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Exposing Judges' Unaccountability and Consequent Riskless Abuse of Power

Pioneering the news and publishing field of judicial unaccountability reporting

A study of judges and their judiciaries, who held unaccountable by themselves through their self-exemption from complaints and by politicians, have turned abuse of power into their institutionalized way of doing business; and their exposure by applying a strategy that out of court informs of, and outrages at, judges' abuse the only entity capable of forcing reform and holding them liable: *We the People*, the masters of all public servants, including judicial public servants

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EXECUTIVE SUMMARY

Section A(jur:21) discusses the means, motive, and opportunity enabling federal judges to do wrong. They wield their decision-making power with no constraints by abusing their self-disciplining authority to systematically dismiss 99.82% of the complaints filed against them. This allows them to pursue the corruptive motive of money: In CY10 they ruled on $373 billion at stake in personal bankruptcies alone. While all bankruptcy cases constitute 80% of the cases filed every year, only .23% are reviewed by district courts and fewer than .08% by circuit courts. Such de facto unreviewability affords judges the opportunity to engage in wrongdoing, for it is riskless and all the more beneficial in professional, social, and financial terms. Yet Congress and journalists abstain from investigating their wrongdoing for fear of making enemies of life-tenured judges. Hence, federal judges enjoy unaccountability. It has rendered their wrongdoing irresistible. They engage in it so routinely and in such coordinated fashion among themselves and with others as to have turned it into the Federal Judiciary's institutionalized modus operandi.

Section B(jur:65) describes *DeLano*, a case that can expose one of the gravest and most pervasive forms of wrongdoing: a judge-run bankruptcy fraud scheme. The *DeLano* bankruptcy judge was appointed and removable by his circuit judges. The appeal was presided over by Then-Circuit Judge Sotomayor. She and her peers protected their appointee by approving his unlawful denial of, and denying in turn, *every single document* requested by the creditor from the debtor, a 39-year veteran bankruptcy officer, an insider who knew too much not to be allowed to avoid accounting for over $⅔ of a million. The case is so egregious that she withheld it from the Senate Committee reviewing her justiceship nomination. Now a justice, she must keep covering up the scheme and all her and her peers' wrongdoing, just as she must cover for the other justices and they for her.

Section C(jur:81) explains how judges cover up their wrongdoing through knowing indifference and willful ignorance and blindness; and how their standard "avoid even the appearance of impropriety" can support a strategy: *DeLano* exposed, an outraged public will cause a justice to resign, as it did J. Fortas, and the authorities to investigate judges and undertake judicial reform.

Section D(jur:97) deals with exposing judges' unaccountability and wrongdoing through the use of *DeLano* at a multimedia presentation targeted on opinion multipliers, broadcast to the public, and intended to launch a Watergate-like generalized media investigation of wrongdoing in the Judiciary guided by the query, "What did the President and judges know about Then-Judge Sotomayor's concealment of assets and other judges' wrongdoing, and when did they know it?" and aimed at demanding that the President release the FBI vetting report on her. The presentation will be an Emile Zola *I accuse!*-like denunciation to pioneer judicial unaccountability reporting.

Section D4(jur:102) proposes a *Follow the money and the wire!* investigation of the *DeLano*-J. Sotomayor story. It implements the strategy of judicial unaccountability and wrongdoing exposure, not in court before reciprocally protecting judges, but journalistically. It can be cost-effective thanks to the leads extracted from over 5,000 pages of the record of *DeLano*, which went from bankruptcy court to the Supreme Court. It can be confined to, or expanded beyond, the Internet, D.C., NY City, Rochester, and Albany; and search for Deep Throats in the Judiciary.

Section E(jur:119) Proposes a multidisciplinary academic and business venture to promote judicial unaccountability reporting and reform. From informing the public and assisting victims of judicial abuse tell their stories, it should lead to the creation of an institute to conduct IT research; train reformers; advocate a legislative agenda; call for citizen boards of judicial accountability and an IG for the Judiciary; and become a champion of Equal Justice Under Law.

Section F(jur:171) Offers to present at law, journalism, business, and IT schools, media outlets, and civil rights entities the evidence of judges' unaccountability and wrongdoing; call for the formation of a multidisciplinary team of professionals to conduct further investigation and develop the news and publishing field of judicial unaccountability reporting; and ***dare trigger history!***

B. *In re DeLano*, Judge Sonia Sotomayor Presiding, and her appointment to the Supreme Court by President Barak Obama: evidence of a bankruptcy fraud scheme and her concealment of assets dismissed with knowing indifference and willful blindness as part of the Federal Judiciary's institutionalized modus operandi

1. Justiceship Nominee Judge Sotomayor was suspected of concealing assets by *The New York Times, The Washington Post,* and Politico

137. The evidence hereunder concerns what *The Washington Post*, *The New York Times*, and Politico suspected in articles contemporaneous with President Barak Obama's first justiceship nomination, to wit, that Then-Judge Sonia Sotomayor of the U.S. Court of Appeals for the Second Circuit (CA2) had concealed assets of her own[107a]. The evidence is in the financial statements that she filed with the Senate Committee on the Judiciary holding hearings on her confirmation.[107b] They show that in 1988-2008 she earned and borrowed $4,155,599 + her 1976-1987 earnings; but disclosed assets worth only $543,903, leaving unaccounted for $3,611,696 - taxes and the cost of her reportedly modest living[107c]. Thereby she failed to comply with that Committee's request that she disclose "in detail all [her] assets…and liabilities"[107b]. Her motive was to cover up her previous failure to comply with the requirement of the Ethics in Government Act of 1978 to file a "full and complete" annual financial disclosure report[107d]. The President disregarded the evidence of her dishonesty just as he did that of his known tax cheat nominees Tim Geithner, Tom Daschle, and Nancy Killefer[108]. The fact that the President is wont to nominate tax cheaters lends credibility to those respectable newspapers' suspicion that Judge Sotomayor too cheated on her taxes on the assets that she concealed.

138. Judge Sotomayor's concealment of assets of her own is consistent with evidence of her cover-up of concealment of assets of others through a bankruptcy fraud scheme[94] run by judges and bankruptcy system insiders[169] in a case in which she was the presiding judge: *DeLano*[109].

