

## **THE INVESTIGATORY WORK OF THE INSTITUTE OF JUDICIAL CONDUCT**

In honor of his daughter, Mr. Asensio founded the Institute of Judicial Conduct, Inc.<sup>72</sup> (“IJC”), which has become the nation’s leading independent authority<sup>73</sup> on the federal judicial conduct. The IJC has three principal goals: (1) to explore and expose misconduct by judges within the Federal Judiciary; (2) to explore and expose the manner in which the chief justice of the United States Supreme Court controls the Judicial Conduct Act of 1980 (Judicial Conduct Act) as the presiding officer of US Judicial Conference, and the chief executive officer of the Administrative Office of the US Courts, the Federal Judiciary Center, and Federal Judiciary Center Foundation; and (3) to explore and expose the manner in which the Chief Justice destroys American’s constitutional liberty and rights through secrete proceedings, secrete associations, and secrete oaths that allow far Leftist ideas like the DRE to be used on US courts.

This Annex details illustrative examples of the Federal judges who wrongfully acted as political executives under the cover of law to oppose to constitutional executive political power.

### **A. Judge Ronnie Abrams Fabricates a Ruling to Protect Her Leftist Political Allies**

Judge Ronnie Abrams is a woman with such incredible bias that she is willing to bend the rules to protect her friends. An example of the lengths Judge Abrams will go to corrupt the judicial process can be found in the case of Devon Archer.

The business connection between Devon Archer and Hunter Biden is well-established in the public record. In 2014, Archer set up a company called Rosemont Seneca Bohai as a shell entity that received nearly \$3.5 million in payments from Burisma, the Ukrainian gas company where Archer and Biden sat on the board. Rosemont Seneca Bohai sent hundreds of thousands of dollars in regular transfers to Biden in 2014 and 2015.

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72. IJC was originally incorporated under the name of Every Violation Admonished, Inc. or EVA.

73. At the IJC, Americans’ Bill of Rights is the entire charter of government enacted by the US Constitution that begins with the authoritative statement “We the People” and established its fundamental purpose as the limitation of government jurisdiction, power, and authority in order to “secure the Blessings of Liberty” for the People. The greatest protection in the US Constitution is to make the People the decision makers on all criminal cases, to narrowly define the offense of Treason to protect against false or flimsy prosecutions and to limit the judges’ power to “Controversies” under the US Constitution and US laws.

Also well-known is Archer's involvement in a criminal scheme that led to his conviction by a jury. From March 2014 through April 2016, Archer, along with his co-conspirators Jason Sugarman, John and Jason Galanis, Bevan Cooney, Hugh Dunkerley, Gary Hirst, and Michelle Morton engaged in a fraudulent scheme that involved (a) causing the Wakpamni Lake Community Corporation ("WLCC"), a Native American tribal entity, to issue a series of bonds (the "Tribal Bonds") through lies and misrepresentations; (b) fabricating a fictitious insurance company to insure the bonds; (c) acquire of asset management firm; (d) deceptively causing employee pension funds who were clients of the firm they acquired to purchase the Tribal Bonds; and (e) steal 100% of the cash the pension funds paid for the Tribal Bonds. As a result, pension funds were unable to redeem or sell the bonds and they became worthless.

Less well-known is that Federal District Court Judge Ronnie Abrams knowingly and maliciously attempted to derail the prosecution of Devon Archer in order to further her interest in supporting the liberal elite and then-Presidential candidate Joseph R. Biden.<sup>74</sup> A review of the trial record shows that – from the very beginning of the trial – Abrams attempted to interfere with the prosecution's case. Abrams ruled against the prosecutors at every turn – *e.g.*, granting motions *in limine* to exclude evidence, limiting the availability of expert testimony, and creating biased jury instructions. When all of these efforts failed -- and the jury still convicted Archer based on the overwhelming evidence the prosecutors were able to slip past her – Judge Abrams stepped in an illegally usurped the jury's role and granted Archer's request for a new trial.

Why would Abrams throw out the jury's verdict and state on the record that she believed Archer was innocent of the crimes alleged? Why would Abrams fabricate a preposterous set of excuses to twist the facts in favor of Archer? The answer is that she was protecting the liberal elite, her lawyer friends, and Joe Biden. Abrams's husband is Greg Andres, one of Robert Mueller's top prosecutors on the special counsel team. Andres was also a witness for the prosecution in the Paul Manafort trial in the Eastern District of Virginia in August 2018. Moreover, Abrams's brother, Dan Abrams, is the chief legal affairs anchor for ABC News, and hosts the extremely liberal *The Dan Abrams Show* on SiriusXM.

