

***TOPSY-TURVY CHIEF JUDGES:
Draw the Curtain the Fraud is Over***
By: Manuel P. Asensio

1 **A**merican citizens live under two constitutions, the Constitution of the United
2 States and their state constitutions. This article is about a law that is embedded into
3 all of our state constitutions that grants chief judges certain powers to administrate
4 their state courts. This power must be strictly limited. It can only be used to manage
5 budgets, buildings, archives, equipment, personnel etc. It cannot be used to affect
6 evidence, rights, decisions or judgments. But it does. The Power to manage
7 personnel includes the power to regulate the behavior of our judges and the police
8 that patrol in our courts. This power over judicial conduct sets the tone of how the
9 judges in the state’s various courts, its civil, criminal and family courts, preform their
10 job, how they treat citizens and their right to be heard.

11
12 RightABigWrong.Org has conducted an investigation on how state judges use
13 this power in family court and discovered it is used to abuse parents and violate their
14 constitutional rights. Specifically RightABigWrong.Org has unearthed the
15 mechanics through which the chief judges’ power is used to illegally promulgate
16 undefined unpublished ideological policies as an excuse to illegally use
17 administrative power to silence and punish parents to manufacture spectacularly
18 false evidence and charges and to take discretion with Americans’ our most
19 protected, precious and supposedly most secure legal rights: our right to due
20 process,¹ our private property rights and our natural and legal right to rear our
21 children free of government oppression and interference.² RightABigWrong.org’s
22 purpose is to research how and why this system has quietly flourished on American
23 soil and how it affects all American lives.

24
25 3. This article uses on a study of New York State law and uses the New York
26 Constitutional as an example.

LIBERTY AND BEING A FREE AMERICAN

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28
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30 4. The Declaration of Independence warns us that we “are more disposed to

¹ See Annex IV: Substantive Due Process in Parental Rights for 10 Rules for Conducting Fair Trial by: Friendly, Henry J. “Some Kind of Hearing”, 123 U. Pa. L. Rev. 1267 (1975).

² See Annex I: Legal Authorities on Parental Power and Rights.

© May 31, 2018 *Topsy-Turvy Chief Judges: Draw the Curtain the Fraud is Over*

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1 suffer, while evils are sufferable, than to right themselves by abolishing the forms to
2 which [we] are accustomed.” The “evils” of which our Founding Fathers warned us
3 are violations of our “inalienable” natural rights. Our natural rights that are not
4 dependent on law. These American or natural rights are given to us by our Creator
5 and not by government. It is how Americans govern their government. There are no
6 more powerful, supposedly more legally secure and protected natural right than the
7 right to a fair and impartial judge and the right to a fair trial. This right is compiled
8 into 10 rules for conducting a fair trial.³ It is this right that is violated by a chief
9 judge when they allow judicial misconduct.

10
11 5. Violations of civil and due process rights in family court is one such case and
12 there is no valid legal excuse for why it has come into existence or why it is allowed
13 to continue exist.

14
15 6. The plain fact is that the acts of allowing false melodrama into family law is
16 dishonest and illegal. There are no statutes that allows the Chief Judges to use their
17 power in such a matter. It requires systemic collusion with a vast number of judges
18 and the denial of collusion. It is unimaginable that state chief judges charged with
19 protecting our rights, have betrayed us, our nation, our families and our children.
20 The chief judges allow our family court judges to use the *administrative power* given
21 to them by our state constitutions to wantonly deny our due process rights to parents
22 in order to take control of their parental rights. Obviously, the use of administrative
23 power to fabricate evidence or take rights and affect a judgement destroys the
24 purpose of a justice system and is thereafter illegal. Yet it goes on in every state.
25 This would be the case in all areas of law but it is only in family law that lawless
26 judicial conduct is an established practice operated by the Chief Judge.⁴ It is
27 important to note that it is our nation’s family courts where our educational and
28 religious freedoms and our freedom of speech rights and our political freedoms are
29 most directly affected.

