a choice opportunity to blow the whistle on the consequences of Congress allowing the federal judges to run the Judiciary by exercising unaccountable power.

Indeed, Congress has known for scores of years that the federal judges are unaccountable: In the 220 years since the creation of the Federal Judiciary by the Judiciary Act of 1789, the number of judges that have been impeached and removed from the bench is 7! (#2) Judge Sotomayor, on the federal bench since 1992 and a NYC assistant district attorney between 1979 and 1984, has known it too. To pretend that they would be made accountable and disciplined like anybody else who lives under a government by the rule of law, Congress adopted the Judicial Conduct and Disability Act of 1980. (#3) The Act set up a system of judicial self-discipline. This meant filing with, and entrusting to, the judges themselves the task of processing complaints about bribery, corruption, abuse of power, conflict of interests, bias, etc., by any person against them.

However, nobody can impartially hold his friends and colleagues accountable for their conduct, especially if he is stuck with them *for life* or contributed to his appointment –as one of the circuit judges, who appoint bankruptcy judges (#4)-. So for the last 29 years the judges have systematically dismissed complaints without any investigation. During 1oct96-30sep8 they so dismissed 99.85% of the 9,140 complaints filed. (#5) Thereby they self-exempted from discipline and abrogated in effect an act of Congress. They also injured all complainants, left with no relief or compensation from the complained-against judges. Through their partiality toward their peers, the judges have impaired the integrity of the judicial system, which affects everybody.

Congress has known of this abuse of the Act by the judges given that to supervise its application, it required that they file with it an annual report on their handling of such complaints. (#6) So it learned that during that 12-year period covered by Internet-posted reports the 2<sup>nd</sup> Circuit Judicial Council, of which Judge Sotomayor is a member (#7), denied *100% of petitions* for review of such dismissals of complaints (#8). By ensuring their unaccountability, the Judge and her peers have arrogated to themselves the status to which no person, let alone a class of people, is entitled in a legal system where all are supposed to be equal: Above the Law Judges.

This status has enabled the judges to violate with impunity the Constitutional provisions of equal protection and due process of law that should inure to the benefit of all litigants, whether actual or potential, that is, the whole nation. (#9) It has also given them the most irresistible incentive to engage in wrongdoing: riskless and huge unlawful benefits. Their benefits may have been material or moral, i.e. continued peer acceptance instead of ostracism as traitor for

safeguarding institutional integrity by denouncing wrongdoing peers. Judges have also caved in to the overhanging threat: "I know of your own wrongdoing, Judge X. So if you bring me down, *I take you with me!*" Hence, some have looked the other way; others have agreed to become accomplices; all have tacitly or explicitly coordinated their conduct to do wrong. (#10)

Among the rules that they have violated in self-interest is the Ethics in Government Act of 1978, which requires them to file annually a financial disclosure report. (#11) The articles of Post Reporters Keith Richburg and Joe Stephens imply that Judge Sotomayor has violated that law by disclosing suspiciously little assets relative to her big income as a corporate litigator from 1984-1992 -at the intellectual property boutique Pavia & Harcourt- and a federal judge since then. (#12) For what motive do people use their opportunity to evade disclosing their financial means?

That question can lead senators and representatives not only to ascertain her conduct, but also find the judges' coordinated wrongdoing; so they will not take the initiative to pursue it. They know the truth expressed by Speaker Pelosi: "Congress is dominated by the culture of corruption". So they have reason to fear that one day they may be brought before judges on corruption charges. If by then they have become their nemeses by even trying to adopt effective judicial accountability and discipline laws, the judges would have their field day for retaliating against them. Hence, Congress has disingenuously invoked the separation of powers argument so as to justify its self-interested live and let live approach to the Judiciary, the detriment to the public notwithstanding.

Therefore, this is the moment for Post reporters to blow the whistle on Congress' toleration of, and the judges', including Judge Sotomayor's, passive and/or active involvement in, coordinated wrongdoing. [Concrete examples at #13] In so doing, they can be guided by the courageous 1972-1974 whistleblowing on the wrongdoing of President Nixon and his White House aides by their colleagues Bob Woodward and Carl Bernstein and Editor Benjamin Bradlee.

To that end, they can conduct a Watergate-like *Follow the Money!* investigation into Judge Sotomayor's assets and at least \$673,657 worth of assets that despite the strikingly similar duty to disclose she and her peers managed to keep undisclosed in the *DeLano* case for the benefit of the most unlikely of bankrupts: a 39-year veteran banker who at the time of filing for bankruptcy was and remained employed by a major bank, M&T Bank, precisely as a bankruptcy officer! (#14) That way they covered up the fraudulent concealment of assets of an insider of the bankruptcy system and his protection by their appointed bankruptcy judge.