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[107] **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/6articles_JSotomayor_financials.pdf;

b) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf;

c) (i) http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/12table_JSotomayor-financials.pdf; **(ii)** http://Judicial-Discipline-Reform.org/SCt_nominee/14SenJudCom_investigate_JSotomayor.pdf

d) http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_14apr9.pdf

[108] **a)** http://judicial-discipline-reform.org/docs/**Geithner**_tax_evasion_jan9.pdf;

b) http://Judicial-Discipline-Reform.org/docs/**Tom_Daschle_tax_evasion**_feb9.pdf; and

c) http://Judicial-Discipline-Reform.org/docs/**Nancy_Killefer**_3feb9.pdf

[109] **a)** *DeLano*, 06-4780-bk-CA2, dismissed per curiam, J. Sotomayor, presiding; fn.131 >CA:2180

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_3oct8.pdf >US:2442§IX;

Although she and her CA2 peers were made aware of the scheme[110], they dismissed the evidence and protected their bankruptcy judge appointee[61a] that ran the scheme in *DeLano*. How they dismissed it is most revealing.

2. *DeLano* illustrates how concealment of assets is operated through a bankruptcy fraud scheme enabled by bankruptcy, district, and circuit judges, and Supreme Court justices

139. *DeLano*[111] concerns a 39-year veteran banker who in preparation for his debt-free retirement to a golden nest filed his personal bankruptcy[112a], yet remained employed by a major bank, M&T Bank, as a bankruptcy officer! He was but one of a clique of bankruptcy system insiders: His bankruptcy trustee had 3,907 *open* cases[113a] before the WBNY judge hearing the case; one of his lawyers had brought 525 cases[113b] before that judge; his other lawyer also represented M&T and was a partner in the same law firm[113c] in which that judge[113d] was a partner at the time of his appointment[61a] to the bench by CA2; when he was reappointed in 2006[114a], Judge Sotomayor was a CA2 member. M&T was likely a client of that law firm and even of the judge when he was a bankruptcy lawyer and partner there. The analysis of M&T cases[114b-c] and *DeLano* revealed the bankruptcy fraud scheme and these insiders' participation in it[115a]. The very large number of cases that these two trustees and lawyer have brought before Judge Ninfo and the "unusually close

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c) cf. http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_SCt_rehear_23apr9.pdf

110 http://Judicial-Discipline-Reform.org/Follow_money/motion_en_banc.pdf >CA:1947§§I, III

111 For a more detailed account of *DeLano*, see http://Judicial-Discipline-Reform.org/HR/11-4-25DrRCordero-HR_ComJud.pdf >GC:41§D

112 **a)** http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§V >W:43;

b) id. >§I.B=W:2

113 **a)** http://Judicial-Discipline-Reform.org/docs/Trustee_Reiber_3909_cases.pdf;

b) http://Judicial-Discipline-Reform.org/docs/Werner_525_before_Ninfo.pdf;

c) http://www.underbergkessler.com;

d) http://www.nywb.uscourts.gov/judge_ninfo_202.html >About [NY Western District] Bankruptcy J. John C. Ninfo, II, and fn.124

114 **a)** fn.111 >GC:32/fn.72; **b)** id. >GC:17§§B-C, describing bankruptcy cases to which M&T was a party and whose trustee had 3,382 cases before Judge Ninfo, http://Judicial-Discipline-Reform.org/docs/TrGordon_3383_as_trustee.pdf, and one of the lawyers 442, http://Judicial-Discipline-Reform.org/docs/MacKnight_442_before_JNinfo.pdf. The M&T cases went from bankruptcy court all the way to the Supreme Court, **c)** http://Judicial-Discipline-Reform.org/docs/DrCordero_v_TrGordon_SCt.pdf, as did *DeLano*, fn.109b.

115 **a)** That analysis was set forth in support of the request of 25apr11 to the H.R. Judiciary Committee to investigate the scheme; fn.111. It was turned into the 25may11 request made for a similar purpose to Rep. Michelle Bachmann and each of the Tea Party Caucus members; http://Judicial-Discipline-Reform.org/HR/7Tea_P/11-5-25DrRCordero-Tea_P&Caucus.pdf.

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Att_Grievance_Com.pdf

relationship between the[m]" and these other parties have provided for the development of the driver of their relation dynamics: "cronyism"(jur:32§2). Money and its sharing provide them with convergent motivational direction. [116]

140. In reliance thereon, the co-scheming 'bankrupt' officer declared that he and his wife had earned $291,470 in the three years preceding their bankruptcy filing[117a]. Incongruously, they pretended that they only had $535 "on hand and in account"[117b]. Yet, they incurred $27,953 in known legal fees, billed by their bankruptcy lawyer, who knew that they had money to pay for his services[117c], and approved by the trustee and the judge. They also declared one single real estate property, their home, bought 30 years earlier[117d] and assessed for the purpose of the bankruptcy at $98,500, on which they declared to carry a mortgage of $77,084 and have equity of only $21,416[117e]…after making mortgage payments for 30 years! They sold it 3½ years later for $135,000, a 37% gain in a down market.[118f] Moreover, they had engaged in a string of eight mortgages from which they received $382,187, but the trustee and the judge refused to require them to account for it[117g].

141. For six months the bankruptcy officer and his wife, their lawyers, and the trustee treated a creditor that they had listed among their unsecured creditors as such and pretended to be searching for their bankruptcy petition-supporting documents that he had requested[118a]. It was not until the creditor brought to the judge's attention[118b] that the 'bankrupts' had engaged in concealment of assets that they moved to disallow his claim[118c]. The judge called on his own for an evidentiary hearing on the motion only to deny discovery of *every single document* that the creditor requested, even the bankrupts' bank account statements, indispensable in any bankruptcy[119a]. Thereby the judge deprived the creditor of his discovery rights, thus flouting due process. He turned the hearing[119b] and his grant of the motion into a sham[120]. The judge also stripped the creditor of standing in the case so that he could not keep requesting documents, for they would have allowed tracking back the concealed assets. On appeal, the judge's colleague in the same small federal building[121a] in Rochester, NY[115b], a WDNY district judge(jur:236), also denied *every single document* requested by the creditor[121b].

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[116] For the names and contact information about the trustees, attorneys, and judges referred to here, see Complaint to the Attorney Grievance Committee for the New York State Seventh Judicial District [of the Appellate Division, Fourth Department, of the NYS Supreme Court] against attorneys engaged in misconduct contrary to law and/or the NY State Unified Court System, Part 1200 - Rules of Professional Conduct, GC:1§I; http://Judicial-Discipline-Reform.org/NYS_att_complaints/16App_Div/DrRCordero-AppDiv4dpt.pdf.

