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Mario G. Obledo
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James W. Connor
UNDERSECRETARY

The Honorable Ross N. Sterling
U.S. District Judge
Federal Courthouse
Houston, TX

Dear Judge Sterling:

In November, December, and February I communicated with you in regards to the editorial, "Judicial Contempt" which appeared in the Sacramento Bee, November 18, 1979. To this day, the courtesy of a reply has not been extended; I have regretfully concluded none is forthcoming.

Since occupying the office of Secretary, there have been a score of critical news articles written on myself. Seldom do I answer the critics - but on occasion I feel a duty to do so. When my good name is unfairly tarnished by an article or when I feel the news story undermines the confidence of the public in their institutions of government, I promptly react. The Bee editorial challenged the integrity of yourself and thus the judiciary. You are an individual; the judicial branch an institution. You will pass, the institution will remain. Thus, in my opinion, there was a duty to respond - to at least protect the institution.

At a time when the character of all branches of government is being questioned, the judicial branch should take the lead in setting examples of equality, impartiality, and fairness. For if our judges lose the respect of the body politic, our democratic system of government will surely disintegrate.

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Thus I am saddened that you have failed in either one of two respects: (1) defending the court from an unfair editorial, or (2) performing in the manner which the editorial labeled "judicial contempt". In any event, my prayers are with you.

Sincerely,

SIGNED BY

MARIO G. OBLEDO
Secretary

cc: Honorable Warren Burger
Chief Justice of the U.S. Supreme Court

The Sacramento Bee

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Editorials

Judicial Contempt

If it were possible to impeach a judge for contempt of court, the outstanding candidate would be federal District Judge Ross N. Sterling in Houston, Texas. For those who haven't followed the case closely, Sterling is the judge who ordered one-year jail terms for three former Houston police officers in the death of a young Mexican-American Vietnam veteran they had arrested, beaten and forced to jump into a canal where he drowned. That light sentence so outraged the community that the Justice Department, in an unusual proceeding, asked a higher court to order stiff prison terms.

Last month the U.S. 5th Circuit Court of Appeals directed Sterling to impose prison terms in addition to the one-year jail terms, but failed to specify the length of sentence. The other day, Sterling complied, but, ignoring the higher court's clear intent, did so in a way that added only one more day to the ex-cops' time to be served. Then, by ordering the jail and prison terms to run concurrently, he made it possible for them to be paroled sooner than they could have been under the original sentence.

Sterling's contemptuous response to the circuit court order amounts, at the very least, to judicial scofflaw, and, at worst, tends to confirm the perceived import of the first sentence: that official murder is virtually condoned in Houston when the victim is Hispanic.

In reaction to this arrant subversion of justice, the Mexican-American community and others in Houston have mounted a campaign for Sterling's impeachment. The odds of that happening would be long in any case. But given the climate of Texas politics and the fact that Sterling is a former law partner of ex-Gov. and presidential candidate John Connally, they are impossible.