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john@johnkarls.com
May 18, 2011

(Please send questions
(or comments by e-mail
(since itinerary is fluid

[Title] [First Name] [Last Name]
[Religious Organization]
[Street Address]
[City + State] [ZIP]

**(This is a copy of a letter sent to each of 51 inner-city clergy
from Los Angeles, San Francisco and Oakland CA)**

Dear [Title] [Last Name]:

Re: Inner-City Holocaust and America's Apartheid "Justice" System In Honor of Jonathan Kozol and In Memory of John Howard Griffin The Last Chapter

Hopefully, you will recall my letters to you and 50 of your colleagues from the inner cities of Los Angeles, San Francisco and Oakland which began last June, the most recent of which is attached for your convenience.

The Judiciary's "Segregated Toilet" and the Fatal Flush

The most important news in my most recent letter was that even though the questions by California Court of Appeal Judge Martin Jenkins caused the attorney for Mellon - Bank/NY to concede that their legal position was wrong, Judge Jenkins and his two colleagues signed an opinion "walking back the dog" on that concession and holding Mellon - Bank/NY were correct.

In order to do so, Judge Jenkins and his two colleagues following the infamous practice (which could be termed "the segregated toilet") of a court's specifying that its decision cannot be published or cited because they know that it is contrary to well-settled law, affirmed the state trial court's decision even though it was diametrically opposed to one of the appellate court's own recent decisions (which was held inapplicable with no explanation) and diametrically opposed to recent decisions of two other California Courts of Appeal (which were disingenuously claimed to provide the opposite of what they in fact had provided). [As set forth in the penultimate section below, the texts of these decisions are available as References G, H and I.]

In so doing, Judge Jenkins and his two colleagues denied to 10 million California inner-city children the legal rights that are routinely enjoyed by first-class American citizens in general and, in particular, heirs of holocaust victims whose fine art was stolen by the Nazis to sue for "conversion" (the civil-law counterpart to the crime of theft) the current "owners" of that fine art even if the current "owners" were unaware of the theft by the Nazis – with the heirs given the choice of reclaiming the fine art or receiving from the current "owners" the value of the fine art.

"I've Seen This Movie Before And It's A Horror Show"

As you may recall, Barclays Capital Ltd. (a British subsidiary of Britain's Barclays Bank PLC) admitted in unprivileged communications:

- that it had stolen a trade secret that I had invented and whose value I had pledged in legally binding fashion to benefit the education of American inner-city children in "I Have A Dream"® or IHAD-style programs; and
- that it had used the trade secret to sell U.S. foreign tax credits to 16 large international financial institutions (the annual statements filed by Barclays Bank with the U.S. Securities and Exchange Commission show that Barclays had at least \$21 billion of its own non-U.S. income taxes to sell as U.S. foreign tax credits which, together with triple punitive damages, produced the estimates of \$84 billion and 10 million California inner-city children whose futures were at stake – assuming Barclays did not sell foreign income taxes of unrelated parties to the 16 buyers which would have pushed the estimates even higher).

You may also recall that of the 16 buyers:

- Lehman Brothers did not survive the recent economic crash and the lawsuit against BNP/Paribas (BNP was the former National Bank of Paris) had to be withdrawn for strategic reasons.
- Goldman Sachs, Citibank/Citicorp and ING Bank fled to the federal courts with the U.S. District Court and the Ninth Circuit using their own infamous "segregated toilets" to unconstitutionally deny the 10-million California inner-city children "due process" and "equal protection of the law." The U.S. Supreme Court refused to accept an appeal while 21 prominent politicians refused to file *Amicus Curiae* ("friend of the court") briefs and 43 news-media superstars refused to provide the same spotlight that they routinely provide, for example, for David Boies and his legal attempts to reverse Proposition 8.