30
31 ***THE USE OF STATE EXECUTIVE POWER AGAINST BASIC FREEDOMS***

32
33 7. The most fundamental principle of any court of law is that *no administrative*
34 *rule or policy can affect a citizen’s rights or a judgment*. The first canon of
35 jurisprudence is the separation of *administrative acts* from *judicial acts*. This is the
36 bedrock ideal of the separation of powers applied to our justice systems. This canon

³ Annex IV: Substantive Due Process in Parental Rights

⁴ In New York common law under Varkonyi and Grisi has dealt with unfair consideration of evidence and unfair use of administrative power. In New York the People lack a private right of action against judges not only due to the principle of judicial immunity but through a rule that denies actions against judges under the state’s judicial conduct rules.

1 determines if a judicial act is legal or illegal. However, every state's constitution
2 allows their chief judge to delegate their *administrative power* and in every state in
3 the land those that receive this delegated *administrative power* use it to take
4 *administrative* actions against parents' most basic rights and liberties.

5
6 8. In every state, family court judges are allowed to suspend parental rights
7 *administratively*. Then, the chief judge is allowed to use their *administrative power*
8 to protect the offending judges from liability and criminal prosecution. A reading of
9 U.S. Supreme Court decisions shows that citizens are protected from government
10 interference with their natural parenting rights. Yet state chief judges in every state
11 use constitution power to *administer* the state's courts to allow family court judges
12 to deny parents due process rights through the use of court officers and manufactured
13 orders in order to take their parental rights. This is the same system creating laws
14 that appear to guarantee freedoms and then allow private *administrative* acts that
15 deny those rights through the use of executive power. If we calmly think about this
16 we can draw comparisons with the methods of government used by Fidel Castro in
17 the author's homeland or even Stalin that led to the Great Purge.⁵
18

19 **STATE CHIEF JUDGE'S ARE TAKING PARENTAL POWER**

20

21 9. This paper demonstrates how the chief judge delegates their *administrative*
22 *power* and how this power is used to purge due process and parental rights from
23 normal, caring good citizen parents.
24

25 10. The fact is that chief judges delegate their *administrative power* to state
26 bureaucrats, non-judicial employees. Working unnoticed inside state court systems,
27 these bureaucrats use the chief judge's *administrative power* to allow family court
28 judges to violate the very laws that protect parents and their rights. These laws
29 include rules governing judicial conduct that are essential to freedom and justice.⁶
30 These are laws of common sense, reason, and civility. Family court judges routinely
31 violate these rules and all civil human interaction and communication. They use their
32 court officers and the complacency of the divorce bar to deliberately and maliciously
33 destroy parents' sense of security, stability, and power. If any parent files a
34 complaint against the family court judge these bureaucrats then use the Chief Judges
35 authority to retain the state's prosecutors to protect these family court judges or
36 actually step into the state's own courts to defend the offending judges themselves.

⁵ "The civil rights, personal freedoms, and democratic forms promised in the Stalin constitution were trampled almost immediately and remained dead letters until long after Stalin's death." J. Arch Getty, "State and Society Under Stalin: Constitutions and Elections in the 1930s," *Slavic Review* 50#1 (1991), pp. 18-35.

⁶ See Annex III: NY State Judiciary Laws and Rules Governing Judicial Conduct. New York Rules of the Chief Administrator, Part 100 titled "Judicial Conduct."

1 11. The chief judges and their state bureaucrats allow family court judges to use
2 *administrative power* to manufacture unreviewable and unappealable judgments.
3 Using private parties, the chief judges grants authority to family court judges to take
4 due process and protected parental rights from citizens through surreptitious use of
5 chief judges' *administrative power* and then provides the family court judges with
6 protection from state and federal actions against them.

7
8 12. In other words, non-judicial employees of state court systems (bureaucrats)
9 use the *administrative powers* of state chief judges to operate a fraudulent system
10 that involuntarily emancipates children from their parents without any legal
11 authority or due process. It is a deliberate scheme that turns a state constitutional
12 power granted to the chief judge upside down, topsy-turvy. It lawlessly and
13 wrongfully puts the power of a state's chief judge into the hands of family court
14 judges, their appointees, and the lawyers that appear before them every day. More
15 importantly, and no less repugnant, it places "state interest" over parents' federally
16 protected due process U.S. constitutional rights under the fourteenth amendment and
17 parental rights. Presto. Chief Judges, lawyers and family judges without legal
18 authority without notice to the people, their elected governors and elected state
19 representatives have taken power from parents unto themselves.
20

