

May 26, 2020

DC Commission on Judicial Disabilities and Tenure

Washington, DC

**Jeanine C. Sanford, Esq.**

**Hon. Colleen Kollar-Kotelly**

**Carol A. Dalton, Esq.**

**William P. Lightfoot, Esq.**

**David P. Milzman, M.D.**

**Anthony T. Pierce, Esq.**

**Nikki Sertsu**

**cc Cathaee Hudgins**

Commissioners,

My name is Howard C. Self and I live in the state of Washington. I represent "Right to Believe," a not-for-profit organization whose mission is to uphold the fundamental rights of religious freedom for all. "Right to Believe" includes tens of thousands of individuals who are fighting to protect the right to believe in one's religion without undue governmental interference.

As you were made aware through 5,000 submitted emails, tens of thousands of people, including myself, have suffered religious discrimination at the hands of Judge Laura Cordero. In the case, "*Family Fed. for World Peace and Unification vs Hyun Jin Moon, et al*" (No. 2011 CA 003721 B), Judge Cordero clearly showed bias towards one religious faction over another in an ongoing religious schism within the Unification Church, or Unification Movement. As often happens within new religions, the schism became heightened with the passing of its founder, Reverend Sun Myung Moon. Now entering its ninth year, the case explicitly involves questions of religious polity, structure, and theology. Judge Cordero's summary judgement in this case not only trampled on the First Amendment rights of the defendants, but also on the rights of people of faith worldwide.

Your recent decision to award Judge Cordero with a "well qualified" reappointment on April 27, 2020 was a very painful blow to all the people affected by Judge Cordero's bias. And this decision was

rendered in spite of her numerous judicial errors and 5,000 emails to the Commission objecting to her reappointment. Though 5,000 people of faith, representing many more, collectively decried her religious bias and discrimination against their faith, their voices were summarily dismissed.

A quick check on your record concerning reappointments shows that 31 judges have come up for your review in the last 13 years, and that *every single judge* was given the “well qualified” designation, effectively ensuring that the decision-making process never leaves the Commission’s authority. Yet, the “well qualified” designation, according to your rules, is reserved only for those judges “whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional” (page 2). But the official report of the Commission on Judge Cordero is fraught with misrepresentations and outright untruths that led to this unjustified qualification. This is a profoundly disturbing situation because citizens of the District of Columbia may well now be served by an unqualified judge who was reappointed through a faulty process.

In Judge Cordero’s submissions and what one assumes are her statements to the Commission for her evaluation for reappointment, she presented three cases as “exemplars” of her work (page 3 of Commission’s report). Two of the three “exemplars” she provided are evidently related to the case mentioned above (2011 CA 003721 B). Your Commission report states that these cases were both “difficult” and “complex”.

In the case, 2011 CA 003721 B, Judge Cordero failed to follow proper judicial procedure for a summary judgment. In a case where facts are highly disputed by both parties, the rules for summary judgment require the party seeking summary judgment to show that there is no genuine dispute as to any material fact, and that that party is entitled to judgment as a matter of law. However, Judge Cordero did the opposite, taking the plaintiffs’ fictional narrative, which the facts from discovery did not support, as the template for her decision—completely disregarding the defendants’ position or the disputed facts. At a minimum, Judge Cordero should have held a hearing and should have used the proper procedure for summary judgment. She did none of these things.

In addition, Judge Cordero’s sloppy handling of the case resulted in the unlawful incidence of a sitting judge unilaterally deciding on the structure, doctrine, hierarchy, and leadership of a religious body in the midst of a schism. Her bias led to her blatantly favoring one side’s claims in a religious dispute over the other side in her decision. In doing so, Judge Cordero not only violated the basic Constitutional rights of religious freedom of those involved, but affected the lives of tens of thousands of individuals (myself included). The glaring fact, that both Judge Cordero and the Commission ignored, is that the Appellate Court instructed that this case must be dismissed if, “it becomes apparent to the trial court that this dispute does in fact turn on matters of doctrinal interpretation or church governance,” which it did. Yet, she evidently told the Commission that she “carefully tracked the

guidance provided by the appellate court” (page 4). But she did not, because if she had looked at the facts found through discovery, she would have seen the obvious—*that the entire case hung on numerous religious questions*. Judge Cordero’s actions put into serious question her legal judgment. That is, to everyone except the Commission. In its report, the Commission wrote that, “Judge Cordero originally dismissed the case on lack of subject matter jurisdiction due to religious abstention” (page 4). However, this is blatantly false. The case was dismissed by Judge Anita Josey-Herring in 2013, not by Judge Cordero. The fact that Judge Cordero did not represent one of her “exemplar” cases properly and that she did not correct this falsehood speaks to her lack of integrity, her incompetence, or both.

