

August 26, 2013

**United States Senate
United States Senator Johnson
136 Hart
Washington, DC 20510**

Dear US Senator Johnson:

I urge you to immediately institute an investigation into the illegal payments by California counties to state judges before whom the California counties are appearing as parties to: (1) determine why the Department of Justice has not prosecuted the counties and judges for: (a) violation of 18 U.S.C. Section 1846 (the intangible right to honest services); and (b) violation of the tax code for not paying withholding tax on county contributions to the judges' 401K plans or "cafeteria medical benefits" or "professional development allowances" when the county is not the employer of the judges; (2) to determine whether the federal government is violating any laws by paying any monies to California counties under Title IV, when the counties are making illegal payments to judges presiding over child custody, divorce, child support, spousal support, child placement, adoption, foster care or other cases encompassed by Title IV; (3) to determine whether the federal government is violating any laws by paying any other monies to California when California has a judiciary in which over 90% of the state judges and the county supervisors of 34 counties received retroactive immunity from state criminal prosecution, civil liability and disciplinary action for having taken or given illegal payments to judges.

Over the past 25 years, up to 34 counties illegally paid over \$400 million to over 90% of California's state judges presiding in cases in which the counties were parties. These payments violated state criminal law, federal criminal law, the U.S. and California Constitutions and laws. These payments were never disclosed by the judges, the counties, their attorneys, prosecutors and public defenders, and others as required by law. These payments resulted in the disqualification of the judges in every case in which a county was involved and the annulling and voiding of their decisions as "frauds upon the court", amongst other things.

At the present time it is estimated that these illegal county payments to judges are between \$30-35 million per year.

This letter is sent to you in conjunction with requests that the State Legislature amend SBX 2 11 and that the counties stop the illegal payments to judges.

SBX 2 11 was enacted 2/20/2009 by over 2/3 of each chamber of the Legislature. SBX 2 11 effectively impeached and convicted over 90% of California's judges for "misconduct in office" by taking illegal payments from counties appearing before them as parties in cases, thereby violating state criminal law, federal criminal law, the U.S. and California Constitutions and laws, and their oath of office. Section 5, of SBX 2 11 gave retroactive immunity from criminal prosecution, civil liability and disciplinary action to the state judges, county supervisors and others who were involved in the illegal county payments to the state judges.

In 2009, the Legislature omitted to remove the corrupt judges and county supervisors from office, who violated criminal laws, while giving them retroactive immunity from criminal prosecution.

The Campaign for Judicial Integrity prepared an Amendment to SBX 2 11 which was last received by State Legislators by e mail on or about May 20, 2013, from its Chairman Richard I. Fine. During April, 2013, Fine sent State Legislators materials supporting the Amendment (also known as the Fine Amendment).

In 2009, the Legislature omitted to remove the corrupt judges and county supervisors from office who violated criminal laws, while giving them retroactive immunity from criminal prosecution.

The Amendment will: (1) remove from office the judges and county supervisors who received the retroactive immunity from criminal prosecution; (2) stop any state contributions to the state pension funds of judges who received retroactive immunity under Section 5 of SBX 2 11; (3) repeal any consent to the county payments to judges without immunity after July 1, 2008; and (4) require the California Judicial Council to make annual reports to the Legislature as to which counties are continuing the illegal payments.

Enacting the Amendment will: (1) immediately remove the corrupt judges from the California judiciary; (2) save California taxpayers approximately \$20 million per year and approximately \$450 million over the next 25 years by removing state contributions to the state pensions to judges who received retroactive immunity from criminal prosecution under Section 5 of SBX 2 11; (3) make clear that the State does not condone any illegal county payments to judges; and (4) restore integrity to the California judiciary resulting in an honest and fair judicial system for the first time in a generation.

By removing the illegal county payments to the Superior Court judges, each county will contribute to the removal of \$30- 35 million per year of illegal payments, thereby saving the taxpayers approximately \$50- 55 million per year with the savings from the enactment of the Amendment.

By instituting the investigations, demanding the prosecutions and cutting off all illegal federal payments to California, you will ensure that California obeys the U.S. Constitution and U.S. laws, resulting in every citizen benefiting from the removal of the corrupt judges and county supervisors and the establishment of a fair, just judiciary operating with integrity.

Please report to me within two weeks your actions to institute the investigations, prosecutions and removals of illegal federal payments to California counties and the State of California. Your response is to be sent to Mark at the following email address:

mark4434@att.com

Your prompt attention on these critical issues for your constituents and the United States Senate is appreciated. I look forward to receiving your response that describes the United States Senate taking assertive actions to ensure compliance with the United States Constitution and their own federal laws.

Sincerely,

Mark

Constituent from South Dakota