

February 1, 2007

*Extremism in the defense of liberty is no vice;
moderation in the pursuit of justice is no virtue.*
-- Sen. Barry Goldwater

Mr. Michael J. Norton, Esq.
6372 S. Geneva Cir.
Englewood, CO 80111

Re: Colorado Commission on Judicial Discipline

Dear Mr. Norton:

While as a fellow Republican (a lowly precinct committeeperson), I was vaguely aware of your background, I had no idea that you were so dedicated in your commitment to your Christian faith. To obtain one advanced degree is impressive enough, but to earn two degrees which carry little or no pecuniary value is remarkable. You are to be congratulated.

Since you are a professing Christian, I have grounds to cordially remind you that anyone “who knows the good he ought to do and doesn't do it, sins.” *Jas. 4:17*. While I have forgotten all the koine I ever knew, I don't recall any nuances in that passage. You have an affirmative obligation to take positive action within your sphere of influence.

Furthermore, as a Christian you are **accountable** -- not only to God and fellow Christians, but to everyone you meet. *E.g., 1 Tim. 4:12*. We notice whether you are “Doers of the word and not hearers only (James 1:22)”.¹ After all, although you are ‘called to go forth and teach all nations,’ *Matt. 28:19*, if what you have to teach is of so little value that you won't even incorporate it into your own life, why should anyone else endeavor to learn it?

Mr. Norton, I speak today not only for myself, but for others who fear to speak. I speak for a frantic mother who was ordered by a court to stop complaining about its mistreatment of her on the Internet. I speak for a father who was imprisoned without a hearing in a mental institution by a court at the behest of his vindictive ex-wife, and who hasn't seen his precious daughter for four years. I speak for doctors, Ph.Ds, housewives. I speak for the growing multitudes who have had their lives destroyed by arrogant and insolent judges acting far outside the pale of the law, simply because they can. I write to beseech you to take positive action within your sphere of influence.

It is a matter of record that our system of ‘judicial discipline’ is scarcely a Potemkin village, as even the most meritorious complaints are assiduously ignored. As Judge Kane recently noted in the *Washington Post*, the “sorry record” speaks for itself.² And surely, there can be no clearer example of this than the complaint I filed with your Commission.

¹ Michael J. Norton, “Guide for Political Activities of Churches and Pastors,” Alliance Defense Fund (undated, copy on file).

² Ronald D. Rotunda, “The Courts Need This Watchdog,” *Washington Post*, Dec. 21, 2006 at A-29.

As a former United States Attorney, I assume that you understand that I have a federal right of access to the courts, and are familiar with 18 U.S.C. § 242 (which states in pertinent part):

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States [...], shall be fined under this title or imprisoned not more than one year, or both [...]

The Justices of the Colorado Supreme Court are persons who, when acting from the bench, are acting under color of law. My right to have facially valid claims grounded in federal law heard in a Colorado court of general jurisdiction was established in the very year that Colorado became a state. *Clafin v. Houseman*, 93 U.S. 130 (1876). Furthermore, the Justices' actions were willful as a matter of law: "If a man intentionally adopts certain conduct in certain circumstances known to him, and that conduct is forbidden by the law under those circumstances, he intentionally breaks the law in the only sense in which the law ever considers intent." *Ellis v. United States*, 206 U.S. 246, 257 (1907). "[W]illful violators of constitutional requirements, which have been defined, certainly are in no position to say that they had no adequate advance notice that they would be visited with punishment. When they act willfully in the sense in which we use the word, they act in open defiance or in reckless disregard of a constitutional requirement which has been made specific and definite." *Screws v. United States*, 325 U.S. 91, 105 (1945). Once a federal right "has been defined and made specific by court decisions, the right is encompassed by § 242." *United States v. Hayes*, 589 F.2d 811, 820 (5th Cir.), cert. denied, 444 U.S. 847 (1979).

Please help me to understand. I have presented a complaint to you that is about as airtight as any you will ever find. **Every fact of legal significance therein is amenable to judicial notice.** I have been denied access to the courts by judges who had a personal financial interest in denying me that right. And it is not a trivial injury: If a judge can deny access to a court for any reason or no reason at all, the Bill of Rights is null and void. How this does not constitute "willful misconduct in office," as contemplated in Colo. Const. art. VI, §23(3)(d), is simply unfathomable to me -- as it is to others unfortunate enough to have endured our judicial wringer.

"Who is wise and understanding among you? Let him show it by his good life, by deeds done in the humility that comes from wisdom." *Jas. 3:13*. You have had three months to address the complaint I have set forth. As a former U.S. Attorney, your word carries considerable credibility; at any time, you could have telephoned both the Denver District Attorney and the U.S. Attorney and initiated timely criminal prosecution. "What good is it, my brothers, if a man claims to have faith but has no deeds?" *Jas. 2:14*.

If you can't walk the talk, you probably shouldn't be talking the walk.

Those few who have mustered enough fury and determination to complain about judicial misconduct have been frustrated by a balking bureaucracy, which appears to exist solely for the purpose of insulating judges from accountability. And who could blame them? When they see what they can of your Commission's record -- most of it is hidden! -- they know that their complaints

will not be heard. If a case as simple and as compelling as mine -- with all the facts determined conclusively in court records -- won't be heard, they can rest assured that their complaints are equally futile.³

I note for the record that you have been an active supporter of both the “parental rights” and “defense of marriage” amendments. If our courts are at liberty to tear a father from his daughter without cause or justification, it matters not a whit whether marriage is defined as being between a man and a woman. The institution of the family has been all but destroyed, and we as a society are sailing into uncharted waters. But that pales in comparison to the injury to that precious little girl, growing up without a father who has gone to truly heroic lengths to remain a part of her life. If your commission took positive action within your sphere of influence, something could be done about the little slice of hell we know as family law court (see <http://fixourcourts.741.com> and esp. pp. 13-26 of the Minority Report, for details).

Abraham Lincoln once reputedly noted that “to sin by silence, when they could protest, makes cowards out of men.”⁴ However, he did say for certain that “Those who deny freedom to others, deserve it not for themselves; and, under a just God, can not long retain it.”⁵ If you would deny us the blessings of liberty which necessarily flow from the protection of the rule of law, how can you expect them to be there for your loved ones? I beseech you to act for those who don't enjoy the power you have been given; “for what you have done (or more importantly, have failed to do) for the least of your brethren, you have done it unto Me.” *Matt. 25:40*.

Thank you for your considered attention to this matter. (I have taken the liberty of cc'ing Ward Lucas on this, as I know from prior dealings that he is a Christian, and there is nothing like the fixed gaze of the Fourth Estate when it comes to holding our public servants accountable for their actions.) I look forward to hearing from you shortly.

Kind regards,

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³ See <http://www.KnowYourCourts.com> and <http://fixourcourts.741.com/jdc.html> for evidence to this effect.

⁴ It is alternately sourced to abolitionist Frederick Douglass and poetess Ella Wilcox.

⁵ Abraham Lincoln, Letter to (Henry L Pierce, et al.), Apr. 6, 1859.