[117] **a)** fn.112 >§I.B >W:2; **b)** id. >§V >W:51; **c)** id.>§XI >W:148; **d)** id.>§VIII >W:93; **e)** id.>§V >W:50; **f)** id.>§X >W:145; **g)** id.>§VIII >W:89-112 and fn.111>HR:217

[118] **a)** fn.111 >GC:47:§3; **b)** id. >GC:45§2; **c)** id. >GC:49§4

[119] **a)** http://Judicial-Discipline-Reform.org/Follow_money/docs_denied.pdf; **b)** fn.111 >GC:51§5

[120] **a)** 'Hear' the judge's bias: http://Judicial-Discipline-Reform.org/docs/transcript_DeLano_1mar5.pdf; **b)** cf. http://Judicial-Discipline-Reform.org/Follow_money/Analysis_Trustee_report_23aug5.pdf

[121] **a)** fn.65. >GC:11¶11; **b)** fn.119a >de:28; and http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_WDNY.pdf >Pst:1255§1 and 1281¶62; **c)** fn.111 >GC:58§8; cf. GC:54§7

3. Then-Judge Sotomayor's concealment of her own assets reveals wrongdoing as part of the modus operandi of peers and their administrative appointees, which requires justices to keep covering up their own and their peers' wrongdoing

a. Judge Sotomayor refused to investigate a bankruptcy officer's bankruptcy petition, though suspicious per se

142. When *DeLano* reached CA2, Judge Sotomayor, presiding[109b], condoned those unlawful denials and even denied in turn *every single document* in 12 requests by the creditor-appellant[122a]. However, she too needed those documents, e.g., bank and credit card statements, real estate title, home appraisal documents, etc., to find the facts to which to apply the law[122b]. Thus, she disregarded a basic principle of due process: The law must not be applied capriciously or arbitrarily[122c] in a vacuum of facts or by willfully ignoring them. Her conduct[121c] belied her statement before the Senate Judiciary Committee that her guiding principle as a judge was "fidelity to the law"[132f].

143. Judge Sotomayor also condoned the refusal of the bankruptcy judge to disqualify himself for conflict of interests(jur:66¶139) and "the appearance of impropriety"[123a-b], just as she refused to disqualify him[123c]. During her membership in the 2nd Circuit's Judicial Council[123d], she too denied the petition to review the dismissal without any investigation of the misconduct complaint against him[124]. This formed part of her pattern of covering up for her peers: As a CA2 member she condoned, and as a Council member she applied, the Council's unlawful policy during the 13-year period reported online of denying 100% of petitions to review dismissals of complaints against her peers[125a]. Thereby she contributed to illegally abrogating in effect an act of Congress giving complainants the right to petition for review[18b]; and also condoned the successive CA2 chief judges' unlawful practice of systematically and without any investigation dismissing such complaints[125a]. She did not "administer justice" [to her peers] rich"[90] in judicial connections, but rather a 100% exemption from accountability[125b]; and the "equal right" [126] that she did to them was to disregard all complaints against them, no matter their gravity or pattern, whether the allegation was of bribery, corruption, conflict of interests, bias, prejudice, abuse of power, etc.[127] Her unquestioning partiality toward her own was "without respect"[90] for complainants, other litigants, and the public. Instead of Equal Justice Under Law[126], Judge Sotomayor upheld Judges Can Do No Wrong. She breached her oath.

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[122] **a)** fn.109b >US:2484 Table: Document requests & denials; jur:16; **b)** fn.119 >de:18§II; **c)** fn.33 >mp:3§A

[123] **a)** http://Judicial-Discipline-Reform.org/docs/Code_Conduct_Judges_09.pdf >Canon 2;

b) cf. http://Judicial-Discipline-Reform.org/docs/ABA_Code_Jud_Conduct_07.pdf >Canon 1, p.12;

c) http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_06_4780_CA2.pdf >CA:1725§A, 1773§c;

d) http://Judicial-Discipline-Reform.org/docs/28usc332_Councils.pdf

[124] http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:36 and 48

[125] **a)** fn.111 >HR:214; **b)** other ways of judges self-assuring their unaccountability, id. >HR:3/fn.10

[126] fn.69 >§§4-6

[127] **a)** fn.19b >Cg:1-4; **b)** fn.111 >HR:219

144. By so doing, Judge Sotomayor rendered wrongdoing irresistible: She assured her peers of its risklessness, insulating it from any disciplinary downside while allowing free access to its limitless scope and profitability upside. So she emboldened them to engage ever more outrageously in the bankruptcy fraud scheme[94] and other forms of wrongdoing. By removing wrongdoing's stigmatizing potential and allowing its incorporation into the judges' modus operandi, she encouraged their resort to its efficiency multiplier: coordination. Through it, wrongdoing becomes institutionalized and wrongdoers' benefit from it becomes interdependent. Collective survival must be coordinated too since it requires their continued reciprocal cover-up[128]. Then-Judge Sotomayor thus ensured that they would cover up her concealment of assets. Now a Justice, she is not a champion of the Judiciary's integrity, but rather their accomplice[129a].

145. Indeed, the *DeLano* bankruptcy officer had during his 39-year long banking career learned who had turned the skeletons in the closet into such. The risk of his being indicted and trading up information about a higher-up wrongdoer in exchange for some immunity, which could be repeated by others and have domino effect, motivated Judge Sotomayor and her peers to allow the bankruptcy officer to retire to a golden nest with at least $673,657(jur:15) in known concealed assets[112b]. To protect peers, other insiders, and herself, she failed in her duty under 18 U.S.C. §3057 to report to the U.S. attorneys, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed'[130a]. In how many of the thousands of cases[113a-b,114b] before their appointed[61] bankruptcy judges have she and other judges complicitly let the bankruptcy fraud scheme fester with rapaciousness[130b] and who benefited or was harmed thereby?

b. Then-Judge Sotomayor withheld the incriminating *DeLano* case from the Senate Judiciary Committee so as not to scuttle her confirmation

146. Then-Judge Sotomayor also took wrongful action to secure the benefit of her nomination to a justiceship by President Obama through its confirmation by the Senate. She so clearly realized how incriminating[131] the *DeLano* case was that she withheld it from the documents that she was required by the Senate Judiciary Committee to submit in preparation for its confirmation hearings[132]. By so doing, she committed perjury since she swore that she had complied with the

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128 http://Judicial-Discipline-Reform.org/docs/Dynamics_of_corruption.pdf

129 **a)** fn.111 >GC:61§1; **b)** fn.111 >HR:215; **c)** id. >HR:219, GC:63§2

130 **a)** http://Judicial-Discipline-Reform.org/docs/make_18usc3057_report.pdf >§3057(a) and fn.110 >CA:1961¶¶28-31; **b)** http://Judicial-Discipline-Reform.org/docs/18usc_bkrp_crimes.pdf

131 http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_rehear.pdf, 14mar8

132 **a)** http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_withheld_info.pdf;

b) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/7DrCordero-SenJudCom_docs.pdf, 3july9 >sjc:1;

c) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenReid_SenMcConnell.pdf, 13july9;

d) Sample of the letter sent to each Senate Judiciary Committee member, 13july9; fn.159e;

e) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/18DrCordero-SenJudCom.pdf,

Committee's initial and supplemental document requests[107b].