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<sup>74</sup> See *United States v. Archer*, Case No. 16-cr-371 (S.D.N.Y.)

Abrams obviously understood that clearing Archer of a criminal jury conviction would limit the damage to Biden Campaign caused by the connection between Archer and Hunter Biden. Abrams seeded doubt about Archer's culpability in the criminal case, and also took away any incentive for Archer to confess about Hunter Biden's involvement in illegal activity so that he could secure a more favorable prison sentence in the fraud case. She was also protecting politically connected Jason Sugarman, who was the architect of the scheme and leader of COR Fund Advisers, LLC. The fact that Abrams would make up a story about a "roll up" plan to protect Joe Biden and her liberal friends provides support for my claims against Jose Cabranes in the DRE case. It shows Abrams will not be bound by principles of truth, reason, justice and fairness.

It is noteworthy that not a single judge took any action to remove Judge Abrams from the case even when it was patently obvious that she was acting in a politically motivated manner. In fact, Abrams was acting with impunity because she knew that she would be protected by the same friends who safeguard the DRE: Janet DiFiore, Robert Katzmann, and John G. Roberts. Abrams' actions in the Archer case prove that she is capable of the same corruption she showed in my own Federal case.

**B. Judge Emmett Sullivan Gets Reprimanded by Judge Randolph for Promoting the Global Warming Hoax**

In 2019, Judge Emmet Sullivan of the D.C. District Court forwarded an email to about 45 judges and their staffs to promote a global warming or climate-change seminar co-sponsored by the Judicial Conference which is run by Roberts. One of the judges who received the email was Judge Arthur Raymond Randolph who sat on the U.S. Court of Appeals for the District of Columbia Circuit. Judge Randolph received his law degree at the University of Pennsylvania in 1969. He was appointed to the U.S. Court of Appeals for the District of Columbia Circuit by George H.W. Bush in 1990. Randolph hit "Reply All" and wrote the following email: "What is your purpose in subjecting our colleagues to this nonsense?" He also stated that: "The jurisdiction assigned to you does not include saving the planet."

**C. Judge Emmett Sullivan and US National Security Advisor Michael T. Flynn**

In another example of misconduct by Judge Emmet Sullivan of the D.C. District Court, he refused to dismiss the case against Michael Flynn even though he was required to do so by law. In December 2017, Michael Flynn pleaded guilty to making false statements to FBI agents. *See*

United States v. Flynn, No. 1:17- cr-232, ECF No. 16 (D.D.C. Dec. 18, 2018). On January 2020, Flynn moved to withdraw his guilty plea on the grounds of the government's "bad faith, vindictiveness, and breach of the plea agreement." In May 2020, Bill Barr directed his subordinates to drop the case against Flynn. The DOJ lawyers moved to dismiss all charges with prejudice, under Federal Rule of Criminal Procedure 48(a). Judge Sullivan, however, did not automatically acquiesce to that demand. Instead, Sullivan he cited language in the Federal Rules of Criminal Procedure requiring "leave of court" when a case at the stage of Flynn's is dismissed.

On May 11, 2020, an attorney and former U.S. District Judge John Gleeson co-authored an op-ed concerning the Department of Justice's request to drop charges against former Flynn.<sup>75</sup> The op-ed argued that dismissal of charges was not automatic but would only be granted by leave of the court.<sup>76</sup> Two days later, Judge Sullivan appointed Gleeson to present arguments against the DOJ's request to withdraw the case against Flynn and to determine if perjury charges should be brought against Flynn. In the role, Gleeson served as a "friend of the court."

On May 19, 2020, Flynn filed an Emergency Petition for a Writ of Mandamus in the Court of Appeals for the D.C. Circuit, seeking expedited review. On June 24, 2020, A three-judge panel of the D.C. Circuit heard argument and granted the Petition in part, issuing the writ to compel the District Court to immediately grant the Government's motion. The three-judge panel consisted of Judge Karen Henderson (appointed by George H. W. Bush), Judge Robert Wilkins (appointed by Obama) and Judge Neomi Rao (appointed by Trump).

