

345 Webster Ave. Apt. 4-0
Brooklyn, New York 11230
June 14, 2018

Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: Judicial Conduct Complaint 02-18-90028-jm

Dear Ms. Wolfe,

I hereby petition the judicial council for review of the order dated June 8, 2018. The order simply replicates the mistakes made by the district judge and the court of appeals. Excerpts from the order are in italics.

In January 2017, the Complainant filed a pro se action against two university administrators and a state attorney grievance committee...

I filed a complaint against the state attorney grievance committee and the general counsel of Columbia University (Jane Booth) on January 30, 2017. On February 13, 2017, I filed an amended complaint adding the president of Columbia University (Lee Bollinger) as a defendant. In a letter dated and filed on February 22, 2017, Andrew Schilling said he represented Mr. Bollinger and asked Judge Castel to dismiss the lawsuit. Judge Castel dismissed the lawsuit in a document dated February 23, 2017, and filed on February 24, 2017.

The amended complaint was served on Mr. Bollinger on February 23, 2017, 3:58 PM. In a letter to Judge Castel I filed on February 24, 2017, I asked, "How do you know Mr. Schilling is representing Lee Bollinger? Mr. Bollinger may claim that Mr. Schilling acted on his behalf without his knowledge." On March 17, 2017, I filed an affidavit for judgment by default accusing Mr. Schilling of "falsely and maliciously stating that he represented Lee Bollinger." The default judgment says:

ORDERED, ADJUDGED AND DECREED: That Lee Bollinger not cause any civil or criminal legal action to be taken against the plaintiff for offering to give a lecture/lesson on the arguments for God's existence via email, regular mail, or telephone to the following individuals appointed by the University Chaplain of Columbia University: Rev. Doyeon Park, Rabbi Yonah Blum, Rabbitzen Keren Blum, Rabbi Yonah Hain, Rev. Daniel Lee, Rev. Richard Sloan, Dr. Anne Klaeyesen, Bryan Scott, Ashley Byrd, Hon Eng, Monsignor John Paddack, and Eric Lipscomb.

alleging that the administrators violates the First Amendment by refusing to deliver a lecture on his religious beliefs...

This is a gross misrepresentation. I am a retired high school teacher and believe nobody learns anything by listening to a lecture. I prepared a handout for my proposed lecture/lesson to help the Columbia community create their own knowledge about God's existence, which is a topic in philosophy. My lecture/lesson was about my philosophical understandings, not my religious beliefs.

The judge denied the request for recusal because the judge had not been affiliated with any state attorney grievance committee for more than fifteen years. The court of appeals affirmed.

The appellate brief I filed on March 27, 2017, presents five issues for review, labeled A, B, C, D, and E. Only issue A mentions Judge Castel's former affiliation with the state attorney grievance committee. The content of issues B and C is my present accusation of judicial misconduct against Judge Castel and my affidavit for judgment by default. Issues D and E argue that Judge Castel's decision is totally irrational.

On June 23, 2017, Mr. Schilling filed a responding brief that did not address the issues A, B, C, D, and E. I requested oral argument to explain the connection between my lawsuit and four other lawsuits concerning the teaching of religion in public schools, one of which is the famous Scopes Monkey Trial. On October 3, 2017, my request was granted, against the wishes of the Mr. Schilling. The podcast is on your website (Oral Argument, docket no. 17-818, January 18, 2018).

In my petition for writ of certiorari to the Supreme Court of the United States (docket no. 17-1361), I pointed out that on October 2, 2017, I told the Attorney General of the United States about this lawsuit. My suspicion is that there has been some unlawful interference in this lawsuit. This would account for the decision to allow oral argument in a supposedly frivolous lawsuit.

I refer the judicial council to my petition to the United States Supreme Court, my brief to the Second Circuit, and my request for a hearing en banc for an explanation of why my lawsuit has merit and the dismissal of it totally irrational. My oral argument analyzes a quotation from Stephen Jay Gould saying that human beings did not evolve from animals and proving that most American biologists are disingenuous about this fact of biology. What follows is additional and supplementary information.

Everyone should know and understand the concept of God and the arguments for God's existence. It is not just because we have to decide whether or not we pay for our sins after we die. We need to know this in order to understand history. Life is meaningful for people who have the gift of faith and are trying to get to Heaven. People who think life ends in the grave have to create their own meaning. This makes self-described agnostics and atheists prone to irrational political movements, like communism. If you don't have an intelligent concept of God and understand the arguments for God's existence, you can't evaluate this historical and psychological explanation of the communist movement.

The Stanford Encyclopedia of Philosophy (SEP) has three lengthy entries on the arguments for God's existence (cosmological, teleological, and ontological). None of these entries explains the correct concept of God and the rational argument for God's existence. I refer to the SEP entry on the cosmological argument in my complaint to prove the social value of my proposed lecture/lesson. On December 16, 2017, Uri Nodelman, a senior editor, sent me this email:

Thanks for your message. We take critiques of SEP entries seriously --especially if there are claims about the errors of fact (or of omission) or claims about violations of SEP guidelines seriously. At present, however, we don't know exactly which passages you find problematic. From a quick read of your linked page, it seems like you think there ought to be some citation of Etienne Gilson's work and possibly Alan Bennett's work.