Protected by their "Above the Law" status, in how many of the 1,202,503 bankruptcy cases filed in the year to March 31, 2009, or the 1,413,498 pending at the end of it, involving \$10s of bls., have Judge Sotomayor and her peers kept assets unaccounted for? (#15) For whose benefit? By how much have they aggravated the misery of real bankrupts and their creditors? It is of little relevance how the Judge performed in past cases of discrimination, abortion, executive power, etc., if she will decide future cases under the influence of a pattern of condoning, or participating in, her peers' coordinated wrongdoing. (#16) Thus, what the nation will rightfully listen with most interest during the confirmation process is to a whistle blown on this: How Congress and Judge Sotomayor have allowed money, the root of all evil, and power exercised with no accountability, which is the essence of absolute power, the type that corrupts absolutely, to corrupt judicial integrity. (#17) The Post's *Follow the money!* investigation will contribute to ensuring that people receive what they expect from all judges: Equal Justice Under Law.

I can make available to you and the Post my documentary evidence and findings on the subject to help in the *Follow the money!* investigation. (#18) Thus, I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

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1. Whistleblower Makes Herself Heard on the Hill, Joe Davidson, Federal Diary, *The Washington Post*, June 11, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/10/AR2009061003804.html?wpisrc=newsletter&wpisrc=newsletter&wpisrc=newsletter>.
2. [Http://www.fjc.gov/history/home.nsf](http://www.fjc.gov/history/home.nsf) >Judges of the U.S. Courts>Impeachments of Federal Judges. See also Judicial Act of 1789, ch. 20, 1 Stat. 73-93; [http://Judicial-Discipline-Reform.org/docs/Judiciary\\_Act\\_1789.pdf](http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf).
3. 28 U.S.C. §§351-364. Judicial Conduct and Disability Act of 1980; [http://Judicial-Discipline-Reform.org/docs/28usc351\\_Conduct\\_complaints.pdf](http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf).
4. 28 U.S.C. §152. Appointment of bankruptcy judges; [http://Judicial-Discipline-Reform.org/docs/28usc151-159\\_bkr\\_judges.pdf](http://Judicial-Discipline-Reform.org/docs/28usc151-159_bkr_judges.pdf).
5. Table S-22 (previously S-23 & S-24) Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. §§351-364; <http://www.uscourts.gov/judbususc/judbus.html>; collected at [http://Judicial-Discipline-Reform.org/statistics&tables/jud\\_complaints/complaint\\_graphs\\_tables.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/jud_complaints/complaint_graphs_tables.pdf).
6. The Complaint Report is produced annually by the Administrative Office of the U.S. Courts (AO) pursuant to 28 U.S.C. §604(h)(2); [http://Judicial-Discipline-Reform.org/docs/28usc601-613\\_Adm\\_Off.pdf](http://Judicial-Discipline-Reform.org/docs/28usc601-613_Adm_Off.pdf). Under 28 U.S.C. §332(g), each judicial council is required to provide AO with its complaint data; [http://Judicial-Discipline-Reform.org/docs/28usc331-335\\_Conf\\_Councils.pdf](http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf).
7. [Http://www.ca2.uscourts.gov/judcouncil.htm](http://www.ca2.uscourts.gov/judcouncil.htm).
8. Ent. 5 supra. See also [http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf) [25Committee/2DrCordero-petition\\_25feb9.pdf](http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf) >N:51¶¶1-4 and the summarizing tables at N:39 and 47.
9. [Http://Judicial-Discipline-Reform.org/US\\_writ/2DrCordero-SCt\\_rehear\\_23apr9.pdf](http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf) >US:2518§C: Pattern of equal rights and due process violations.
10. Petition to the U.S. Supreme Court for certiorari to the Court of Appeals for the Second Circuit, *Richard Cordero v. David DeLano et ux.*, docket 08-8382; [http://Judicial-Discipline-Reform.org/US\\_writ/DrCordero-SCt\\_petition\\_3oct8.pdf](http://Judicial-Discipline-Reform.org/US_writ/DrCordero-SCt_petition_3oct8.pdf) >US:2442§IX Statement of Facts, and 2467§XIII.A-B.
11. The Ethics in Government Act of 1978 (5 U.S.C. Appendix (Appendix IV in Thomson West)) is one of the pieces of legislation adopted by Congress in the wake of the Watergate Scandal. It is made applicable to federal judges at §§101(f)(11) and 109(10), mandating that they file an annual financial disclosure report. Section 102(b)(1) requires that they make “a full and complete statement” and calls for very specific and detailed financial information. Judges must file their reports with the Administrative Office of the U.S. Courts (AO), where they are publicly available. For

AO's address, see <http://www.uscourts.gov/comment.html>. The Act, with the addition of useful bookmarks, can be found at [http://Judicial-Discipline-Reform.org/docs/5usc\\_Ethics\\_Gov\\_14apr9.pdf](http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf).