21 ***FRAUD ON THE COURT*** 22

23 13. Fraud statutes apply to judges and their judgements. Fraud upon the court is a
24 fraud perpetrated by officers of the court so that the judicial machinery cannot
25 perform in an impartial manner while adjudging cases.⁷
26

27 14. Family court judges routinely use *administrative/ministerial* or executive,
28 power to take rights away from normal fit parents.⁸ Family court judges are protected
29 from parental complaints by constitutional power granted solely to state chief judges
30 for *administrative* purposes. Family Court judges are granted judicial immunity even
31 when they act in clear absence of jurisdiction and without legal authority. They take
32 wide discretion with parental rights without legal authority based on the chief
33 judge's *administrative power*. This is the genesis of the nation's systematic family
34 court judicial fraud—the chief judge and a trial judge joining forces to commit fraud

⁷ *Appling v. State Farm Mut. Auto. Ins. Co.*, 340 F.3d 769, 781 (9th Cir. 2003). Annex II

⁸ Family courts have limited legal authority to take wide discretion and are given wide powers only if and when certain special circumstances are found in abuse, neglect, abandonment, and juvenile delinquency related cases or cases involving a crime and a minor, but not in normal parental custody disputes. Yet in practice the Chief Judges allow this courts to take these types of discretions illegally with normal fit parents.

1 on the citizens of their state by usurping their federal due process rights in order to
2 take discretions with their parental power.

3
4 15. Every act a family court judge takes after wrongfully assuming jurisdiction
5 over parental rights is a fraud under the color of law. However, internally within the
6 state, the chief judges' power is used to protect this judicial fraud. If the chief judge
7 allows fraud and the chief judge retains the state's prosecutors to claim the offending
8 judge had legal power then the parent has no remedy in the state. This protects the
9 state from liability by claiming the judge is entitled to judicial immunity because the
10 judge had jurisdiction. Further, it allows the chief judge to argue the principle of
11 state sovereignty in our federal system to prevent the parent from seeking a redress
12 in federal court.

13
14 16. The frauds committed by family court judges are serious. They include first
15 and foremost dishonest acts, the use of court officers to deny due process right and
16 fabricating suspensions and fees and appointing private parties as agents of the state
17 to interfere with parental rights and delay the proceedings. They also include gross
18 judicial misconduct such as screaming, yelling, and ignoring law and parents. If a
19 parent attempts to speak out and stop the judge from making a fraudulent finding
20 that the judge is making the judge will order court guards to silence the parent and
21 even to handcuff the parent in a manner that inflicts "compliance" pain on
22 nonconforming parents. In doing so, the judges are violating explicit rules that
23 govern their conduct and protect citizens but that are not enforced in family court.⁹
24 Further, parents have no private right of action under these rules.

25
26 ***JUDICIAL ABUSE OF BLAMELESS CHILDREN***
27

28 17. This dishonest state judicial practice is far more than an embarrassment to our
29 civilized society. This is an illegal judicial conduct to commit fraud on the American
30 people. This paper is the product of a study of New York law. However, similar
31 judicial conduct occurs in every state.

32
33 18. In New York State alone, such judicial family court fraud affects over a
34 million victims a year.¹⁰ The victims of this judicial fraud are our children, who
35 cannot identify the fraud and evil. They cannot comprehend that the judges wearing
36 black robes are accountable for the fraud that only their parents are accountable and
37 responsible for their well-being and that the judge has illegally removed a parent

⁹ See Annex III: NY State Judiciary Laws and Rules Governing Judicial Conduct. New York Rules of the Chief Administrator, Part 100 titled "Judicial Conduct."

¹⁰ See: The New York State Unified Court System: 2016 Annual Report. Page 26.

1 from their lives. The child cannot identify the state or the judge as the villain. The
2 state is responsible but not accountable for the harm it causes the child by avoiding
3 real issues and creating agitation and taking discretion with parental power without
4 legal authority.