147. Indeed, the Committee requested in its Questionnaire for Judicial Nominees that she "13.c. Provide citations to all cases in which you were a panel member, but did not write an opinion" and "13.f. Provide a list of all cases in which certiorari was requested or granted".[133] The Judge referred the Committee to the Appendix[134] for her answer and stated in her letter of June 15, 2009, that "In responding to the Committee Questionnaire, I thoroughly reviewed my files to provide all responsive documents in my possession". However, she did not include the *DeLano* case in the Appendix or in either of the supplements with her letters to the Committee of June 15 or 19[135] following its requests for more precise answers.

148. Then-Judge Sotomayor was fully aware of *DeLano*, for she was the presiding judge on the panel that heard oral argument on January 3, 2008, when she also received the written statement by the attorney arguing the case, Dr. Cordero, that he filed with her and each of the other members of the panel.[136] By then she had been made aware of the importance of the case by the motions judge referring to the panel many of the 12 substantive motions that he had filed in that case.[137] She was also the first judge listed on the order dismissing the case the following February 7.[138] She had to further handle the case because of the petition for panel rehearing and hearing en banc filed by the attorney on March 14.[131] Moreover, after she and her colleagues denied both on May 9 by reissuing the order as the mandate[138], the attorney filed an application with Justice Ginsburg on June 30[139], and then with all the Justices for injunctive relief and a stay of the order on August 4, 2008.[140] Thereafter, a petition for certiorari was filed on October 3.[137] What is more, a petition

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14july9 >p.2§2;

e) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/20DrCordero-SenJudCom_14jul9.pdf, 14july9;

f) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/1DrCordero-Senate.pdf, 3aug9

[133] **a)** http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm >Committee Questionnaire > p.88§c and 98§f;

b) with added bookmarks useful for navigating the file containing the materials relating to cases and financial affairs submitted by Judge Sotomayor in response to the Questionnaire, also at http://Judicial-Discipline-Reform.org/SCt_nominee/JSotomayor_integrity/2SenJudCom_Questionnaire_JSotomayor.pdf.

[134] http://judiciary.senate.gov/nominations/SupremeCourt/Sotomayor/SoniaSotomayor-Questionnaire.cfm > Committee Questionnaire - Appendix; and fn.133b.

[135] Fn.133a and fn.133b >JS:304 and 313.

[136] http://Judicial-Discipline-Reform.org/docs/DrCordero_v_DeLano_CA2_oralarg.pdf

[137] http://Judicial-Discipline-Reform.org/US_writ/1DrCordero-SCt_petition_3oct8.pdf >US:2484. Table: Document requests by Dr. Cordero and denials by CA2.

[138] fn.131 >CA:2180, as subsequently reissued as mandate.

[139] http://Judicial-Discipline-Reform.org/SCt_chambers/2injunctive_relief/DrCordero_JGinsburg_injunction_30jun8.pdf

[140] http://Judicial-Discipline-Reform.org/SCt_chambers/8application_injuction_stay/1DrRCordero-SCtJustices_4aug8.pdf

for rehearing was filed on April 23, 2009, of the denial of certiorari, which was denied the following June 1.[141]

149. All these proceedings were exceedingly sufficient to make the case stand out in Then-Judge Sotomayor's mind. Nonetheless, she had to deal with it once more after the attorney filed with the Judicial Council of the Second Circuit, of which she was then a member, a petition for review of the dismissal by Chief Circuit Judge Dennis Jacobs of the judicial misconduct complaint for bias, prejudice, and abuse of judicial power in *DeLano*, 02-08-90073-jm.[142] The complaint's subject was, not just any judge, but rather her and her colleagues' appointee to a bankruptcy judgeship, i.e., Bankruptcy Judge John C. Ninfo, II, WBNY. This could only have made her all the more aware of the need to submit also *DeLano* to the Senate Judiciary Committee in the context of its confirmation hearings on her justiceship nomination. However, the risk for her of the Committee reviewing it was too high because what was at stake was a cover-up of a judge-run bankruptcy fraud scheme involving lots of money.[60]

4. The investigation of other justices for reciprocally covering up their wrongdoing

a. Justice Elena Kagan: under suspicion of prejudice toward a law, but without a historic opportunity to have covered for judges

150. Forty-nine U.S. representatives requested the House Judiciary Committee to investigate the involvement of Justice Elena Kagan while Solicitor General in the defense of Obamacare to determine whether she lied about it during her confirmation and should recuse herself now.[143] This supports the call for Justice Kagan to be investigated also for her past and present role in covering up Justice Sotomayor's and other Justices' wrongdoing.[144] However, she was never a

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[141] http://Judicial-Discipline-Reform.org/US_writ/2DrCordero-SCt_rehear_23apr9.pdf

[142] **a)** http://Judicial-Discipline-Reform.org/JNinfo/21review_petition/2DrCordero_JudCoun_10nov8.pdf. All the documents of this judicial wrongdoing complaint are collected at fn.124.

b) http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf >N:51¶¶1-4 and N:39, which collects on one table the statistical complaint tables of the Administrative Office of the U.S. Courts and provides links thereto. See also N:146, which describes how its Director, James Duff, refused to discharge his "self-explanatory" duty under Rule 22(e) of the Rules for Judicial Conduct and Disability Proceedings to "distribute the petition [for review of the Judicial Council's mishandling of the complaint against Judge Ninfo] to the members of the Committee [on Judicial Conduct and Disability] for their deliberation". http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf

[143] http://Judicial-Discipline-Reform.org/docs/RepMBachmann_Tea_Party_Caucus_jul10.pdf >mb:19-24

