

(as of 21may8)

## **A Lead for Fraud Investigators & Investigative Journalists to investigate coordinated judicial wrongdoing supported or tolerated 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 a national court together with 12 representative district judges. The chief judges and their peers in their respective judicial 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!<sup>1</sup> 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 judicial 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, sponsors of all-paid judicial junkets, 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 their personal or class 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 federal judiciary’s modus operandi and triggering the process of its elimination, whether through legislation or 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.

The stakes for your audience and yourself, particularly in a presidential election year, warrant your pursuit of this story of coordinated judicial wrongdoing. You can focus it on a single, concrete case, [DeLano](#), whose salient facts, summarized in the attachment, reveal [a bankruptcy fraud scheme](#). The debtor in *DeLano* is a 39-year veteran of the banking industry who got his [debts](#) discharged in bankruptcy as his co-schemers’ present in view of his retirement while he was still an officer in M&T Bank’s bankruptcy department! If as a result of your exposé Mr. DeLano were indicted for [concealment of assets](#) and chose to plea bargain, he could incriminate co-scheming trustees, lawyers, and judges, who would in turn incriminate their superiors. To that end, you can undertake a [Follow the Money!](#) investigation, to which I can contribute the wealth of evidence that I have gathered through my research and described in my writings. Your exposé could become the equivalent of Emile Zola’s *I Accuse*, and 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.