5
6 19. It is important that you know why the author became involved and discovered
7 how in New York the Chief Judge’s power under Constitution Article 6 §28¹¹ is use
8 to allow illegal and fraudulent family court judicial misconduct.
9

10 ***RIGHT A BIG WRONG***
11

12 20. I am a private citizen and not a lawyer or politician. I have experience with
13 totalitarian governments and the investigation of fraud. My family fled communism
14 and struggled not to leave any members behind. My childhood memories of the evils
15 of exalted governments make it utterly intolerable for me to allow my own child to
16 come under the control of an exalted judicial system much less an *administrative*
17 system governed by undefined ideological policies that are directly the opposite of
18 my own moral and ethical beliefs.
19

20 21. This matter should not be an issue between liberal and conservative
21 Americans. RightABigWrong.Org is a research and educational nonpartisan
22 nonprofit that focuses on judicial conduct in the nation’s normal custody cases in its
23 state family courts. This paper is the product of an investigation of the New York
24 State Unified Court System’s child custody laws and *administrative* procedures.
25

26 22. RightABigWrong.org’s research focuses exclusively on state laws and
27 procedures involving normal American families—normal American moms, dads,
28 and their beloved children—and places where government has no jurisdiction
29 whatsoever but takes jurisdiction through the unnoticed and unauthorized use of
30 organized *administrative power* to intervene in private American lives without any
31 legal authority.
32

33 23. There can be no justification to allow governments to use *administrative*
34 *powers* to fabricate evidence and fake crimes based on undefined ideological
35 policies against untouchable and undeniable parental rights or to generate agitation.

¹¹ New York Constitution Article 6 §28 (c), entitled “Administrative Supervision of the Courts” states, “The chief judge, after consultation with the administrative board, shall establish standards and administrative policies for general application throughout the state, which shall be submitted by the chief judge to the court of appeals, together with the recommendations, if any, of the administrative board. Such standards and administrative policies shall be promulgated after approval by the court of appeals.”

1 There must be no debate about the gravity of this systemic judicial fraud when it
2 takes such an undeniable important and unalienable right as parental rights under
3 state control.

4
5 24. It must be acknowledged that a fish rots from the head because the head allows
6 the gut to rot. The guts of our nation's family justice system are its non-judicial
7 employees that wheel and deal within the chief judge and the state's constitutional
8 high court and legislatures and leading members of the bar. This is where political
9 power overwhelms parents' legal rights.

10
11 25. Coincidentally, the facts, factors and circumstances of my life experience with
12 communism and New York City *administration* of family law have direct parallels.

13
14 26. Communists promote agitation in society. Totalitarian use ideology to justify
15 taking rights through *administrative* powers.¹² They claim to believe in an ideology
16 and justify the creation of a government powerful enough to take rights to reach a
17 goal. They take control by ignoring law and creating *administrative* power systems
18 to govern.

19
20 27. State law governs family court but New York's controversial mayor, Bill De
21 Blasio, appoints all of New York City's family court judges.¹³ Mayor De Blasio has
22 proudly earned the title of "America's Un-American Marxist Mayor."¹⁴

23
24 28. I am a father who was sued for custody of my daughter. For the same reasons
25 that defined my professional career, I refused to conform to the political prejudices
26 and corruption. As life would have it, the case went before one of Mayor De Blasio's
27 more politically radical, controversial, and inexperienced family court judges.
28 Jointly, these two men represent extreme ideological and political government
29 beliefs that are for most citizens opposite from American ideals. Their religious,

¹² "Stalinism promoted the escalation of class conflict, utilizing state violence to forcibly purge society of claimed supporters of the bourgeoisie, regarding them as threats to the pursuit of the communist revolution. This policy resulted in substantial political violence and persecution of such people." Stephen Kotkin. *Magnetic Mountain: Stalinism As a Civilization*. First Paperback Edition. Berkeley and Los Angeles, California, USA: University of California Press, 1997 Pp. 71, 307, 81.

¹³ See article published on April 27, 2015, on NYC.gov for 26 new judicial appointments made by Mayor De Blasio: <http://www1.nyc.gov/office-of-the-mayor/news/266-15/mayor-de-blasio-swears-28-judges-recently-appointed-family-court-criminal-court-civil>

¹⁴ <https://www.cato.org/publications/commentary/bill-de-blasio-americas-marxist-mayor>

1 educational, and moral views are contemptuous of those that are central to my life.

2
3 29. I was born in La Habana, Cuba, in 1954. My family and I fled Cuba after
4 communism took over. My parents arranged a spot for me on a merchant ship to
5 Spain with a plan to disembark in Venezuela. The ship had a few passenger cabins.
6 They did this so that I could leave Cuba ahead of their own escape to avoid the
7 Communist indoctrination that had already begun. My aunt and uncle adopted me
8 so that I could leave with them first. It was a dramatic time, not quite like the Fall of
9 Saigon but bloodier and more severe than the downfall of Venezuela's democracy
10 and takeover by a Marxist dictator, which I also personally experienced later in life.