12. "Sotomayor Rose High, with Few Assets", Joe Stephens, *The Washington Post*, May 7, 2009; [http://voices.washingtonpost.com/44/2009/05/07/sotomayor\\_rose\\_high\\_with\\_few\\_a.html?sid=ST2009050702123](http://voices.washingtonpost.com/44/2009/05/07/sotomayor_rose_high_with_few_a.html?sid=ST2009050702123); and "N.Y. Federal Judge Likely on Shortlist", Keith B. Richburg, *The Washington Post*, May 7, 2009; <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/06/AR2009050603762.html>.
13. The Choice: Judge Sotomayor's Ethnicity v. Equal Justice Under Law, by Dr. Richard Cordero, Esq., [http://Judicial-Discipline-Reform.org/SCt\\_nominee/JSotomayor\\_v\\_Equal\\_Justice.pdf](http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_v_Equal_Justice.pdf).
14. Appeal to CA2 in *In re DeLano*, 06-4780, CA2; [http://Judicial-Discipline-Reform.org/docs/DrCordero\\_v\\_DeLano\\_06\\_4780\\_CA2.pdf](http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf) >CA:1725§§VII-VIII: Statement of Facts and Summary of the Argument. The CA2 panel, of which Judge Sotomayor was a member, denied production of *every single document* in all creditor-requests, whereby it condoned the denial by the district and bankruptcy judges of *every single document* requested to be ordered produced by the DeLanos. This constituted a blatant denial of the creditor's discovery and due process rights. It also denied the creditor's right to equal protection, while it spared the 'bankrupt' banker producing documents that would have proved his concealment of assets as part of a judicially run bankruptcy fraud scheme. The CA2 decision is an exhibit therein at CA:2180 and is analyzed in the petition for certiorari to the Supreme Court, Ent. 10 supra, at US:2456§X.
15. [http://www.uscourts.gov/Press\\_Releases/2009/BankruptcyFilingsMar2009.cfm?WT.cg\\_n=Newsroom&WT.cg\\_s=WhatsNew](http://www.uscourts.gov/Press_Releases/2009/BankruptcyFilingsMar2009.cfm?WT.cg_n=Newsroom&WT.cg_s=WhatsNew); also at [http://Judicial-Discipline-Reform.org/statistics&tables/bkr\\_stats/bkr\\_cases\\_to\\_31mar9.pdf](http://Judicial-Discipline-Reform.org/statistics&tables/bkr_stats/bkr_cases_to_31mar9.pdf).
16. Cf. 18 U.S.C. §§1961-1968, Racketeer Influence and Corrupt Organizations (RICO); [http://Judicial-Discipline-Reform.org/docs/18usc1961\\_RICO.pdf](http://Judicial-Discipline-Reform.org/docs/18usc1961_RICO.pdf). Section 1961(1)(D) provides that it covers "any offense involving fraud connected with a case under title 11 (except a case under 18 U.S.C. §157)"; cf. [http://Judicial-Discipline-Reform.org/docs/18usc\\_bkrp\\_related.pdf](http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_related.pdf). Section 1961(5) states that a pattern of racketeering can be established by two acts of racketeering activity occurring within 10 years. See Ent. 10, US:2461§XI discussing CA2's toleration of the abuse of local rule-making power to protect the participants in a bankruptcy fraud scheme from having RICO claims filed against them; see also the disregarded petition to the Judicial Council of the 2<sup>nd</sup> Circuit to rescind WDNY Local Rule 5.1(h); [http://Judicial-Discipline-Reform.org/docs/to\\_J\\_Jacobs\\_bkr\\_fraud\\_7jan6.pdf](http://Judicial-Discipline-Reform.org/docs/to_J_Jacobs_bkr_fraud_7jan6.pdf).
17. Combined aphorisms of Lord Acton, Letter to Bishop Mandell Creighton, April 3, 1887: "Power corrupts, and absolute power corrupts absolutely", and 1 Timothy 6:10: "Money is a root of all evil and those pursuing it have stabbed many with all sorts of pains".
18. Documents relating to the *DeLano* case and useful for conducting a *Follow the money!* investigation of a judicially run and tolerated bankruptcy fraud scheme; [http://Judicial-Discipline-Reform.org/Follow\\_money/DeLano\\_docs.pdf](http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf).