

October 14, 2013

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Dear Bepress Officers,

I would like to submit my manuscript *Exposing Judges' Unaccountability and Consequent Riskless Wrongdoing: Pioneering the news and publishing field of judicial unaccountability reporting* (*jurii*). It has circa 29,774 words. This is the cover letter. My CV also accompanies it(CV:1-4).

A. The manuscript's thesis and its reasonably attainable objectives

The manuscript's thesis is that federal judges abuse their power because they are unaccountable and risklessly do wrong for personal and class benefits(*jur:21§A*). This is especially so given that they are under the influence of the most insidious corruptor: *money*/(*65§B*) Their abuse is enabled by the pervasive secrecy under which they perform as judges and administrators of the Federal Judiciary.(*LSch:2§A*; statistics⁶ on abuse of power under cover of secrecy)The unaccountability that encourages and the secrecy that enables their abuse result from the failure of the Executive Branch and Congress^{7a} to apply constitutional checks and balances to judges, and of the media(*4¶¶10-14*) to discharge their professional duty to inform the public thereon.

The widespread, routine, and invasive extent that abuse of power under cover of secrecy can attain has been illustrated by Edward Snowden's revelations of mass surveillance over the Internet communications, and collection of phone records, of millions of Americans conducted by NSA with the rubberstamping^{at206c} approval of the federal judges of the secret court set up under the Foreign Intelligence Surveillance Act^{at206c}. The NSA's and the judges' conduct is driven by a common force that illustrates this principle: Power loathes bounds and is most effective in secrecy so it will abuse others unless exposed and prevented by another power.

The manuscript is the counterpower that begins the exposure by pioneering the news and publishing field of judicial unaccountability reporting. It can be effective, for federal judges, if exposed, are most vulnerable as they must "avoid even the appearance of impropriety"²⁷⁷: *Life* magazine's revelations of the financial improprieties of U.S. Justice Abe Fortas --which did not constitute even a misdemeanor(*74¶159*)-- led him first to withdraw his name for the chief justiceship, and then to resign(*92§d*). The manuscript shows that the extent and wrongful nature of judges' unaccountable abuse of power and secrecy are far graver: Their wrongdoing includes crimes, e.g., concealment of assets of which *The New York Times*, *The Washington Post*, and *Politico*^{307§-c} suspected Then-Judge and Justiceship Nominee Sotomayor; coordination²¹³ of such concealment to increase its efficiency; and their bankruptcy fraud scheme as a source of dirty assets(*65§§1-3*). Their need to prioritize covering up their own and their peers' wrongdoing(*5§3*) deprives all others of the fundamental human and civil right of access to fair and impartial courts.

The manuscript endeavors to be followed by principled and ambitious journalists as well as students and faculty at law, journalism, business, and IT(*131§b*) schools. They should be concerned about judicial integrity and enthusiastic about the economic and reputational potential of applying their expertise to a field that affects the 312 million people⁶ of a country governed by the rule of law and deemed the model of many others. They can be asked to participate in reporting on judges as it is done on politicians: on a regular rather than isolated basis and on their personal and professional conduct too, not just on sensational cases and decisions. Their reporting will constitute "reverse surveillance" over the judges by representatives of *We the People*.

Reverse surveillance will occur in the open. One part will be conducted by the media,

⁶ The file at <http://judicial-Discipline-Reform.org/LSch/DrRCordero-ExpressO.pdf> contains all the references corresponding to the [false]***; many had to be removed from this file because the Bepress site cannot upload files >7.5MB. This file is at http://judicial-Discipline-Reform.org/LSch/DrRCordero-ExpressO_7.5.pdf.

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G Orfield



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