11
12 30. My family and our friends came to New York and established an enclave of
13 Cuban Bay of Pigs refugees in Brooklyn. I am a product of New York City's
14 Catholic parochial school system, St. Frances de Chantal and Bishop Ford High
15 School. I worked as a bag boy and a newspaper delivery boy and in a Carvel ice-
16 cream shop at a very early age. I worked my way through the University of
17 Pennsylvania's Wharton School of Finance parking cars at a dinner theater as a bus
18 boy and by buying and repairing used cars. After Penn, I returned to Venezuela to
19 work. I came back to the United States to attend and graduate from Harvard
20 University's Graduate School of Business.

21
22 31. In 1996, fourteen years after graduating from Harvard, during the birth of the
23 internet, I came up with the idea of using the internet to expose stock fraud for a
24 profit. I discovered over fifty frauds in a row in short order. I am recognized by the
25 National Bureau of Economic Research, the nation's leading nonprofit economic
26 research organization, as the "pioneer" of "information producers as arbitrageurs
27 rather than as short-sellers, to distinguish them from uninformed short-sellers in the
28 market."

29
30 32. De Blasio has questioned the concepts of economic freedom and private
31 property, basic constitutional American rights that are fundamental to our free
32 society.¹⁵ He was an ardent supporter of Nicaragua's Marxist Sandinista government
33 and of Castro in the 1980s, and he has praised Hugo Chavez. As mayor, he has said
34 that most New Yorkers would "love" a "very, very powerful government...involved
35 in directly addressing their day-to-day reality."¹⁵

36
37 33. Contrast De Blasio with Rudolph W. Giuliani who is also product of New
38 York City's parochial school system, Bishop Loughlin High School in Brooklyn. As
39 the corruption-fighting prosecutor and no-nonsense former Mayor of New York, Mr.

¹⁵ "In Conversation: Bill de Blasio," September 4, 2017, New York Magazine.

1 Giuliani acted as the city’s tough chief executive and earned the title of “America’s
2 Mayor”¹⁶ after the 9/11 terrorist attacks.

3
4 34. My love for the American values of self-rule independence and freedom from
5 government oppression and deep concerns about my daughter’s future and how she
6 was being taught to feel about what’s right and wrong left me no alternative than to
7 oppose the radical Mayor De Blasio judicial appointee that was assigned to my case.
8 I learned how the judicial system works to enlighten others including the blameless
9 victims like my own daughter and to defend myself from the effects of fraudulent
10 judicial misconduct. New York State’s UCS lacks the availability of plainly
11 adequate remedy for due process claims against judicial fraud. There is no
12 adequate path to federal protection. This is the purpose of RightABigWrong.Org to
13 investigate how in this day and age and in such a personal private area of law dealing
14 with individual rights and powers that have found protection under the 14th
15 amendment of the U.S. Constitution¹⁷ such judicial corruption can exist and survive
16 in the United States.
17

18 ***PROMULGATED GRAFT***
19

20 35. New York Constitution Article 6 §28 grants the state’s chief judge sole and
21 individual power to device and promulgate *administrative* rules and policies that
22 govern the internal workings of its state justice department. This is an enormous
23 responsibility in a system of justice but it is unregulated and unsupervised by the
24 state’s elected official or any other state agency.
25

26 36. New York Constitution Article 6 §28 requires that the chief judge consult the
27 four members of the *administrative* board of the courts. These are the leaders of
28 each one of its appellate divisions. The members are the four Appellate Division
29 presiding judges. Then the Chief Judge is supposed to obtain the approval of the six
30 other judges of the Court of Appeals. There are 7 judges on the Court of Appeals.
31 The Chief Judge is one of them. The Chief Judge is support to obtain approval
32 before promulgating rules throughout the UCS.¹⁸ This type of organization exists in
33 each state. This is how an incredibly small group of judges can delegate power to
34 state bureaucrats that affect parents federally protected due process and parental

¹⁶ Mott, Gordon. "Rudy Giuliani: America's Mayor". *Cigar Aficionado*. Retrieved October 26, 2007

¹⁷ See Annex I: Legal Authorities on Parental Power and Rights.