[144] **a)** The investigation of J. Sotomayor can lead to J. Ruth Bader Ginsburg, who as the 2nd Circuit's Circuit Justice[98], has responsibility for its integrity, and to other justices;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;

c) They were informed of evidence of corruption therein, such as a judge-run bankruptcy fraud scheme and her concealment of assets, but in self-interest dismissed it with knowing

judge. Thus, she comes to the Supreme Court without the baggage that the other justices and lower court judges must keep carrying of their participation in, or condonation of, individual and coordinated wrongdoing. Hence, she might see it in her interest not to join in its cover-up and instead denounce it from the inside and advocate measures to combat and prevent it.

b. Justice Clarence Thomas: his concealment of his wife's assets by filing for years deceptive financial disclosure reports

151. As for Justice Clarence Thomas:

> [In February 2011], 74 Democrats in Congress cited the threat to the court's authority when they asked Justice Thomas to recuse himself from an expected review of the health care reform law. This came after an announcement by his wife, Virginia, a lobbyist, who said she will provide "advocacy and assistance" as "an ambassador to the Tea Party movement," which, of course, is dedicated to the overturning of the health care law. The representatives based their request on the "appearance of a conflict of interest," because of a conflict they see between his duty to be an impartial decision-maker and the Thomas household's financial gain from her lobbying." The Thomas Issue, Editorial, *The New York Times*, 17feb11;
>
> http://Judicial-Discipline-Reform.org/docs/justices_improprieties.pdf >imp:13
>
> Under pressure from liberal critics, Justice Clarence Thomas of the Supreme Court acknowledged in filings released on Monday that he erred by not disclosing his wife's past employment as required by federal law. Justice Thomas said that in his annual financial disclosure statements over the last six years, the employment of his wife, Virginia Thomas, was "inadvertently omitted due to a misunderstanding of the filing instructions."…While justices are not required to say how much a spouse earns, Common Cause said its review of Internal Revenue Service filings showed that the Heritage Foundation paid Mrs. Thomas $686,589 from2003 to 2007. Thomas Cites Failure to Disclose Wife's Job, Eric Lichtblau; *The New York Times;* 24jan11; id. >imp:1.

152. Justice Thomas's excuse has two equally unflattering implications: The first is that he was making an admission against self-interest of his incompetence to understand the vastly more intricate Tax and Bankruptcy Codes, the complexities of multistate class action litigation on securities fraud and product liability, the clash between abstract notions and public policy considerations of constitutional law, etc. The second implication is that he was being disingenuous by pretending that for six years he just could not figure out the simple requirement of the Ethics in Government Act of 1978[145a] –adopted sufficiently long ago for its interpretation to have become

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indifference and willful blindness; fn:123b >CA:1721. Cf. jur:90§§b,c.

d) Cf. http://Judicial-Discipline-Reform.org/journalists/CBS/11-5-18DrRCordero-ProdCScholl.pdf re Former Arizona Superior and Appellate Court Judge and Supreme Court Justice Sandra Day O'Connor and alleged corruption in Arizona courts. Cf. fn.249 on two-acts patterns.

[145] **a)** http://Judicial-Discipline-Reform.org/docs/5usc_Ethics_Gov_2011.pdf >"§102(e)(1)…each report required by section 102 shall also contain information…respecting the spouse…(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and the source and amount of any honoraria received by a spouse…" and **b)** Cf. http://Judicial-Discipline-Reform.org/

well established– underlying the financial disclosure form entry "III. Non-investment income (Reporting individual and spouse; see 17-24 of filing instructions)"[145b]. This would mean that he was perfectly aware that if he disclosed the source of his wife's income, he would reveal his conflict of interests in cases where the conservative causes that she represented were at stake, thereby giving motive for parties to ask for his recusal and becoming less effective as an inconspicuous advocate for Supreme Court decisions that would benefit his household financially.

153. In determining whether Justice Thomas acted 'knowingly and willfully to falsify information or fail to file or report any reportable information', as provided for under the Ethics Act, 5 U.S.C. §104[145a], it can prove extremely valuable to speak, even if on the condition of anonymity, with those who not only worked for him daily and closely, but who also engaged in research and writing precisely for the purpose of shaping or expressing his thinking on the application of the law to issues and cases: their law clerks(jur:106§c). They can shed light on whether they or other clerks ever helped Justice Thomas directly or indirectly fill out his annual financial disclosure report, discussed it with him or heard him discuss it; if so, whether he gave them the "appearance" (jur:92§d) of being overwhelmed by the difficulty of understanding the requirement of disclosing his wife's income or rather of being clever enough to realize the obvious: For years he and his peers justices and judges have gotten away with filing pro forma disclosure reports[213]. So he could perform a simple cost-benefit analysis that would lead him to this conclusion: He could keep omitting his wife's income in order to derive a benefit that would become his and his wife's permanently because even if he ever got caught, he would merely file amended disclosure reports and go on holding his justiceship for life, whose salary cannot be diminished(jur:54¶110), and experience no other adverse consequence for 'bad Behaviour', let alone the civil and criminal penalties provided for by the Act, such as a penalty of up to $50,000 and/or up to one year in prison.

154. The justices' law clerks, like those of the lower court judges, may have been observers or even enforcers of the wrongdoing that the justices asked them to carry out. They may have kept silent about it or done wrong as asked to in order not to incriminate themselves or risk not receiving a glowing letter of recommendation with which a justice can make "a clerkship [] a ticket to a law firm job that can include a $250,000 signing bonus"[146]. That money was not gifted as a recognition prize for the achievement of clerking for a justice; rather, it was paid as the purchase price of the inside information about the justices that the former clerk gained while working among them. The former clerk was expected to divulge to his or her new bosses everything learned about the old one and the other brethren and sisters.

155. Therefore, one can only dread the impact on the clerks' integrity of their first-hand knowledge, and subsequent fat check, of justices' or judges' modus operandi as 'the richest in judicial power doing unequally well for themselves and performing with poorest impartiality all the wrongs expected of them under the agreements and implications necessitated by their reciprocal cover-up dependent survival so help me and I'll help you'(cf. jur:75¶160). What kind of persons and professionals did they go on to become after their clerkship ended and they had to discharge the duties incumbent upon them according to their own oath as officers of the court and attorneys at law? Have the justices, as well as their law clerks, become inured to giving precedence to complicit collegiality over principled conduct (jur:62§g)? Have they incorporated into their own modus operandi knowing

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SCt_nominee/JSotomayor_03-07_reports.pdf

[146] A Sign of the Court's Polarization: Choice of Clerks: The Roberts Court, Adam Liptak, The *New York Times*; 6sep10; http://Judicial-Discipline-Reform.org/docs/SCt_justices-clerks.pdf >Scj:2

indifference, willful ignorance and blindness(jur:88§§a-c), and coordinated wrongdoing (jur:69¶144) as means of rendering their office liability-proof? Let's compare some early and current facts.

c. The justices' historic, statutory, and institutional duty to state their peers' "error" of partiality and disregard for legality

156. Each of the justices is allotted to one or more of the circuits as circuit justice. This allotment traces its origin to the creation of the Federal Judiciary by the Judiciary Act of 1789[147]. It assigned to the justices appellate duties, from which supervisor functions derive.

