

February 2, 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 (your remarks in blue):

Thank you for the courtesy of your remarkably prompt response to my inquiry; indeed, there doesn't seem to be much point in my sending you a hard-copy.

Thank you for taking time to outline your grievances to me. Though I am not sure whether we have ever met, if we have, I regret that the circumstances of our meeting appear to have caused you to think that I was not a person of Christian faith and convictions. Though not perfect, I am.

With all respect, I certainly don't ask Christians to be perfect; indeed, I consider it profoundly immoral to expect of others what I would not demand of myself. I do, however, expect them to make a reasonably credible effort to live their faith. I would ask you to recall the tale of Peter, who, unlike the other disciples (who kibbutzed from the safety of a boat), stepped out onto the water to emulate his Master. That he failed is of no consequence; that he tried is what matters.

I don't recall judging or prejudging you personally, although as Mr. Lucas well knows, I have more-than-adequate grounds for judging the Christian community as a whole (as I was primarily responsible for exposing radio evangelist Bob Larson). Let us just say that this incident is a test of your Christian character: Judges and officers of the law are not to be "respecters of persons," *Deut. 16:18-20; 2 Chron. 19:7*, lest they turn judgment to wormwood (*Amos 5:7*). Mary Mullarkey is not entitled to deference on account of her lofty position; she is a servant of the law, and if the law matters any more, she is accountable under law for her patent violations of it. I submit to you that I have the right to insist that you employ your good offices to ensure that justice is done, not just as a Christian but as an officer of the law.

Regarding the problems of others you generally identify, I am a part of a group of Christian attorneys who, when time allows, attempt to assist members of the Christian community, often on a pro bono basis, with such matters. If you have specific problems and people you wish to refer (along with a brief description of the legal problem and contact information about the person with the legal problem) I will be glad to pass the request on to attorneys on this list to see if anyone is able to assist. I cannot, of course, assure you or anyone else that a volunteer attorney will step forward; but I will give it a try if you provide me with this information. Again, in the interest of time, it must be brief and must include contact information for the person who needs help..

You will forgive my confusion here, Counselor. If justice is only for Christians, then it is not justice at all. While the New Testament is largely silent about the matter, the OT is replete with

exhortations to the children of Israel to ensure that even those who were foreign to the Covenant received their just due as members of the human family. *E.g., Exod. 23:9; Deut. 24:17.* If you will forgive me for being bold, I would respectfully submit that the fact that you and your compatriots would only come to the aid of fellow Christians does not reflect well upon you and your conception of justice. More sterling examples of what lawyers and Christians should be doing include Gerry Spence's representation of Randy Weaver, and Jewish lawyer David Goldberger's representation of the American Nazi Party in Skokie. Our test of character is not in how well we treat our friends, but how decent we are to our enemies.

This segues nicely into the point I wish to make about our hopelessly-broken legal system and your role in it. It has become a den of iniquity, not unlike the state of affairs lamented in 'Second Isaiah': "The Lord looked and was displeased that there was no justice. He saw that there was no one, he was appalled that there was no one to intervene." *Isa. 59:15(b)-16.* Many of whom I speak are professing Christians; some are not. For most, the injuries suffered are irreparable. To a man (or woman), all they ask is that the ministers of the law be held to a minimal standard of honorable conduct, and that those who fail to live up to this standard be removed from their high office. And at least with respect to judges, this is your job. **Indeed, this is your ministry.** You are the man called upon to intervene. How you conduct that ministry reflects upon you. Are you a doer of the Word, who understands what the Word says about justice and the need for it to be pure and credible -- or are you not? There is no third option here.

Finally, on the matter of the Colorado Commission on Judicial Discipline, all matters that come before the Commission are, by virtue of constitutional provisions, confidential and, with limited exceptions, must remain so. Thus, I am unable and unwilling to engage in a dialogue with you or others on any of these matters.

I don't ask you to violate any confidences here, save for in a rhetorical sense. There is nothing in your oath of office which precludes you from calling Michael Morrissey and recommending criminal prosecution of the justices of the Mullarkey Court, and/or contacting the United States Attorney's office to the same purpose. There is nothing precluding you from issuing a minority report in this matter, if the judges on the panel are too corrupt to permit their patrons to suffer the indignity of facing justice. There is nothing precluding you from directing Mr. Wehmhoefer to advise me of the status of my complaint, or advising me yourself. And as for confidentiality of Commission proceedings, there is nothing precluding you from discussing a matter with a party to those proceedings (based on the letters I have, Mr. Wehmhoefer does that regularly). But surely, there is something profoundly immoral about a 'star chamber' so secretive that the citizenry cannot see whether it is working -- except to note with Judge Kane that, based upon its "sorry record," it most assuredly is not.

At the end of the day, I'm asking you to step out onto that sea. Our ministers of the law need to have 'the fear of God' put into them, and to know that if they act corruptly, they will face dire consequences. As the Biblical remedy (as ably espoused by Bishop John of Salisbury, Philippe du Plessis-Mornay, and even Pope John Paul II) is lethal force, it is not a trivial matter; surely, the more temperate remedies of removal from office and imprisonment are called for. And **you are the man on the hot seat, because you chose to be.**

Rather, should you so desire, you should direct your comments and concerns to the Commission's Executive

Director and General Counsel Rick Wehmhoefer, 899 Logan Street, Suite 307, Denver, CO 80203. Telephone is 303-894-2110.

As for contacting Rick Wehmhoefer, I see little profit in contacting a man whose sole purpose appears to be the obstruction of justice. If I may counsel anything here, he should be removed from office forthwith; he has abused his charge for far too long.

Again, thank you in advance for your attention to this matter. (And in closing, I would ask Mr. Lucas to recall what he counseled me some ten years ago -- which is in substance what I am saying to you today. *See, Ezek. 33:1-6.*)

Regards,

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