¹⁸ The New York Unified Court System or “UCS” is the name of New York State’s judicial department. The UCS encompasses all of the state’s judges and courts from the lowest level limited jurisdiction magistrate sitting in a village court to the chief judge of the state’s highest court, the Court of Appeals, which hears constitutional claims.

1 rights and authority.

2
3 37. This system exists in every state. It is private and it is used to create operate
4 lawless unauthorized internal family law system that take categorical
5 constitutionally protected due process and parenting rights from parents and then
6 protects family court judges from discovery and liability regardless of the level of
7 their misconduct.

8
9 38. Using *administrative power* to affect rights and judgment is illegal;
10 *administration* is not a judicial act. Judges have no right to interfere with parental
11 rights without due process and legal authority. They must comply with laws that
12 clearly prohibit government from deprive parents of their rights. States ignore the
13 law and interfere with the knowledge that parents cannot afford the burden of
14 defending themselves.

15
16 39. After taking all sorts of acts including suspending a parent, State's allows
17 these judges to sit in judgment and claim to be impartial and unbiased. This is a part
18 of the policy that is promulgated by the chief judge's *administrative power* and is
19 direct violation of federal law.¹⁹

20
21 40. The State act this way because it knows that even if a parent can afford the
22 burden of suing a judge that is can deny the parent adequate remedy for dealing with
23 malicious prosecution, manufactured crimes²⁰ and criminal indifference of their civil
24 rights²¹ and defend the state action in federal court under principle of state
25 sovereignty in our federal system.

26
27 41. As a result, a court of laws are governed by backroom wheeling and dealing
28 conducted without oversight under some private undefined ideological policies
29 using private unpublished *administrative* rule. Family Court becomes a private
30 playground for lawyers and judicial appointees.

31
32 ***UNREVIEWABLE AND UNAPPEALABLE EVIL ACTS***
33

34 42. Allowing bureaucrats to use of the chief judge's constitutional power,
35 intended for *administrative* purposes, to perform individual unauthorized acts
36 against parents is illegal but it happens, exists and there is no available state remedy.
37 Americans are torn over law and legislation dealing gun control and the rights of an

¹⁹ In re Murchison, 349 U.S. 133, 136–37, 75 S. Ct. 623, 625–26, 99 L. Ed. 942 (1955). Annex II

²⁰ Chambers v. State of Florida, 60 S.Ct. 472, 479, 309 U.S. 227, 240–41 (U.S. 1940). Annex II

²¹ Smith v. Wade, 103 S.Ct. 1625, 1632, 461 U.S. 30, 41 (U.S., 1983). Annex II

1 unborn child. But these are legal issue being fought over openly. The issue of Chief
2 Judge using constitutional power illegally to allow family court judges to commit
3 fraud against parents is of a different form and nature, independent of the subject
4 matter. Guns, abortion and individual due process and parenting rights are different.
5 But sadly, abortion is legal. The taking of individual due process and parenting
6 rights privately without legal authority by delegated of the Chief Judge is not legal.

7
8 43. These are fraudulent acts. They finagle normal parents into court and keep
9 them there. These acts executed are without cause, codes, or standards and without
10 legal authority, reasoning, evidence, hearing, or factual findings. Because they are
11 devoid of all judicial substance, they are both fundamentally illegal and unjust. They
12 are unreviewable and unappealable orders. This is judicial conscious evil
13 wrongdoing²² at its worst. It is organized by chief judges. The US Supreme Court
14 has called these government acts that has called “evil.”²³

MANUFACTURED CRIME

15
16
17
18 44. The US Supreme Court has repeatedly deemed parental rights to be an
19 essential basic civil right of people, a right more precious than property rights.² Our
20 highest court has ruled, “It is cardinal with us that the custody, care and nurture of
21 the child reside first in the parents, whose primary function and freedom include
22 preparation for obligations the state can neither supply nor hinder and that
23 government is powerless to supplant parents.”²⁴ To justify taking such a powerful
24 right, family court judges routinely manufacture undefined, ideological, unwritten,
25 nonexistent, and emotional authority as excuses for their own actions, again using
26 the chief judge’s constitutional *administrative power*.

