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May 27, 1998

Commission on Structural Alternatives for  
the Federal Courts of Appeals  
Washington, DC 20544

RE: FOLLOW-UP ON THE MEETING OF APRIL 24, 1998 IN NEW YORK  
CITY CONCERNING THE COMMISSION'S WORK PERTAINING TO THE  
STRUCTURE AND ALIGNMENT OF THE FEDERAL APPELLATE SYSTEM

Gentlemen:

While I was not able to personally appear to submit my brief and oral argument pertaining to the Appellate Court, it seems to me that this Commission is jumping in midstream in investigating the problems within the Federal Appeals Courts. I believe this Commission would be justified in starting with the district courts and oversee the operations pertaining to the assignment of judges in pro se complaints concerning violations of the United States Constitution and laws and the circumventing of such laws in cases where public officials or judges are sued as private persons.

Any well-versed pro se person or attorney clearly understands the difference between a judge acting within the scope of his employment and authority and official duties versus judges who believe there is no constitution and there are no federal laws. And they believe they are free to commit the federal crime of a conspiracy and the deprivation of due process and the 14th Amendment solely for the purpose to aid in a willfully false decision or order for the benefit of the defendant and/or his lawyers, knowing that such acts constitute obstruction of justice, subornation of perjury of the defendants' lawyers in their submitted affidavits and papers, and condoning the submission of such false papers and willfully and knowingly making a false decision for the benefit of the defendants to the prejudice of the plaintiff. It is clear that in the Matter of Bolte, 1904, 97 A.D. 551, 90 N.Y.S. 499, it raises a serious question of integrity of the federal judge and the federal judicial system which resulted in a prejudice to a plaintiff and leads to the destruction of a judges usefulness as a magistrate through the loss of public confidence in his fairness and integrity.

The past experience of 20 or more years of litigation in both state and federal court have resulted in this type of favoritism in violation of the U.S. Constitution and laws and that the prosecution of such judges under Title 18 U.S.C. 241 and 242 would be justified. It is ironic that because of the criminal conduct of some of the judges the Jemzura brothers ended up suing some 13 judges and after such reckless disregard for the

rights of individuals to sue under Title 42 1981 etc. does not seem to deter such conduct and does not seem to instill fear for this type of ongoing conduct. It is ironic that complaints have been filed pertaining to such conduct of these judges both at the state and federal level which resulted in frivolous dismissals without any supervision or investigation by either state or federal governments, despite the fact that in federal court we moved by FCRP for reconsideration which does not seem to impress these violating judges, who believe that they have unlimited judicial immunity and cannot be touched by any civil rights lawsuit which seems to be true at the present time. While suits have been filed against the misconduct and corruption of these judges, other judges react with favoritism and continue dismissing lawsuits, which have merits in the complaint and should have been determined by trial of the plaintiffs' peers. Although requests have been made for such jury trials, they ended up in frivolous dismissals by the court. This in turn violates FCRP Rule 1 and 453 pertaining to the oath of office.

This leaves the plaintiff in a precarious situation where he must then appeal in the Second Circuit Appellate Court in New York City. Our experience in such appeals has been frustrated by the incompetence or the favoritism where those judges who preside at such appeals ignore the laws and facts and render what they call summary orders. This, by itself, is unconstitutional because they ignore the evidence, they ignore the facts, they ignore the fact that there has never been a trial in the Jemzura case or an opportunity to present their case under the 14th Amendment and due process which has always been ignored during the past 20 years in both federal and state courts. It's a sham for our government to have an appeal process in place for litigants like ourselves when, in fact, the appellate court serves no purpose other than to obstruct justice by agreeing to the dismissal by the lower courts.

As an example, during the past year we have been subjected to this so-called review by the Second Circuit Appellate Court. In this particular case there was the provision where a low-income person, such as my brother Raymond who is 83 years old, was eligible to receive 2,100 feet of electric line extension to his residence. This provision was adopted in the Tariff Rules which came into effect in 9/22/93 for a period of two years. The application was accepted by the utility (New York State Electric & Gas) indicating by letter from their counsel (Huber, Lawrence & Abell) that NYSEG concurred with his right to receive electric power. Thereafter, we requested the Public Service Commission to investigate and order the utility to install the service. Their refusal has continued since 1993 to the present date and we cannot receive electric power.