> Sec. 4. …there shall be held annually in each district of said circuits, two courts, which shall be called Circuit Courts, and shall consist of any two justices of the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: *Provided,* That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision."

157. Holding circuit court in district after district within a circuit gave rise to the 'riding circuit' duty of the justices. They had to make right whatever they found wrong "in any case of appeal or error" from a district judge's decision. It stands to reason that if any of the justices or the judge that joined them found that the wrong in the case had been conduct by the appealed-from judge entailing partiality or disregard for the law or the Constitution, either of which may be motivated by a bribe, bias, prejudice, conflict of interests, ignorance, etc., they had to state and correct it.

158. To begin with, such conduct, then as well as now, contravenes the very premise of adopting laws and a constitution in order to render justice according to them. In government, not of men, but by the rule of law, justice is not administered when the judge rules in self-interest, on a whim, or arbitrarily. Such biased conduct denies a fundamental justification for adopting law, namely, to give public notice to the people of the standard of conduct expected of them under the applicable circumstances. However, litigants had no notice before the events originating the controversy at bar of the judge's personal standards or any other decisional basis that he may conjure up on the spur of the moment in the courtroom or when writing his decision; nor did litigants have any opportunity or legal duty to adjust their conduct to them. For a judge so to rule amounts to applying to litigants an ex post facto law of his own making and based on his own conception of right or wrong, good or bad, or just his own personal interest, thus unfairly surprising the litigants.

159. It constituted an "error" under the 1789 Judiciary Act for a judge to decide a case by giving in to his bias as did by definition disregarding the law or the Constitution; this is still the case. By so doing, the judge violated any common or statutory law prohibiting such conduct on the part of, in particular, judges or, in general, public officers, which judges were and are, such as the constitutional provision of Article II, Section 4[12b], making it impeachable for such officers to commit "Treason, Bribery, or other high Crimes and Misdemeanors". Justices 'riding circuit' had to correct it. In modern times, since 1948, the law at 28 U.S.C. §144[40] so clearly recognizes "Bias or prejudice of judge" to be inimical to the administration of justice that under that caption it provides for the *automatic* replacement of the judge so charged, not by a justice reviewing his decision,

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147 http://Judicial-Discipline-Reform.org/docs/Judiciary_Act_1789.pdf

but rather by a party before the case has even started:

> Section 144. Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.…

160. Likewise, biased or law-disregarding conduct violated the oath of office that Section 8 of the Judiciary Act required justices and district judges to take:

> Sec. 8. …the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as…, according to the best of my abilities and understanding, agreeably to the constitution, and laws of the United States. So help me God."

161. That oath is still essentially the same as the one that the current Judicial Code provides today at 28 U.S.C. §453[90], except that the subjective standard of the judges' "abilities and understanding" has been eliminated and replaced with the objective, more stringent standard "discharge and perform all the duties incumbent on me as…under the Constitution and laws of the United States. So help me God". From the start of the Federal Judiciary when justices 'riding circuit' realized that the appealed-from district judge had breached his oath, they had a duty to assign it as "error".

162. Today justices 'ride to the circuit or circuits' to which they are allotted, where they "shall be competent to sit as judges of the court", §43(b)[40]. They attend meetings of the circuit's judicial council[96] and are bound to learn, whether formally or informally, about its processing of petitions to review the chief circuit judge's dismissal of misconduct complaints against judges in the circuit. The justices also attend the circuit's judicial conference of all the judges in the circuit and invited members of the bar[148], where council reports on the handling of those complaints are discussed[23b]. Hence, the justices must be deemed to have constructive knowledge that the chiefs systematically dismissed 99.82% of complaints during the reported 1oct96-30sep08 12-year period(jur:24§§b-c) and that the councils have denied up to 100% of those petitions during the same reported time.[19] Indeed, the chief justice of the Supreme Court is the chairman of the publisher of those statistics, namely, the Administrative Office of the U.S. Courts[10], which must report them annually to Congress under 28 U.S.C. §604(h)(2)[23a].

d. Circuit Justice Ginsburg and her peer justices and judges have reciprocally known and covered up their partiality to each other and disregard for legality, specifically those of Judge Sotomayor

163. Second Circuit Justice Ginsburg must know that the Circuit's judicial council denied each and every one of those petitions for review during that 96-08 12-year period, and that during part of that time Then-Judge Sotomayor was a member of it[20]. She bears institutional responsibility for judicial integrity(cf. jur:57¶119 >Canon 1), that is, for judges ruling free of the "error" of partiality and disregard for the laws and the Constitution. Her responsibility concerns the

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[148] http://Judicial-Discipline-Reform.org/docs/28usc331-335_Conf_Councils.pdf >§333

integrity of, particularly, the 2nd Circuit judges and, generally, the Federal Judiciary. Yet, she too, like her 2nd Circuit peers and the other circuit justices, failed to discharge that responsibility by not stating publicly, as 'justice seen to be done' requires[71], that they had shown discipline-exempting partiality toward their complained-against peers by systematically dismissing complaints against them and denying 100% of petitions to review such dismissals or condoning such actions, whereby they had not only disregarded the underlying Judicial Conduct and Disability Act[18a], but had also in fact abrogated it.

164. Circuit Justice Ginsburg knows that any witness, including a criminal defendant, caught in a lie on the stand impeaches his character for truthfulness and can reasonably be doubted as to any other statement that he makes, have his testimony disbelieved, and be found guilty and sentenced to death. Hence, she must be conclusively presumed to know that those judges that showed systematic and even 100% partiality toward their peers as well as law-abrogating disregard for the law impeached their impartiality and respect for the rule of law and could reasonably be expected to show partiality and disregard for the law in every other case. As a circuit justice and a taker of the judicial oath of office, she had a duty to administer equal justice to her influence rich peers and the influence poor complainants and litigants by publicly finding their decisions in "error" for partiality and disregard of the law. Instead, she covered up their "error", thereby breaching her oath and denying justice to the people, that is, to everybody already and in future affected directly or indirectly by the decisions of partiality-prone, law-disregarding judges.