27
28 45. The US Supreme Court has described persons that become victims of
29 government abuse such parents involved in custody cases in family court as “non-
30 conforming victims of prejudice” who represent “tragic proof that the exalted power
31 of some governments to punish manufactured crime dictatorially is the handmaid of

²² “Whenever the injury complained of has been inflicted maliciously or wantonly, and with circumstances of contumely or indignation...the tort is aggravated by evil motive.” *Smith v. Wade*, 103 S.Ct. 1625, 1632, 461 U.S. 30, 41 (U.S., 1983). Annex II

²³ “The evil of a decision that applies a standard other than the one it enunciates spreads in both directions, preventing both consistent application of the law by subordinate agency personnel (notably ALJs), and effective review of the law by the courts.” *Allentown Mack Sales and Service, Inc. v. N.L.R.B.*, 118 S.Ct. 818, 827, 522 U.S. 359, 374–75 (U.S., 1998). Annex II

²⁴ *Prince v. Massachusetts*, 321 U.S. 158, 166, 64 S.Ct. 438, 442, 88 L.Ed. 645 (1944). Annex I

1 tyranny.”²⁵
2

3 ***THE STATE ATTORNEY GENERAL’S ROLE***
4

5 46. The US Supreme Court has ruled that it would be “very strange if our system
6 of law” permitted such a scheme, noting that “no man can be a judge in his own case
7 and no man is permitted to try cases where he has an interest in the outcome.”²⁶ In
8 the case of family court judges, the UCS metamorphoses into the judge, jury, and
9 prosecutor, defending its own practice of allowing family court judges to act
10 *administratively* against parents. The system does not end here. As noted earlier,
11 the Chief Judge has the constitutional power to retain the State Attorney to defend
12 the judge at the trial and appeal level and to defend the family court judge directly
13 through private attorney directly under the control of the chief judge.
14

15 47. New York Executive Law Article 5 §63(1) states that the state’s attorney
16 general (“AG”) will defend all actions taken against any state office that requires the
17 services of attorney or counsel to protect the interest of the state if, in the AG’s
18 opinion, the interests of the state so warrants.
19

20 48. In practice, the AG indiscriminately appears to defend any judge against any
21 citizen who files a suit against the judge. This includes all cases, even cases
22 involving allegations of serious deliberate and malicious conduct in which the judge
23 has executed criminal or fraudulent actions in the clear absence of jurisdiction.
24

25 49. This is even the case if the judge has acted maliciously against parental rights,
26 a constitutional liberty right. No matter how particular or well documented the
27 parent’s evidence, the AG automatically, without review, comes to the judge’s
28 defense. This is true even in cases where citizens are challenging the state’s scheme
29 of wrongfully using the chief judge’s constitutional power to make *administrative*
30 *rules* against parents. The AG steps in, ignores the facts and constitutional arguments
31 of the parents, and declares with the full power of the Attorney General’s Office that
32 the judge is right and the citizen is wrong. No facts allowed. Period.
33

34 50. No less repugnant is the situation in which the AG defends a family court
35 judge against a parent and that parent then sues the Supreme Court judge presiding
36 over the citizen’s case of judicial misconduct. In this situation, the UCS
37 automatically allows the same non-judicial bureaucrats of New York’s court system,
38 the same non-judicial employees accused of illegally using the chief judge’s

²⁵ Chambers v. State of Florida, 60 S.Ct. 472, 479, 309 U.S. 227, 240–41 (U.S. 1940). Annex II

²⁶ In re Murchison, 349 U.S. 133, 136–37, 75 S. Ct. 623, 625–26, 99 L. Ed. 942 (1955). Annex II

1 *administrative powers* against parents and make their appearance to defend the
2 offending judge. Essentially, non-judicial bureaucrats defend the fraudulent system
3 before the judges that allow it. But the judges are not the court. Court rulings have
4 defined this conduct as a fraud on the court.²⁷
5

6 ***EVIL MOTIVE*** 7

8 51. The US Supreme Court ruled that this type of system “flouts the basic
9 principle that all people must stand on an equality before the bar of justice in every
10 American court.”²⁵ Allowing family court judges to act lawlessly inflicts injury
11 maliciously and wantonly. As stated in the opening, the US Supreme Court has
12 found this practice to be “evil”²⁸ because the act is without standards. It has also
13 found that such acts have an “evil motive”²⁴ because they are executed with “criminal
14 indifference to civil obligations.”²⁹
15