Notwithstanding the low-income provision of the Tariff Rules, the Lebanon Town Board entertained a petition by NYSEG to use all public roads for electric line extension purpose, which included a condition that NYSEG would stand all costs for the construction and maintenance from company funds. The result was

a franchise agreement by the Town to the utility and accepted by the utility. It should be noted that since 1924 to 1990 the utility and the PSC and their employees and attorneys conspired to conceal the existence of such franchise which was the authority to use public property for their construction purpose, which also authorizes the same authority by the Transportation Corporation Law, paragraph 11(3).

However, this franchise by the town authorized the use of the 50-foot perimeters of all highways in the town in the event that the utility chose this route. However, the utility was granted an easement by a neighbor in 1941 and 1966 to use their private property in the event such route was chosen by the utility. Those easements clearly state and provide that the utility can extend their line for private and public use. All courts have discriminated, did not address those issues, but made frivolous decisions claiming that our case was frivolous or res judicata or collateral estoppel, which are bald-faced lies because we never had an opportunity to present any evidence for the past 20 years and the courts relied on the false perjured affidavits of both NYSEG and the PSC, who both refused to comply with due process to permit the Jemzuras an opportunity to present their witnesses and prove their case, which resulted in violations of the 14th Amendment and due process.

So, when we reached the appeal level courts, they rendered a summary order upon the transcript of the lower courts decision of dismissal. How in hell can an appeals court concur based on the order and decision after a trial or hearing when there never was any such trial or such hearing or such transcript. So, what we have in this particular case is a criminal conduct and conspiracy by the judges against the Jemzuras to deny them due process and the 14th Amendment rights that other litigants receive in a court of law.

It does not take an Einstein to see when the appeals court reviews the evidence in a totally disrespectful way and intentionally ignores the evidence or addressing the evidence from the lower court which would indicate that there was no trial, no hearing, no opportunity to present any evidence, no opportunity to examine witnesses from the witness chair, no calling of any witnesses, which they knew is the obstruction of justice but chose to be a co-conspirator with the judges of the lower court. Their willful intent was to protect the criminal conduct and corruption of the lower court judges in an attempt to prevent the Jemzura plaintiffs from pursuing further legal action in hopes that their false reckless decisions in favor of the defendants would discourage the Jemzuras' right to redress their grievances as guaranteed by the First Amendment to the Constitution.

I have neither the time nor patience to reiterate 20 or more years of criminal conduct as to judges who have sworn to uphold the U.S. Constitution and laws. As I said before, our Federal Government should investigate the District Courts along with the

Appellate Courts in order to justify possible changes that should be initiated. Corruption breeds more corruption and influences the growth of cancer within the system. Going back to 1970 to President Nixon's possible impeachment, which resulted in his resignation, during those ongoing hearings I distinctly remember John Dean who was a counsel to Nixon, stating in his testimony, that there exists a cancer in the presidency and it must be surgically removed. This, of course, caused Nixon to step down.

We have the same issues within our judicial system. Either we condone such illegal conduct or we enact laws that would be expeditiously pursued and prosecute those who violate the civil rights of other persons. So, we ask the question, what will the Appellate Commission suggest or change to avoid such criminal conduct that the Jemzura brothers have encountered in both the district and appellate courts? Would it be reasonable to eliminate all appellate review courts and create a citizens committee who would be empowered to act as an appeals court, which of course would be composed of a wide variety of 12 persons selected from different professions within the community? Such impanelling would be triggered after a Rule 60 motion has been made for the purpose to educate the judge that he has made an error pertaining to law and fact. If such judge refuses to correct such erroneous decision it would indicate a question of the appearance of impropriety and integrity as to his conduct. A panel created for this purpose would be in compliance with Rule 1 FRCP for a just, speedy and inexpensive solution to the case. Presently it takes a year or more if it goes through the appeals process procedure. Quite often this is unnecessary because a panel with legal training would first determine whether lawful procedure had been followed and whether the laws were circumvented by the lower courts. That process should not take any longer than one week after submission to such panel. At that point in time the committee would suggest that the judge was corrupt, biased, and that he be removed from proceeding further in such cases and would be removed from the bench as outlined under the Bolte case. Also, the Ex parte Young case.

It is ironic that our courts not of record in my state determine cases by a jury of six or twelve people to determine fact and law. People with ability can usually appear in such courts not of record for a party of his choosing without fee. I have appeared in several such courts and found that the small courts not of record have achieved a greater percent of justice than those of record in our state, and that the federal and state courts could emulate their record in achieving justice for both parties.