- Seven defendants (ABN AMRO, AIG/AIU, Bank of America, Bear Stearns, HSBC Bank, JP Morgan Chase and Merrill Lynch) agreed in the Fall of 2009 to a stay of proceedings in the California Superior Court (San Francisco) pending a final disposition of the appeals in Wachovia Bank and Wells Fargo which had been decided together by the California Superior Court and were being consolidated again by the California Court of Appeal.
- Mellon Bank and Bank of NY had refused to agree to stays. Their cases were decided separately by the California Superior Court but consolidated with each other by the California Court of Appeal even though Mellon Bank involved only a procedural issue that was unrelated to “conversion” which was the sole issue in Bank of NY – and, for that matter, in Wachovia and Wells Fargo.

Subsequently to my last report, a copy of which is attached for your convenience:

- On January 13, 2011, the California Court of Appeal denied a Motion for Rehearing in Mellon Bank - Bank of NY. (The Notice of Denial did not indicate whether the vote was 3-0 or 2-1, thereby providing a “fig leaf” for Judge Martin Jenkins to claim that he had voted for a Rehearing.)
- On January 26, 2011 the California Supreme Court refused to accept an appeal in Wachovia - Wells Fargo.
- On March 16, 2011, the California Supreme Court refused to accept an appeal in Mellon Bank - Bank of NY.

Within 48 hours of receiving the Notice of Refusal by the California Supreme Court in Wachovia - Wells Fargo, a settlement offer was made to all eleven of the remaining defendants to withdraw the lawsuits with each party bearing its own costs (normally the losing party would have to pay the costs of the winning party). The 1/31/2011 settlement offer contained a deadline for acceptance of 2/5/2011.

- The reason for making the offer was “*I’ve seen this movie before and it is a horror show*” – because the only remaining appeal would be to the U.S. Supreme Court (which declines to even accept for consideration more than 99% of the appeals) and in identical circumstances in Goldman Sachs, et. al. last year, 21 prominent politicians had refused to file Amicus Curiae (“friend of the court”) briefs and 43 news-media superstars all refused to provide the same spotlight they routinely provide, for example, for David Boies and his legal attempts to reverse Proposition 8.
- All of the defendants, except Mellon Bank and Bank of NY, leapt at the offer.

Mellon Bank and Bank of New York Argue To The California Supreme Court That The 10 Million California Inner-City Children Are NOT Entitled To The Same “Equal Protection Of The Law” As Heirs Of Holocaust Victims Whose Fine Art Was Stolen By The Nazis Because The 10 Million California Inner-City Children Are Not Facing A Holocaust

- When the 1/31/2011 settlement offer was made, Mellon Bank - Bank of NY had not yet filed their Answer Brief with the California Supreme Court opposing the Petition to Appeal.
- The Mellon Bank - Bank of NY then filed their Answer Brief which made the argument in the title of this section.
- On February 23, 2011, the eve of the deadline for filing Plaintiff’s Reply Brief with the California Supreme Court, Mellon Bank - Bank of NY inquired whether they could still accept Plaintiff’s 1/31/2011 settlement offer.
- Since the argument that Mellon Bank - Bank of New York had made to the California Supreme Court was so outrageous, the inquiry was rejected out of hand.
- The rejection stated that even though there was no chance the California Supreme Court would accept an appeal in Mellon Bank - Bank of New York after having just refused to accept an appeal in Wachovia - Wells Fargo, the rejection stated that under the circumstances, the 21 prominent politicians, the 43 news-media superstars and the nine justices of the U.S. Supreme Court deserved a second chance to redeem themselves, however likely might be their failure to seize the chance for redemption.

The Last Chapter – Inner-City Holocaust and America’s Apartheid “Justice” System (In Honor of Jonathan Kozol and In Memory of John Howard Griffin)

On June 14, 2011, a Petition for Certiorari (request to accept an appeal) will be filed with the U.S. Supreme Court. The actions (or lack thereof) by the 21 prominent politicians and 43 news-media superstars to support that Petition, together with

the action by the U.S. Supreme Court, will comprise the last chapter in the book, *Inner-City Holocaust and America's Apartheid "Justice" System*.

The book, except for the last chapter, has already been written and is in safe hands. Publication will occur next fall after the U.S. Supreme Court has acted.