16 52. Judges are authority figures that wear black robes. Judges allow judges to
17 commit illegal acts against parental prima facie rights.³⁰ This idea is morally and
18 emotionally disturbing and difficult to comprehend. The truth is that what goes on
19 in New York State for the most part goes on in every state. In over 82% of custody
20 cases the mother gets custody.³¹ Obviously, no one is stopping the judges for putting
21 a thumb on the Scale of Justice.
22

23 53. The judicial system’s victims cannot speak out. The judicial fraud they are
24 witnessing is obviously illegal, but the judges and victim’s lawyers themselves
25 control the illegal system. If questioned, the judges simply say, “It’s too bad the
26 citizen thinks it is strange; they should have appealed the decision.”

²⁷ “Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function—thus where the impartial functions of the court have been directly corrupted.” *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985). Annex II

²⁸ *Allentown Mack Sales and Service, Inc. v. N.L.R.B.*, 118 S.Ct. 818, 827, 522 U.S. 359, 374–75 (U.S., 1998). Annex II

²⁹ *Smith v. Wade*, 103 S.Ct. 1625, 1632, 461 U.S. 30, 41 (U.S., 1983). Annex II

³⁰ See Annex II for New York Jurisprudence 2d Domestic Relations § 330: Parents’ Prima Facie Right to Custody in the “Referenced Legal Authorities”

³¹ “Custodial Mothers and Fathers and Their Child Support” by Timothy Grall. U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau (2016).

1 **CONFLICT BETWEEN PARENTAL AUTHORITY AND JUDICIAL**
2 **JURISDICTION**
3

4 54. The power of a parent to protect his or her children from exalted government
5 intrusion is categorical and undeniable.³² Family court judges simply do not respect
6 the law that gives power to parents to control their children.²
7

8 55. The most important safeguard against exalted government power is rules that
9 limit power over individuals, or “personal jurisdiction” rules. If a justice system
10 lacks codes and standards to control the personal jurisdiction of a judge, then any
11 judge could have power over any American.
12

13 56. The second safeguard Americans rely upon to regulate judicial power is the
14 subjects that a judge can take power over, or “subject matter jurisdiction” rules. The
15 subject of personal family decisions on religion, morals, social and formal education,
16 personal behavior, attitudes toward government and politics, and so on, are
17 fundamental constitutionally protected rights.
18

19 **CONCLUSION: THE CHIEF JUDGE AND THE WIZARD OF OZ**
20

21 57. Parents’ prima facie rights to the companionship and guidance over their
22 children is greater than that of governments. In normal custody cases government
23 cannot legally interfere with parental rights.³² The most fundamental truth in
24 jurisprudence is that no *administrative* rules or policies can affect a right or a
25 judgment. However, in family court, constitutional power given to the state’s chief
26 judge to *administer* the state’s courts is handed down to family court judges to allow
27 them to manufacture crimes against parents and to create unreviewable unappealable
28 judgments that take categorical constitutionally protected due process and parenting
29 rights.
30

31 58. The chief judges use of *administrative* power is “tragic proof that the exalted
32 power” leads to “tyranny.”²⁵ Using the chief judge’s power family court judges
33 terrorize parents with government misconduct. This is not legal. “[T]he Constitution
34 proscribes such lawless means irrespective of the end.”²⁵
35

36 59. The United States Supreme Court has called a justice system without
37 standards “evil.”²⁸ The actions that Family Court judges take against parents are
38 malicious and evil. The United States Supreme Court has called this class of actions
39 “criminal indifference to civil obligations.”²⁹
40

41 60. We are speaking here about the self-determining rights of normal fit parents.

³² See Annex II: Legal Authorities on Citizen’s Rights against Government Intrusion.

1 It is time to pull back the curtain on topsy-turvy chief judges and hold the chief
2 judges responsible for illegally allowing family courts judges use their
3 *administrative* power take parent due process and parenting rights and the protecting
4 offending family court judges within the state and under the principle of state
5 sovereignty in our federal system. We must restore parents to their rightful place.
6 There is no place like home for parental rights.

7
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15 RightABigWrong.Org is a nonprofit created to educate Americans on issues in our
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