

**Carl Bernofsky, Ph.D.**  
**109 Southfield Road Apt. 51H**  
**Shreveport, LA 71105**

October 26, 2017

The Honorable Steve King  
2210 Rayburn House Office Building  
Washington, D.C. 20515

Re: Impeachable Offenses of U.S. District Court Judge Helen "Ginger" Berrigan

Dear Representative King:

Ordinarily, the Judicial Council of the Fifth Circuit, through the U.S. Judicial Conference, would recommend to this Committee whether an impeachment inquiry should be initiated over serious, material allegations of misconduct by a federal judge. However, these are not ordinary times because a relatively new doctrine adopted by the Fifth Circuit now exempts judges who retire from the bench from being investigated for past impeachable offenses.<sup>1,2</sup> Among those benefitting from this ruling is Judge Helen "Ginger" Berrigan, who stepped down at about the time the Fifth Circuit's Judicial Council formulated its ruling.<sup>3</sup>

Inasmuch as the Fifth Circuit has consistently dismissed the undersigned's complaints against this judge, he undertook a formal request of the U.S. Supreme Court that simply questioned whether judges should be exempted from being investigated and prosecuted over past high crimes and misdemeanors.<sup>4,5</sup> The petition posing this question was recently denied.<sup>6</sup>

Nevertheless, the recent dictum by the Fifth Circuit's Judicial Council that exempts judges from prior offenses that are felonies is manifestly unconstitutional. It is an issue that begs to be deliberated by Congress, whose duty it is to create laws that regulate the operation of the Judicial Branch.

I am enclosing to all members of the Subcommittee on the Constitution and Civil Justice, and to Judiciary Committee Chairman, Representative Bob Goodlatte, a copy of my Petition for a Writ of Mandamus, which recently was denied by the U.S. Supreme Court.

As a means of providing guidance to other judges, the undersigned requests that this Body undertake an investigation of the potentially impeachable offenses committed by the Honorable Helen "Ginger" Berrigan during her adjudication of a series of cases from 1995 to 2001 in which he was plaintiff and the Administrators of the Tulane Educational Fund was defendant.

The enclosed documents provide evidence that Judge Berrigan willfully engaged in the type of misconduct that federal laws were specifically designed to prevent. Such misconduct enabled her to favor an institution that employed (and paid) her as an adjunct professor.<sup>7</sup>

Respectfully yours,



Carl Bernofsky

Tel: (318) 869-3871

Enclosure:

In Re: Carl Bernofsky, Petition for Writ of Mandamus, Supreme Court Docket No. 17-205.

References:

1. In Re: Complaint of Judicial Misconduct Against United States District Judge Walter S. Smith, Jr., Under the Judicial Improvements Act of 2002 (Fifth Circuit, Docket No. 05-14-90120, September 28, 2016). Reprinted at:

[http://www.tulanelink.com/pdf/Judge\\_Smith\\_Order\\_05-14-90120.pdf](http://www.tulanelink.com/pdf/Judge_Smith_Order_05-14-90120.pdf)

2. The Doctrine of Judicial Entitlement. Reprinted at:

[http://www.tulanelink.com/tulanelink/judicialentitlement\\_box.htm](http://www.tulanelink.com/tulanelink/judicialentitlement_box.htm)

3. 'Senior status' for Judge Helen 'Ginger' Berrigan opens second seat on federal bench in New Orleans, *The Advocate*, New Orleans, September 9, 2016. Reprinted at:

[http://www.tulanelink.com/tulanelink/berriganretire\\_box.htm](http://www.tulanelink.com/tulanelink/berriganretire_box.htm)

4. In Re: Carl Bernofsky, Petitioner (U.S. Supreme Court Docket No. 17-205, August 7, 2017).

Petition Reprinted at:

[http://www.tulanelink.com/pdf/pet\\_mand\\_17-205.pdf](http://www.tulanelink.com/pdf/pet_mand_17-205.pdf)

Appendix Reprinted at:

[http://www.tulanelink.com/pdf/app\\_mand\\_17-205.pdf](http://www.tulanelink.com/pdf/app_mand_17-205.pdf)

5. A full version of the Petition for Writ of Mandamus is enclosed with this letter.

6. In Re: Carl Bernofsky (U.S. Supreme Court Docket No. 17-205).

Denial Reprinted at:

[http://www.tulanelink.com/pdf/Clerk\\_SupCt\\_17C\\_reply.pdf](http://www.tulanelink.com/pdf/Clerk_SupCt_17C_reply.pdf)

7. Additional information is available from links in the following PR Newswire press release:  
<https://www.prnewswire.com/news-releases/us-supreme-court-dockets-request-of-former-tulane-professor-to-order-investigation-of-federal-judge-300512449.html>