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Chief Judge Dennis Jacobs
U.S. Court of Appeals, 2nd Circuit
500 Pearl Street
New York, NY 10007

Dear Chief Judge Jacobs,

Last February 9, I addressed to you, as member of the Judicial Conference, a letter requesting that you cause the Conference to take cognizance at its March 11 meeting of my comment¹ on the proposed Rules Governing Judicial Misconduct and Disability Proceedings. As expected, it adopted the Rules². In my comment, I demonstrated that they are not different from the current ones that they replace. Hence, their application will have the same result as the official statistics show the current rules had from 1997 to 2006: Out of 7,462 complaints, the judges investigated only 7 and disciplined only 9 of their peers³. They systematically dismissed out of hand 99.88% of all complaints! Thereby the Judiciary self-exempted from any discipline and in effect abrogated an Act of Congress, i.e. the one enabling the making of those rules⁴. This presents you with the opportunity to do the right thing and be rewarded for it.

Indeed, how would you feel if the Chief Justice could do to you whatever he felt like it because he knew that he would reach his retirement before any of your complaints was investigated and led to his being disciplined, let alone his impeachment and removal? Your likely feeling of betrayal of trust, abuse, and impotence is shared by all those that complain in vain. They are left at the mercy of judges that can abuse their power to dispose of people's property, liberty, and even life secure in the knowledge that their peers will protect them from any adverse consequences. As you would, they need a Champion for Justice. The latter would ensure that all of you received the "Equal Justice Under Law" that has been denied them by 'Unpunishable Judges Above Law'. Their enormous and uncontrolled power is in effect absolute power, the kind that corrupts absolutely. It turns a judgeship into a safe haven for coordinated judicial wrongdoing⁵.

You can be the reluctant hero, who confronted with both the legal duty to safeguard the integrity of judicial process and the moral one of your oath 'to do equal justice to the litigant and to the judge', turns away from the comfort of complicit silence or willful ignorance and takes on the arduous task of denouncing judicial wrongdoing. A risky one, no doubt, which offers a commensurable reward: That of making a name for yourself, as Thurgood Marshall did when he championed societal equality in cases such as *Brown v Board of Education* and was eventually rewarded with a justiceship, like the one to be left open by JJ. Stevens, 88, Ginsburg, 75, or Scalia and Kennedy, 72, or by the whole Court that for decades has tolerated its peers' wrongdoing⁶.

Therefore, I respectfully request that you denounce the judges' coordinated wrongdoing operated with impunity through their systematic dismissal of complaints against them. Your denunciation can become known as Judge Jacobs' *I Accuse*, the equivalent of Emile Zola's exposure of abuse of power by government officials in the Dreyfus Affair⁷. Your moral courage can be that of Prometheus, who took the secrets of corruption from the judges to give our nation the fire of justice. Meantime, I look forward to hearing from you.

sincerely yours, 