Just recently, 5/5/98, the Supreme Court ruled five to four that a litigant has a right to a trial before dismissal of his action (**EXHIBIT A**). Also see **EXHIBIT B**, pertaining to the shedding of judicial immunity by judges who, while acting under color of law, statute or ordinance, etc., willfully violate the civil rights of another person, lose their immunity. Also see **EXHIBIT C** which was a personal appearance upon submitted papers

and oral argument at the New York City April 24, 1998 hearing by the Honorable Elena Sassower which indicates that she among hundreds of others has experienced the same difficulty in receiving justice pursuant to the U.S. Constitution and laws, especially the 14th Amendment and due process.

I am also enclosing a copy of a complaint to the U.S. Attorney for the Northern District of New York filed by Mrs. Muka (**EXHIBIT D**) of March 13, 1998. Also, I am enclosing an affidavit by Mrs. Betty Muka, notarized on August 31, 1995 (**EXHIBIT E**) and also a felony complaint and information by Mrs. Muka sworn to on the 31st day of August 1995 (**EXHIBIT F**).

**EXHIBIT G**, Mrs. Muka letter in response to U.S. Attorney Maroney and Assistant Attorney Povone dated March 7, 1998.

In addition, I propose that there should be a congressional hearing where witnesses can appear and testify as to the violation of their civil rights that they have been subjected to so that there could be drastic changes if this appellate type of procedure is to continue.

In reference to addressing paragraph 2 of your notice, I believe that any measure to be adopted by Congress should first be governed by a public hearing by witnesses and victims of the ongoing injustice in American courts. After such hearing Congress can evaluate the issues and make proper changes that might contain severe penalty for judges who willfully violate the rights of the American people.

In reference to paragraph 3, from the experience of my friends and myself, nothing is working in either state or federal appeals courts and should be investigated by the Governor of the state as to the breakdown of law and order and also the judicial system and also by President Clinton by impanelling federal grand juries where victims of injustice can be heard and a solution can be suggested as to such unlawful acts.

In closing I can say that I can appear at a congressional hearing, despite my age of 81 years, and cause members of Congress to raise their eyebrows when they hear my testimony as an expert witness during the past 20 or more years of being subjected to not judicial conduct of judges, but subjected to criminal conduct of some judges that I have appeared before and that presently the Jemzura brothers are in the process of appealing a district court determination and preparing a certiorari to the United States Supreme Court concerning the deprivation of the Jemzuras' civil rights under the Constitution which started with a small issue of having electricity brought to their residence under the existing rules and regulations of Section 98.2 as authorized under the low-income HEAP provision. It is a shame that at the present time no judge has had the guts to determine that issue or issues of easements for private property or franchise that the utility can use all public roads within the Town of Lebanon, Madison County. I can only say that

my testimony as an expert witness, as one who is versed as an attorney in fact pertaining to laws and facts in this area of easement, franchise, utility rules and regulations and the duties and responsibilities of NYSEG and the PSC who have been alleged in the Jemzura complaint as conspirators and co-conspirators which is pending and we do not view that there is much hope in the Jemzura family to get justice in the appeals court because of the corruption and the non-compliance of the judges' oath of office. I am sure that the Second Circuit, having knowledge of this complaint, would probably retaliate. At 81 years I don't give a damn but the truth has got to be out that the people can read, hear it, and understand it. That the justice that they have been told exists in America is not there. As the Honorable Kenneth Starr stated in his position as special prosecutor, we still have a constitution and no person is above the law. I reiterate those statements by Mr. Starr whose concern is to get at the truth. The truth and the law have been missing in the Jemzura case. In other words, both state and federal court proceedings pertaining to the Jemzura matters was a complete total sham and outside the scope of legal definition of justice and authority.

I hope that this response would aid this committee who I believe have also been sworn to uphold the law and the constitution and should concur, not only with the facts stated herein, but the very facts that were stated by the Honorable Elena Sassower from the White Plains home office.

Yours truly,



George Jemzura

Enclosures

P.S. In the event that there are congressional hearings concerning these legal and troublesome matters, I will try my very best to endure a trip to Washington which is approximately 600 miles from my residence. Please keep that option open for me.

G. J.