

LINDSEY GRAHAM

UNITED STATES SENATOR, SOUTH CAROLINA



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Dear Senator Graham,

As I have written you approximately once per week since the beginning of this year (with only a single misguided response), I can only assume that your failure to address the issue of judicial nominations and reform of the justice system is in its intent to prevent

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corruption and reform of the justice system is via intent or neglect (i.e. incompetence); the hollow support for an 18 month "National Criminal Justice Commission" stinks of political ploys to kick the can down the road (and avoid possible consequences during the upcoming presidential election cycle); since you were on the Committee on the Judiciary in the House from 1997-2002 and you currently serve on the Senate's Committee on the Judiciary (including your role as Chairman of the Subcommittee on Crime and Terrorism), the implication that you require a Commission to understand and enact reforms reeks of incompetent and/or political diversion.

To be clear, there is a widespread corruption of unchecked power (rather than corruption for financial gain) within the state and federal judiciary with trickle down effects on the entire justice system; the primary problem is not police abuses or racism; the problem is injustice promoted and expanded under color of law.

Again, I remind you that a Senator is responsible for legislation with a fundamental duty to protect the interests of his constituents and to maintain a check on abuses of the other branches of government.

As you are on the Judicial Committee and you are from my home state, you are the elected authority with direct responsibility for my issues and your letter dated (2-9-15) was simply a denial of reality by you or your office. Because your duty is difficult does not mean that it does not exist...

Again, I ask you to pursue accountability within the Justice System (for judges, prosecutors, police, et cetera). This extends to the entire justice system not just the Criminal Justice system. Civil courts and enforcement needs reform at least as urgently as the Criminal system.

I understand that as a member of Congress you are subject to privilege and your extensive experience with the Judiciary may be myopic therefore I will outline some of the problems and solutions needed for reform of our Justice System (without an 18 month Commission):

1. The Justice System suffers from corruption of power. There is no accountability for judges, police, prosecutors and many officers or associates of the courts.
2. The courts encourage "protection of the judiciary" over upholding the Constitution.
3. Effectively the only mechanism to hold the Justice System accountable is currently the Justice System; legislative oversight has largely been abandoned with deference to councils/commissions staffed by members/associates of the judiciary to correct "misbehavior" of judges while being pressured by the judiciary to avoid embarrassment to the judiciary (which would be generated by corrective actions).
4. Effectively zero criminal enforcement is effected against judges, prosecutors, and police who criminally abuse their positions; a truck driver who via neglect or malicious intent injures civilians faces criminal and civil liability (for injuries to a person or a few people); judges who do harm to dozens to thousands, even with severe malice and intent (in disregard for the Constitution), do not generally even

and intent (in disregard for the Constitution), do not generally even face a suspension in pay...

5. Since the Judicial System won't enforce its own standards, criminal enforcement is absolutely needed.

6. Since, the regular Justice System can't/won't enforce law on its members/associates, an alternate Court (Justice System) must be created (in keeping with Article I, Section 8, item 9 of the U.S. Constitution) to prosecute and punish members of the Judiciary and the Executive Branches who are involved in law enforcement (and possibly any other direct interactions where rights of citizens are at issue).

7. Since, the pressures of the current Judicial System clearly demonstrate the corruption of the incestuous relationship between judges, police, and lawyers (and others) as officers of the court, a court system to punish member of the Justice System must be made of non-attorneys (i.e. judges and juries can't have current or past membership in a state or federal legal bar.)

8. Prosecutors for members of the Justice System can't come from the Justice System therefore the most logical choice is mandatory temporary (and possibly secret/anonymous) appointments from the group of attorneys most at odds with the Justice System: public defenders.

9. Consistent with Article III, Section 1 of the U.S. Constitution, the Congress must define "good Behavior" for judges as [approximately] administration of duties and upholding the Constitution without complaint from citizens; meaning that any complaint from a single citizen revokes the constitutional protections of judges (but a process, without involvement of courts or officers of the court, should be developed to determine the validity of allegations and to restore a state of "good Behavior" or to ratify the immediate termination of a judge's tenure).

10. An optional but likely helpful addition for the maintenance of "good Behavior" would be a requirement that a judge maintain a standard of approval by members of the court staff; i.e. court staff members submit an annual anonymous survey on a limited number of broad standards that Congress feels are needed in good judges and the judge must get 50%-67% approval ratings to maintain a status of "good Behavior"; Congress could also provide a process for re-approval or improvement should a judge fail this standard (or it could mandate immediate and permanent removal as the judgement of the court staff is very likely a reliable indicator of a problem judge).

11. The legislative branch (at the state and Federal level) needs to become much more proactive in the impeachment and removal of judges and judicial officials; processes need to be examined and refined; there should be some limitation on officers of the courts serving on oversight positions; legislative ability to appoint special prosecutors/investigators should be broad.

12. Prosecution of members of the Justice System must involve the people (as judges, juries, and members of complaint commissions); members of the Justice System and officers/associates of the courts must be banned from all positions (except possibly prosecutors as outlined above). The Public Integrity Section (PIN) of the USDOJ

outlined above). The Public Integrity Section (PIS) of the USDOJ has obviously failed in holding the Judiciary accountable and its exclusive jurisdiction must be removed and an alternate (as outlined above - including special prosecutors) should be immediately implemented.

I can support the above issues/solutions with direct personal experience with the "Civil" Justice System. This is meant to be a "good start" not a comprehensive package; I just jotted down the above twelve items in a couple of minutes...

As I have previously mentioned, I have spent over two and a half years giving courts an ability to correct their own errors and the abuses of lower court judges to no avail (with approximately 100-300 accumulated violations of my rights directly related to three members of the judiciary and substantially more violations likely provable with adequate investigations of additional members of the judiciary).

The courts have made it clear, on the record, that they have no regard for the U.S. Constitution when it impacts their assumed privileges in the slightest. At a certain point failure to uphold the law and rights guaranteed by the Constitution crosses into criminal territory via intent and/or neglect; in my case the pattern of violations is obvious and consistent.

In an ideal world, the judiciary would actively monitor and correct itself. In a more practical world, judicial accountability only exists via criminal enforcement (of judicial abuses). Our current system contains effectively zero self-enforcement by the judiciary (and its self-monitored commissions) and effectively zero enforcement of criminal violations by members of the judiciary and the broader justice system (as the justice system contains incestuous relationships between judges, prosecutors, and police which discourage accountability at any level).

Currently, even though the laws exist to contain judicial abuses, no real process for judicial accountability exists without public and/or political pressure; meaning the ball is in your court.

Again, I ask for your aid in getting legislative reform of the judiciary and in obtaining a special prosecutor specific to my matter.

Thank you for your time.

Sincerely,

Joey Berry

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