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118th Congress
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H.R. 1

IN THE HOUSE OF REPRESENTATIVES

January 3, 2023

AN ACT

To abolish the unconstitutional executive power¹ that was wrongfully provided to the presiding officer of the US Judicial Conference (Conference) by the 96th US Congress in the Judicial Conduct Act of 1980 (Act) by: (1) amending the Act to obligate the presiding officer to process and verify considerations filed under the Act concerning judicial misconduct alleged to defeat civil liberties, the doctrines of separation of church and state, separation of powers, and federalism, or the powers of the office of the American presidency or Congress; (2) by amending the Act to create a special impeachment mechanism that would permit claims to proceed against the presiding officer of the Conference for conduct executed in the processing of considerations; (3) abolishing the Federal Judiciary Center (FJC) and repealing the FJC Foundation Act; and (4) eliminating the chief justice’s position as Chancellor of the Smithsonian and as a ex officio member of the Smithsonian’s Board of Regents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the “Eva Asensio Anti-Judicial Corruption Act of 2023.”

1. Errors, omissions, and mistakes in the Judicial Conduct Act of 1980 provide the presiding officer of the US Judicial Conference the power to eliminate and expand rights under the Constitution through the combination of illegal rule making by the federal judges under the Rules Enabling Act of 1934 (28 U.S.C. § 2071-2077 with illegal judicial conduct in US courts. Under any standard or interpretation of the US Constitution this power can properly be described as an unethical, unprincipled, undemocratic concentration of power in one unelected person.

SECTION 2. ABOLITION OF FEDERAL JUDICIAL CENTER AND FEDERAL JUDICIARY CENTER FOUNDATION

(A) Chapter 16 of title 28, United States Code, Section 629 is abolished, repealed, vacated, and removed in its entirety.

(B) Chapter 42 of Title 28, United States Code, Section 620 is abolished, repealed, vacated, and removed in its entirety.

SECTION 3: REMOVAL OF CHIEF JUSTICE FROM SMITHSONIAN BOARD OF REGENTS

(A) Section 20 of Chapter 3 of title 20, United States Code is amended to remove the Chief Justice of the United States from the Board or Regents of the Smithsonian Institution.

SECTION 4: ANY PERSON'S RIGHT TO FILE COMPLAINTS AGAINST A FEDERAL JUDGE

(A) Chapter 16 of title 28, United States Code, Section 351 is amended to add the following subsection:

(e) Report by the Chief Judge

Upon the filing of any complaint alleging that a judge has, or group of judges have, acted fraudulently or otherwise engaged in clearly discernable unauthorized, unreasonable, or illusory conduct with the clerk of court, the Chief Judge must within 30 days of the date of filing of the complaint produce a report containing a full recitation of the factual allegations of each overt fraudulent or illusory act performed by a judge or group of judges and include in the report how the each overt fraudulent or illusory act is alleged to have affected any right or doctrine guaranteed under the United States Constitution.

(B) Chapter 16 of title 28, United States Code, Section 352(a)(2) is amended to delete the phrase: "the chief judge may request the judge whose conduct is complained of to file a written response to the complaint," and replaced with

the phrase: “the chief judge must request the judge whose conduct is complained of to file a written response to the complaint.”

(C) Chapter 16 of title 28, United States Code, Section 352(c) is amended to delete the phrase “the denial of a petition for review of the chief judge’s order shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise” and replaced with the phrase: “the denial of a petition for review of the chief judge’s order shall be immediately appealable to the full Judicial Conference.”

(D) Chapter 16 of title 28, United States Code, section 352 is amended to add the following subsection

(e) Consideration by the Judicial Conference

At any time during the proceedings, the complainant has a right to present to appeal to the full Judicial Conference a Demand for Consideration. Neither the subject judge or judges nor the verifying chief judge has any right to respond to the appeal. The US Judicial Conference’s presiding officer must acknowledge and verify the appeal within 5 days, and the Consideration must be processed in accordance with section 365.

SECTION 5: TRANSPARENCY IN THE CONFERENCE

(A) Section 351 of Chapter 16 of title 28, United States Code is amended by adding the following subsection:

(e) Notification Requirements When Substituting Chief Judge –

Should the Chief Judge of a Judicial Council transfer authority to review a complaint to another judge, the transfer is not valid unless and until the complainant is provided written notification of the transfer.”