Alan Bennett is a British comedian and has a series of very funny skits titled "Oxford Philosophy." The senior editor of the SEP is ridiculing my criticism of the SEP entries. If the students and faculty of Columbia University could learn about the arguments for God's existence by reading the SEP entries, Lee Bollinger and Jane Booth did not deprive the Columbia community of enlightenment by declining my offer to give a lecture/lesson. If my criticism of the SEP is not 100 percent correct, then my lawsuit is frivolous.

Judges Castel, Katzmann, Kearse, and Pooler are irrational for the same reasons Professor Nodelman is irrational. The four judges could not wrap their heads around the proposition, presented in my pleadings, that many philosophers at secular universities in the United States do not understand the concept of God or pretend that they don't. The other possibility is that the four judges did not dare to consider the possibility that major secular universities were promoting misinformation about God's existence. The four judges should have first determined whether or not the SEP entries were as mistaken as I claimed in my pleadings. If it is true that the SEP is disseminating misinformation about God, then the judges could have rationally decided whether or not the New York State Unified Court System was using its authority to promote lack of faith in God in violation of the First Amendment. The decision of the four judges was irrational because they simply assumed that my proposed lecture/lesson had no valuable social content.

Although defense counsel had filed a notice of appearance and a letter indicating that the defendants had retained him to appear on their behalf, the misconduct complaint alleges that the Judge should not have accepted defense counsel's representation because the defendants themselves had not confirmed their attorney-client relationship in writing.

There would have been an "attorney-client relationship in writing" if Mr. Schilling announced his appearance for Mr. Bollinger after Mr. Bollinger became a defendant and after Mr. Bollinger read the complaint.

The gravamen of the complaint is that the Judge should not have dismissed the lawsuit one day after defense counsel requested the dismissal ...Such challenges can be pursued...only through normal appellate procedure.

It is true that the introductory sentence in my "Brief Statement of Facts" in my complaint against Judge Castel mentioned how quickly he ruled against me. However, at the end of the paragraph I spell out my allegation that Judge Castel is perpetrating a fraud upon the federal judiciary (issues B and C) not the irrationality of the decision (issues D and E).

Similarly, any allegation concerning the failure to recuse is also dismissed as merits related.

This is a reference to issue A in my brief, not issues B and C.

Finally, to the extent the Complainant alleges bias separate from the merits-based charges because the judge was "collaborating" with the defense counsel, the allegation is wholly unsupported and therefore dismissed...

At last issues B and C are addressed. If my allegation is "wholly unsupported," why doesn't the Judge Katzmann, who served on the appeals panel and considered issues B and C, repeat what I consider to be proof of illegal and malicious conduct: that Mr. Schilling announced his appearance for Mr. Bollinger one day before Mr. Bollinger got an opportunity to read my complaint. A federal judge knows better than me the ins and outs of legal procedures, and I would like to know Judge Katzmann's thoughts about the matter.

It might help the 11 members of the judicial council I suppose are not yet involved in my accusation of misconduct, if I tell how this lawsuit came about. I initially asked to give a lecture/lesson on God's existence to the faculty of four Catholic universities. To this end, I published my ideas about the arguments for God's existence at

https://www.academia.edu/23340072/WHY_PEOPLE_BELIEVE_GOD_CAUSED_THE_BIG_BANG

My offers were declined. I then made the offer to the Columbia Catholic Ministry, and the priest in charge declined my offer. I then made the offer to the two student co-presidents of the Columbia Catholic Ministry. They did not respond, but I got a letter from the priest threatening me with legal action if I contacted any more students. I told the Cardinal Archbishop of New York about this and my concern that the students were scandalized by the priest's suppression of a lesson about God's existence.

I then made the offer to the University Chaplain, Jewelnel Davis, who supervises 12 "Religious Life Advisors," including the Catholic priest. I did not get a response from Ms. Davis, but Diedre Fuchs, Director of Investigations for the Department of Public Safety, told me Ms. Davis checked with all of her 12 subordinates and no one was interested in my lecture/lesson. Ms. Fuchs told me this in person and said that if I contacted anyone else, I would be guilty of harassment. I responded by saying that I was going to complain to Mr. Bollinger about her and Ms. Davis. Ms. Fuchs acknowledged that I had the right to complain to Mr. Bollinger.

I sent the email of complaint to Mr. Bollinger on September 22, 2017 (docket No. 7, Exhibit B). Mr. Bollinger's office acknowledged receipt of the email, but there was no communication from Mr. Bollinger to me supporting the decision of Ms. Davis and the threats of legal action by Ms. Fuchs. I sent out few more emails to Columbia professors I had communicated with before. This is when I got the letter from the Ms. Booth threatening me with legal action. I filed a complaint against Ms. Booth with the state attorney grievance committee of the New York State Unified Court System. As mentioned above, the amended complaint naming Mr. Bollinger, Ms. Booth, and the state attorney grievance committee was filed on February 13, 2017.

In conclusion, there is no reason to think that Mr. Bollinger authorized Mr. Schilling to represent him and that he approved of the decision made by Ms. Davis and the letter from Ms. Booth. Of course, I can't read Mr. Bollinger's mind. He may be very happy that he got Mr. Schilling and Judge Castel to do his dirty work.

Very truly yours,

David Roemer
347-414-2285
mailed with a certificate of mailing