Judge Cordero also evidently told the Commission that her decision “was affirmed on appeal” (page 4). This is another clear falsehood and misrepresentation. If this were a person’s resume, it would be like hyping up one’s record to make oneself look better—a highly questionable practice. A simple look at the docket of the case reveals that Judge Cordero’s summary judgement ruling has never been appealed and that the case is currently in the remedies phase. As such, there was no way for her decision to be “affirmed” because the case is still ongoing. It is now being handled by another judge, Judge Jennifer Anderson. Judge Cordero should have known that since no punitive action ever took place, there *could have been no appeal*.

One can only conclude that the above facts were misrepresented by Judge Cordero to the Commission in her interview and in her submissions, either by knowingly deceiving the Commission, or through sheer incompetence. If she misrepresented the facts in these three “exemplars”, then what other facts did she twist? Judge Cordero’s lack of integrity in her representations to the Commission puts into question her ability to uphold the oath she made before the Constitution. There certainly is no justification for giving her the Commission’s highest approval rating.

I telephoned the Commission office on May 22, 2020, to register that the report had errors. Executive Director Cathae Hudgins, who answered the phone, told me that the Commission had “never” had errors in their reappointment reports up until now. In other words, the Commission was evidently unaware of the errors contained in their report on Judge Cordero. If Judge Cordero read the report (which is fair to assume she did) and did not reach out to correct these blatant errors, that also puts into question her integrity and alone should be grounds to reconsider her reappointment. She should be re-evaluated in light of her unwillingness to reach out to correct these factual errors. After all, the Commission’s responsibility is to engage in proper fact-finding, review the statements and documents submitted by the judge, and render a truthful, unbiased opinion for the President’s consideration.

The Commission’s report states that it “interviewed attorneys who had appeared before Judge Cordero” (page 4). Yet, in relation to two of the three cases that Judge Cordero submitted as

“exemplars” of her work, it is not disclosed whether the lawyers involved in those cases were interviewed or not. Considering that the Commission received “5,000 emails” decrying Judge Cordero’s “violations of the First Amendment and religious bias” (pages 3 and 4), one would think an interview of the lawyers involved in the case in question would be a matter of course. If the Commission had interviewed lawyers involved in the case, its report most likely would not contain such misleading and false information about the Judge’s performance, the status of the case, and the Judge’s involvement (or lack thereof) in them.

Additionally, the report reveals serious contradictions when the Commission blithely dismisses the 5,000 emails it received. The report says the emails “sharply criticized Judge Cordero’s legal reasoning”, but that “that issue is not within the Commission’s purview to consider” (page 4). Yet, bafflingly, in the very same paragraph the Commission says that the rulings for the cases Judge Cordero submitted were “quite persuasive” as well as “well-reasoned, clear and concise, and meticulous as to the facts and the law” (pages 3 and 4). By what parameters, other than “legal reasoning”, could you say those cases were “quite persuasive” and “well-reasoned”? Simply put, it is unfair, contradictory and blatantly dishonest for the Commission to give Judge Cordero this praise, while, in the same paragraph, dismissing thousands of emails claiming that “legal reasoning” is “not within the Commission’s purview to consider”.

Furthermore, the main case in question is still ongoing. No conclusion has been reached. It is common sense that it is improper for the Commission to unilaterally characterize Judge Cordero’s opinion as being “quite persuasive” or “well-reasoned” in a public report when the case is ongoing and is yet to be resolved. But in its haste to give Judge Cordero the highest possible qualification, the Commission contradicted itself, improperly emphasizing the persuasiveness of her “legal reasoning”.

If the Commission referenced dozens of cases in its report, then some mistakes might be understandable. However, the entire report only goes into slight detail regarding one of three cases. And even there you got the facts wrong. Not only is it troubling that a government agency submits a report riddled with so many factual errors and misrepresentations to the President, but it is also outrageous that Judge Cordero (who surely read the report about her own reappointment after it was published) did not reach out to the Commission and correct the false statements. It seems that the Commission is hoping that the White House will simply accept their report at face value and not question its contents.

All of us in “Right to Believe” as well as the citizens of the District, want honest judges that uphold the Constitution and want unbiased judicial procedures to be the norm in our nation’s courtrooms. The Commission’s track record of giving every judge the highest possible rating for the last 13 years is questionable in itself, but Judge Cordero’s reappointment with a “well qualified” designation

is simply unacceptable. Fundamental procedures and reports, such as the one made by the Commission about Judge Cordero's reappointment, should serve to make real the notion of "checks and balances", but they are worthless and a hindrance to democracy if they are not based upon true representation of facts. We at "Right to Believe" implore you to correct the facts and reconsider your evaluation of Judge Cordero's reappointment. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Howard C. Self". The signature is written in a cursive style with a large, stylized 'H' and 'S'.

Howard C. Self

President, *Right to Believe*