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Newsrelease

Evidence of J. Michael Mukasey's incapacity to stand up to wrongdoing friends in the judiciary

The principal reason why another Attorney General is needed is that Former AG Alberto Gonzales conceived his main function as that of serving and protecting his friend and mentor, President Bush, rather than acting as the top federal law enforcement officer. An investigation is still under way to determine whether he tolerated, or even participated in, the firing of U.S. Attorneys because they were investigating friends or supporters of the President. Hence, a key consideration in confirming Judge Mukasey should be whether he has the required independence and strength of character to apply the law even to his former friends and colleagues in the judiciary and not misuse his office to obstruct any investigation of wrongdoing judges. Let's see.

As chief judge of the U.S. District Court for the Southern District of New York, Judge Mukasey was a member of the Judicial Council of the Second Circuit, the body of judges that must "make all necessary and appropriate orders for the effective and expeditious administration of justice within the circuit". As such, he decided on petitions for review of denials by his colleague, the chief circuit judge, of judicial complaints against his peers in the circuit engaged in conduct "prejudicial to the administration of justice", including bribery, corruption, prejudice, bias, and conflict of interests. Yet, he participated in the systematic denial of such petitions without any investigation, thus leaving complainants as well as the public at large at the mercy of peers of him that were actually, or gave the appearance of being, unfit for judicial office.

Moreover, Judge Mukasey was between 2004-06 also a member of the Judicial Conference, which is the highest policy-making body of the federal judiciary and presided over by the Chief Justice of the Supreme Court. As such, he had access to the reports on conduct and disability orders from all the 13 judicial circuits. Thus, as member of both bodies, he had actual or constructive knowledge of the shocking [official statistics](#), which now stand thus: Between 1997 and 2006, [7,462 complaints were filed](#) against federal judges, who [only disciplined 9](#) of their peers! Judge Mukasey and his peers granted themselves immunity from the judicial self-discipline law.

Judge Mukasey did not stand up to his peers even when he repeatedly received documentary evidence of a pattern of acts pointing to the support by judges in the U.S. Bankruptcy and District Courts in Rochester, NY, of a [bankruptcy fraud scheme](#). In one case, a 39-year veteran of the banking industry, still working in M&T Bank's bankruptcy department, filed bankruptcy petition 04-20280 claiming that he and his wife had only \$535 in cash and on account, yet IRS and mortgage documents show that they had earned or received [\\$673,657](#), which is still unaccounted for because the judges covered for them by not requiring that they produce even their bank account statements! (http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf) Judge Mukasey first covered for his peers by dismissing the evidence by his [letter of March 2, 2004](#), though he had a statutory duty under 18 U.S.C. §3057(a) to report any apparent violation of the bankruptcy laws to the U.S. Attorney.

So whether before or after Judge Mukasey becomes AG and must cover for his former peers, lest he incriminate himself, he must be investigated for the sake of the proper functioning of DoJ and the integrity of judicial process. (http://Judicial-Discipline-Reform.org/Follow_money/JMukasey.pdf)