(B) Section 352(b)(2) of Chapter 16 of title 28, United States Code is amended by adding the following language:

“The chief judge shall personally serve copies of the written order to the complainant and to the judge whose conduct is the

subject of the complaint within five business days. No order of the chief judge is effective unless and until personal service is completed during this timeframe.”

(D) Section 352 of Chapter 16 of title 28, United States Code is amended by adding the following subsection:

(e) Filing of Consideration in the District Court Docket. –

In the event a complainant seeks review of a final order of the chief judge of a judicial council, the complaint and full record of the investigation shall be filed in the electronic docket of the case in the United States District Court that gave rise to the judicial complaint.

(D) Section 359 of Chapter 16 of title 28, United States Code is repealed and replaced by adding the following subsections:

(a) Restriction on Individuals Who Are Subject of Investigation.—

No judge whose conduct is the subject of an investigation under this chapter shall serve appear at a judicial council or the Judicial Conference for any reason or purpose until all proceedings under this chapter relating to such investigation have been finally terminated.

(b) Amicus Curiae.—

Any person shall be granted the right to intervene or to appear as amicus curiae in any proceeding before a judicial council or the Judicial Conference under this chapter.

SECTION 6: REMOVAL OF CONFIDENTIALITY PROVISIONS

(A) In General – Section 360, Chapter 16 of Title 28, United States Code is amended by repealing subsection (a) and replacing it with the following subsection:

(a) Confidentiality of Proceedings. –

“No papers, documents or records of proceedings related to investigations conducted under this chapter shall be confidential.”

SECTION 7. MECHANISMS FOR IMPEACHMENT OF JUSTICES AND JUDGES

(A) In General – Chapter 16 of title 28, United States Code, is amended by adding at the end the following section:

Sec. 365. Mechanism for Impeachment

(a) Creation of the Commission to Regulate Use of Judicial Raw Will and Coercion in US Courts –

- (1) On the first day of the legislative session of each new Congress, the President shall select five members from his Executive staff, the Speaker of the House of Representatives shall select five members of the House of Representatives, and the President Pro Tempore of the Senate shall select five members from the Senate to serve on the Joint Executive and Congressional Commission to Regulate Use of Judicial Raw Will and Coercion in US Courts (Commission).
- (2) Each member of the Commission will serve a maximum period of two years or one term of Congress. Each member serves at the pleasure of the President, the House of Representative, and Senate and can be removed and replaced by them for any reason. Replacement members will serve shortened terms that end on the last day of the Congress for which they are appointed.
- (3) The Commission shall have jurisdiction to review any and all complaints of judicial misconduct filed by any person with the Judicial Council and Judicial Conference.

- (4) The Judicial Conference shall have 90 days to resolve a Consideration and report a full recitation of the allegations the Commission.
- (5) No complaints or Considerations may be filed directly with the Commission.
- (6) The Commission shall have the authority to investigate any Consideration filed at the Judicial Conference and remove any justice or judge from office under the standards set forth in Section 366 of this Act.
- (7) Not later than 100 days after the date of enactment of this Act, the Commission shall publish written rules and procedures for the review of reports of judicial conduct complaints filed and Consideration with the Commission under this Act.

SECTION 8. STANDARDS FOR IMPEACHMENT OF JUSTICES AND JUDGES

(A) In General – Chapter 16 of title 28, United States Code, is amended by adding at the end the following sections:

Sec. 366. Standards for Impeachment

(a) Constitutional Basis –

(1) A justice or judge of the United States shall be removed from office upon impeachment for, and conviction of, the infringement on individual liberties and inalienable rights, the creation of fabricated judge-made national policies that have no textual basis in the United States Constitution, or other high crimes and misdemeanors, as provided in Article II, section 4 of the United States Constitution.

(2) A justice or judge of the United States shall hold office during good behavior as provided in Article III, section 1 of the United States Constitution. As justice or judge failing to act with good behavior shall be removed from office by the

Commission to Regulate Use of Judicial Raw Will and Coercion in
US Courts.”

[End]