The book will not be published commercially because I feel it is my obligation to America's ideals to finish this book and distribute it in the most effective way to reinforce Jonathan Kozol's attempts to convince America that it has betrayed its ideals by creating a permanent underclass from which there is virtually no chance of escape.

Accordingly, although the book will be copyrighted, it will be made available free of charge over the internet to colleges and universities for use in ethics courses offered by law schools and divinity schools, and for use in undergraduate courses in political science, ethics/philosophy, sociology, etc.

Reference Materials

As with my most recent report, a copy of which is attached, reference materials will be made accessible from www.ReadingLiberally-SaltLake.org (a monthly politically-oriented book group that I facilitate in the vicinity of my retirement cottage).

The following reference materials can be downloaded from the third section of www.ReadingLiberally-SaltLake.org which third section is entitled "Possible Topic for Fall 2011" –

Reference A – Mellon Bank - Bank/NY 1/24/2011 Petition for California Supreme Court Review + 2/24/2011 Reply Brief

Reference B – Mellon Bank - Bank/NY 12/30/2010 Motion for Rehearing by the California Court of Appeal

Reference C – California Court of Appeal 12/15/2011 Mellon Bank - Bank/NY Opinion That Was Ordered Not To Be Published Or Cited

Reference D – 1/31/2011 Settlement Offer to all 11 Defendants (4 active and 7 stayed) in the California state courts

Reference E – Wachovia Bank - Wells Fargo 12/6/2010 Petition for California Supreme Court Review + 1/6/2011 Reply Brief

Reference F – California Court of Appeal 10/27/2011 Wachovia - Wells Fargo Opinion That Was Ordered Not To Be Published Or Cited

Reference G – Text of decision by California Court of Appeal District 1 in *Gladstone v. Hillel* (1988) *

Reference H – Text of decision by California Court of Appeal District 2 in *Freemont Indemnity Co. v. Freemont General Corp.* (2007) *

Reference I – Text of decision by California Court of Appeal District 4 in *Thrifty-Tel, Inc. v. Bezenek* (1996) *

* References G, H and I are the three cases described in the Second Paragraph of the First Section above.

What You Can Do

As always, your prayers would be greatly appreciated.

In addition, you could contact the 21 governmental officials to encourage them **to represent their constituents** by filing *Amicus Curiae* ("Friend of the Court") Briefs with the U.S. Supreme Court as described in the enclosed letter to them.

Also you might consider whether there are any organizations with which you might have influence, such as the NAACP, which would be able to file *Amicus Curiae* briefs with the U.S. Supreme Court. An *Amicus* Brief filed before consideration of a Petition for Certiorari must be accompanied by a Motion For Leave To File if consent is not obtained from Defense Counsel - Peter Obstler, Esq., Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111 (Direct = 415-393-2578).

The U.S. Supreme Court will likely decide September 28, so that is how long you should sustain your prayers and efforts.

Thank you for your continued support.

Sincerely yours,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in the World, 1994-2003

Generic copy to: 21 Governmental Officials
43 News-Media Superstars
U.S. Senator Christopher A. Coons
Mr. David M. Axelrod – Certified Return Receipt
Mr. David Plouffe – Certified Return Receipt

1534 Clay Street - Unit 1
San Francisco, CA 94109
john@johnkarls.com
January 12, 2011

[Title] [First Name] [Last Name]
[Religious Organization]
[Street Address]
[City + State] [ZIP]

**(This is a copy of a letter sent to each of 51 inner-city clergy
from Los Angeles, San Francisco and Oakland CA)**

Dear [Title] [Last Name]:

Re: **A Possible Answer To Prayer!!!**

**\$84 Billion Legally Pledged For Education of California's Inner-City
Children Rapidly Slipping Away Due To Judicial Improprieties**

Hopefully, you will recall my letters which began last June. The most recent one of December 17 reported:

However, there is good news to report!!!

You may recall that both my original letter of June 28, 2010 and my subsequent letters requested you and your congregation to pray for the judges involved in these lawsuits to obey the law.