165. Likewise, Justice Ginsburg failed to discharge her statutory duty under 18 U.S.C. 3057(a)[130a] to make a report to the U.S. attorney whenever she had, not hard evidence, but just 'a belief that bankruptcy fraud may have been committed' or that an investigation thereof must be had (jur:69¶145). She was bound to have that belief if she had proceeded as a reasonable person who had repeatedly received notice[149] together with supporting evidence of Judge Sotomayor's concealment of her own assets[107a,c] and cover up of those involved in the bankruptcy fraud scheme[60] in the *DeLano* case[109a], which was presided over by Judge Sotomayor[131]. The latter's peers[150] on the court[110; 207-209] and the judicial council[151], other justices, including Chief Justices Rehnquist[152] and Roberts[153], and J. Breyer[154], the Supreme Court[109b,c; 155], and all the 27 top

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149 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero-JGinsburg_injunction_30jun8.pdf;

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justices&judges.pdf

c) http://Judicial-Discipline-Reform.org/docs/DrRCordero-CirJus_JudCoun_11feb4.pdf

150 **a)** fn. 105(b)(i)(ii),(iv);

b) http://Judicial-Discipline-Reform.org/docs/3DrCordero_v_reappoint_JNinfo.pdf

151 **a)** fn.149a,b;
b) http://Judicial-Discipline-Reform.org/docs/DrRCordero-JudCoun_local_rule5.1h.pdf

152 **a)** http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Jud_Conference_18nov4.pdf;
b) On C.J. Rehnquist's character and honesty see http://www.nytimes.com/2012/03/20/us/new-look-at-an-old-memo-casts-more-doubt-on-rehnquist.html, Adam Liptak, NYT, 19mar12; also at **c)** http://Judicial-Discipline-Reform.org/docs/Legal_news.pdf >Ln:1.

153 **a)** http://Judicial-Discipline-Reform.org/Follow_money/JConf_systematic_dismissals.pdf

b) http://Judicial-Discipline-Reform.org/docs/DrRCordero_2v_JNinfo_6jun8.pdf >N:6, 28

154 http://Judicial-Discipline-Reform.org/docs/DrRCordero-Justice_SBreyer_Com_26nov4.pdf

judges on the Judicial Conference[156], had similarly received such notice repeatedly[157].

166. Each and all of them had a duty to expose as **"error"** J. Sotomayor's partiality toward herself and the bankruptcy fraud schemers; and her disregard for the law and her oath. They failed to do so, allowing instead their own 100% bias toward their peers and disregard for legality to determine their conduct. They all intended the reasonable consequences of their act of showing knowing[23b] indifference(jur:90§b) to the wrongdoing that their peers were complained about: They aided and abetted them in doing wrong ever more egregiously and in ever wider areas of their conduct, whereby they facilitated their turning wrongdoing into the Federal Judiciary's institutionalized modus operandi. They enabled their making a federal justiceship a safe haven for Wrongdoing Judges Above the Law.

5. The investigation of what the President and his aides knew about Then-Judge Sotomayor's wrongdoing and when they knew it

167. President Obama too disregarded *DeLano* despite the evidence therein incriminating his nominee in the cover-up of the bankruptcy fraud scheme and the schemers. His vetting of Judge Sotomayor through his staff and the FBI must have found that case, for it was in the CA2's public record. He too had a duty: to vet justiceship candidates and choose among them, not in his interest, but rather for their fitness. He was not entitled to have his staff and the FBI vet them only for him to hush up[158] their finding[107a] of Judge Sotomayor's concealment of her assets[107c] and of those trafficked through the fraud scheme. Had he acted responsibly in the public interest, he would have realized that she had withheld(jur:69§b)[132] *DeLano*[109] to prevent her cover on the scheme from blowing up and scuttling her nomination. Thereupon he had a duty to stop vouching for her integrity and either withdraw her nomination or disclose the incriminating information to enable others to make informed decisions, whether it was senators to confirm her or the public to request her confirmation.

168. Instead, the President buried the incriminating information in *DeLano* and in his staff's and FBI's vetting report under lies about her integrity in order to curry favor with Latino and feminists voters, who wanted a Latina and another woman on the Supreme Court, and whose support he needed to cajole in preparation for another 'confirmation' far more important to him:

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155 **a)** fn.109b,c; 114c;

b) http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf

156 **a)** fn.91a; **b)** fn.153 >N:6, 41, 92; **c)** fn.285

d) http://Judicial-Discipline-Reform.org/docs/DrCordero_2complaints_JConf.pdf

157 http://Judicial-Discipline-Reform.org/docs/DrCordero_to_Justices_4aug8.pdf

158 **a)** Rep. Darrell Issa says Obama administration is 'one of most corrupt', Philip Rucker, *The Washington Post*, 2jan11; http://Judicial-Discipline-Reform.org/docs/WPost_RepDIssa_2jan11.pdf; **b)** Complaint about judicial wrongdoing and supporting evidence filed with Rep. Darrell E. Issa, Chairman, and Rep. Elijah Cummings, Ranking Member, H.R. Committee on Oversight and Government Reform; http://Judicial-Discipline-Reform.org/HR/11-4-7DrRCordero-HR_COGR.pdf

the passage by Congress of his signature piece of legislation, Obamacare. In his self-interest, President Obama fraudulently got a dishonest nominee confirmed and misled the Senate and *We the People*. Thereby he saddled this country with a dishonest justice for her next 20 or 30 years on the Supreme Court. From there she will contribute to making the law of the land, which she must continue to break through her continued concealment of assets, whose sudden appearance on her financial reports would incriminate her. Therefore, the offense of the President against the country is a continuing one as is J. Sotomayor's.

169. A.G. Eric H. Holder, Jr., also had a duty. By taking the oath of office, he bound himself to uphold the Constitution and enforce the laws thereunder in the interest of, not the President, but rather the people[159a]. Similarly duty-bound were the other federal[159b-f] and state officers[160] who vetted Judge Sotomayor or received complaints about her, the schemers[161], and their condoners. But they would not even ask those complained-against to answer the complaint or request any evidence-corroborating document[160d].