And last week, a different division of the California Court of Appeal from the division that had engaged in such outrageous behavior in the Wachovia - Wells Fargo cases had a hearing on the virtually-identical Mellon Bank - Bank of New York cases (thank God Mellon Bank and Bank of NY had refused to agree to stays in the trial court like the remaining 7 banks!!!).

The three-judge panel which held the hearing last week on Mellon - Bank/NY consisted of William McGuinness, who is the Chief Judge of the California Court of Appeal, Stuart Pollak, who is the most senior judge on the California Court of Appeal, **and Martin Jenkins who served with distinction as a trial attorney for the Civil Rights Division of the U.S. Justice Department (1980-83) and served with distinction as a Judge of the U.S. District Court for the Northern District of California (1997-2008).**

All three judges were very attentive during the hearing **and Judge Jenkins put such critical questions to the attorney for Mellon - Bank/NY that the attorney confided to me afterwards that he expects the decision to be in our favor!!!**

But let's not "count our chickens" yet!!!

And even if the Mellon - Bank/NY decision is favorable, there will be a long hard slog as the banks drag out the litigation for several years to try to wear us down!!!

But I did want to share with you some good news during this Holiday Season!!!

Incidentally, if you or any of your congregants know Judge Jenkins, please do not approach him concerning this matter. Judicial ethics prohibit a judge from discussing a case being considered by her/him and, although I am sure that Judge Jenkins would cut off immediately any attempt to discuss these cases, it would be a tragedy if he were unwittingly trapped in a conversation about them and, as a result, had to excuse himself from the cases.

Unfortunately, even though the questions by Judge Jenkins caused the attorney for Mellon - Bank/NY to concede that their legal position was wrong, Judge Jenkins and his two colleagues signed an opinion "walking back the dog" on the concession and held that Mellon - Bank of NY were correct. The refusal

of Judge Jenkins and his two colleagues to recognize the concession of opposing counsel that his clients' legal position was wrong is the subject of pp. 15-18 of the Petition for Rehearing.

In the past, copies of the legal briefs have been mailed to you. However, doing so is very expensive compared to posting them on the internet from which you can down-load them – especially since it now appears that every penny will count in the legal battles immediately ahead. Available for down-load from the internet are:

- The Petition for Rehearing in Mellon - Bank/NY dealing with Judge Jenkins and his two colleagues “walking back the dog” on the concession of the attorney for Mellon - Bank/NY that the legal position of his clients' is wrong – filed with the Court of Appeal on 12/29/2010, and
- The Reply Brief in Wachovia - Wells Fargo filed with the California Supreme Court on 1/6/2010.

They are accessible from www.ReadingLiberally-SaltLake.org (a monthly politically-oriented book group that I facilitate in the vicinity of my retirement cottage) following two simple steps –

1. Scrolling down on that web site to “Participant Comments – Making Our Democracy Work by US Supreme Court Justice Stephen Breyer – Jan 12th” and
2. Selecting from the next screen that will appear if you click on the Participant-Comments section just described, the topic “Will Breyer’s Supreme Court Disgrace Itself Again?”

That will produce the enclosed set of comments. You will see that at the bottom of the first page of the enclosure are listed the three essential components of the Mellon - Bank/NY Petition For Rehearing, and at the top of the second page of the enclosure are listed the three essential components of the Wachovia - Wells Fargo Reply Brief. **If you click on those components in the same set of comments that appears on the web site, they will download onto your computer in Microsoft Word files.**

You might also be interested in the comments posted in the same Participant-Comments section under the topics of:

- 43 News-Media Stars Ignore Holocaust For 10-Million Inner-City Kids, and
- Supreme Court Fiddling While Rome Burns: America’s Apartheid “Justice” System.

As always, if you have any comments or questions or requests for additional materials, please contact me by e-mail (john@johnkarls.com) with an e-mail subject starting with IHAD in order to by-pass my SPAM filter.

Thank you for your consideration.

Sincerely yours,

John S. Karls
JD, Harvard Law School, 1967
Who’s Who in American Law, 1988-2003
Who’s Who in America, 1988-2003
Who’s Who in the World, 1994-2003

Mr. Michael Moore