6. The senators received documents allowing them to suspect Then-Judge Sotomayor of concealment of assets and alerting them to her withholding of *DeLano*, but did nothing about it

170. The same investigation should include all those Democrats and Republicans on the Senate Judiciary Committee[162] and the Senate leadership[132b] that requested and received financial

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[159] **a)** http://Judicial-Discipline-Reform.org/DoJ-FBI/DrRCordero-DoJ_FBI_08-09.pdf. The latest complaint to DoJ has the statement of facts about the fraud scheme; http://Judicial-Discipline-Reform.org/DoJ-FBI/11-3-10DrRCordero-AUSALGerson.pdf >GC:14§III.

b) http://Judicial-Discipline-Reform.org/docs/DrCordero-**Tr_Schmitt_Martini_Adams**.pdf;

c) Cf.http://Judicial-Discipline-Reform.org/docs/DrCordero-**Tr_Schmitt_Schwartz**.pdf;

d) http://Judicial-Discipline-Reform.org/docs/DrRCordero-AG_J**Ashcroft**_24mar3.pdf;

e) http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-**SenCSchumer**.pdf;

f) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-**SenKGillibrand**_16oct10.pdf

[160] **a)** http://Judicial-Discipline-Reform.org/DANY/9DrRCordero-**NYCDACVance**_11nov10.pdf;

b) http://Judicial-Discipline-Reform.org/midterm_e/DrRCordero-**AGACuomo**_22oct10.pdf;

c) http://Judicial-Discipline-Reform.org/AG/1DrRCordero-**AGESchneiderman**_4feb11.pdf = fn.111 >HR:7, 251;

d) id. >HR:233§E

[161] **a)** http://Judicial-Discipline-Reform.org/docs/DrRCordero-**Disciplinary_Com**.pdf;

b) which invokes supervisory responsibilities under state law, contained in the Rules of Professional Conduct, 22 NYCRR Part 1200 [NY Codification of Codes, Rules, and Regulations], Rule 5.1(b); http://www.courts.state.ny.us/rules/jointappellate/index.shtml; with enhanced bookmarks to facilitate navigation also at http://Judicial-Discipline-Reform.org/docs/NYS_Rules_Prof_Conduct.pdf.

[162] http://Judicial-Discipline-Reform.org/SCt_nominee/Senate/DrRCordero-list_Sen_mem_28

documents[107b] from Judge Sotomayor but disregarded their glaring inconsistencies[107c] and the suspicion of her concealment of assets raised by *The New York Times*, *The Washington Post*, and Politico[107a]. They continued to do so even after they were alerted repeatedly by hardcopy, fax, email, and telephone both to such inconsistencies through the analysis[132] of those documents and to the evidence of her personal and coordinated wrongdoing. The senators were so determined neither to confront Judge Sotomayor publicly during the hearings[163a] with her own financial documents and their inconsistencies nor to allow the public to do so on their own that they refused to post either that analysis or the letters sent to them and the Committee[132] on the Committee website[163b] where they were posting the letters of citizens sent to them on the issue of the Judge's confirmation. By so doing, they engaged in unequally treating a member of the public and depriving all of the public of evidence that such public needed to make an informed decision on the confirmation of Judge Sotomayor.

171. The investigation should also probe into the senators' motive for allowing Judge Sotomayor to withhold *DeLano* from them even though they were alerted also to this withholding[132b-f] and were furnished with a copy of the CA2 summary order dismissing *DeLano* and bearing her name as presiding judge[id.]. By allowing her to withhold *DeLano*, they engaged in wishful blindness that knowingly allowed her to commit perjury, for she swore under oath that she had submitted to the Senate Judiciary Committee all the documents that it had requested[132].

172. The investigation must search for partisan and personal interests so strong that even the Republican senators protected them by pulling their punches rather than pursuing their purported opposition to Judge Sotomayor's confirmation through her impeachment with her own documents. Those interests include the connivance between Congress and the Judiciary in which both Republicans and Democrats have participated for decades by allowing the Federal Judiciary to dismiss 99.82% of complaints against wrongdoing judges[19b], thereby making a mockery of an Act of Congress[18a] and depriving people of the protection that it intended to provide them against such judges[164]. For the sake of those interests, they all contributed to saddling our country with a dishonest justice, who for her next 20 or 30 years on the bench will be shaping the law of the land for everybody but her and her peers, all of whom will be mindful of who nominated and confirmed them.

173. For instance, Senator Charles Schumer knew[159e] but disregarded the evidence of Judge Sotomayor's wrongdoing submitted to him. He recommended her to the President, vouched for her integrity, and was rewarded with the prominent mission of shepherding the President's nominee through the Senate as his point man.[165] Senator Kirsten Gillibrand showed the same disregard[159f]. Although she, as Sen. Schumer's protégé, knew the incriminating evidence or

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163 **a)** http://Judicial-Discipline-Reform.org/docs/Senate_hearing_JSotomayor_09.pdf;
b) http://Judicial-Discipline-Reform.org/docs/Sen_postings_JSotomayor_21sep11.pdf

164 **a)** http://Judicial-Discipline-Reform.org/Follow_money/Champion_of_Justice.pdf **b)** >1:§A

165 "Charles E. Schumer, New York Democrat. Leading the confirmation effort in the Senate as the White House-designated "sherpa" to guide Judge Sotomayor on Capitol Hill. Urged the president to nominate a Hispanic to the Supreme Court in a letter, recommending Judge Sotomayor and Interior Secretary Ken Salazar." Key Players in the Sotomayor Nomination, *The New York Times*, 19jun9; http://www.nytimes.com/interactive/2009/06/19/us/politics/0619-scotus.html and http://Judicial-Discipline-Reform.org/docs/key_players_JSotomayor.pdf

should have known it had she reviewed with due care the documents publicly filed by the Judge with the Committee[107b], she recommended her to the President, introduced her to the Senate Judiciary Committee, and endorsed her to New Yorkers and the rest of the American public[166]. For their dereliction of duty and betrayal of public trust by lying to the public about the Judge's integrity so as to enhance their standing with voters, the President, reelection donors, and within their party[128a], they too should be investigated.

[166] Sen. Gillibrand states on her website, http://gillibrand.senate.gov/, "Throughout her time in Congress, Senator Gillibrand has been committed to open and **honest government**. When she was first elected, she pledged to bring unprecedented transparency and access to her post" (emphasis added); http://Judicial-Discipline-Reform.org/docs/**Maragos_v_Gillibrand.**pdf >ms:21

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