The opinion for the three-judge panel was written by Judge Neomi Rao. She argued that Sullivan's authority to review executive prosecutorial decisions under Rule 48(a) is extremely limited. Rao found that, while the district court should not just be a rubber stamp, executive prosecutorial decisions are entitled to a "presumption of regularity." Rao argues further that, without some evidence of bribery, animus, or similar bad faith to justify a judicial inquiry, "[o]ur

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<sup>75</sup> John Gleeson received his law degree from the University of Virginia in 1980. From 1981-1985, he was in private practice at Cravath, Swaine & Moore in New York from 1981-1985. He was an AUSA for the Eastern District of New York from 1985-1994, where he was noted for the prosecution of mafia cases, most notably that of John Gotti which resulted in Gotti's conviction. He was appointed to a Federal judgeship by Bill Clinton and he served as a Federal Judge in the Eastern District of New York from 1994-2016. He then retired from the Federal bench and joined the law firm of Debevoise & Plimpton.

<sup>76</sup> The Op-Ed is available here: <https://www.washingtonpost.com/opinions/2020/05/11/flynn-case-isnt-over-until-judge-says-its-over>

precedent prohibits a district court's involvement in the Executive's exercise of prosecutorial discretion by scrutinizing, overseeing, countermanding, or second-guessing the Executive's considered judgment that the dismissal of criminal charges is in the public interest."

**D. Judge Robert A. Katzmann**

Chief Justice Roberts appointed Judge Katzmann as chair of the US Judicial Conference Committee on the Judicial Branch, a member of his executive committee of the US Judicial Conference, and as chair of the Supreme Court Fellows Commission. Despite having these important roles, Judge Katzmann routinely engages in public advocacy work against United States immigration laws and against President Trump's administration of these laws. Judge Katzmann is an active fundraiser for organizations that oppose the enforcement of immigration laws, which clearly indicates that Chief Justice Roberts supports Judge Katzmann's political views and opposes President Trump's immigration policies. Chief Justice Roberts's refusal to restrict Judges Katzmann and McMahon clearly indicates that Chief Justice Roberts sanctions deliberate and malicious lawbreaking by federal judges.

**E. Judge Jesse Furman**

In March 2018, Commerce Secretary Wilbur Ross announced that the Census Bureau was planning to add a citizenship question to the 2020 census. Asking about citizenship seems reasonable enough since each state's counted population is used to apportion its fair share of the set 435 members elected by citizen voters to the House of Representative, adjusted every 10 years. Various groups sued Secretary Ross and his department, claiming the question was intrusive and would likely intimidate and deter many noncitizens from answering, especially if they're among the estimated 25 million illegal residents.

The lawsuit was assigned to Judge Jesse Furman of the Southern District of New York. Judge Furman was a graduate of Yale Law School and was appointed by Obama in 2011. The IJC also uncovered that his brother, Jason Furman, was chairman of Obama's Council of Economic Advisors. The IJC also uncovered that his mother, Gail Furman, was heavily involved in Leftist causes before her death in 2019. She helped fund David Brock's 2004 launch of Media Matters for America, and has contributed hundreds of thousands of dollars to leftist candidates and groups such as President Obama, MoveOn.org, and the Clinton Foundation. It should be no surprise that

Judge Furman sought to protect his leftist friends who rely on illegal immigrants to keep them in power and keep money flowing from the Federal government.

The IJC did an exhaustive review of Judge Furman's decision, and determined that it was based on selective evidence. Judge Furman bought into the plaintiff's arguments that the citizenship question would lead to an undercount of illegal residents despite the lack of evidence to support that claim. It is important to note something that Judge Furman did not even consider: the question that the Trump Administration wanted to add to the census did not ask if someone is in the country illegally. It simply asked whether the individual was a citizen.

It defies common sense for Furman to believe that a high percent of aliens residing in this country illegally would fill out the census in the first place, while aliens who are here legally would have no reason not to fill out the census form. Of course, illegal immigrants do not have the right to be in this country. They have the right to remain silent, but they do not have the right to vote or the right to be represented in Congress.

Yet, Furman ruled against the Trump administration's decision to add a citizenship question to the 2020 census. Judge Furman ordered the administration to stop its plans to include the so-called controversial citizenship question on forms for the upcoming national head count "without curing the legal defects" the judge identified in his 277-page opinion release. This abuse of judicial power shows just how far the Federal Judiciary will go to protect its Leftist views.

#### **F. Judge George Daniels and the Gamesmanship he Played with His Nationwide Injunction on President Trump's Immigration Rule**

In October 2019, Judge George B. Daniels of the U.S. District Court for the Southern District of New York issued a nationwide injunction of the public-charge rule. This was one of the most blatant examples of judicial bias in the last year. A "public charge" rule has been an element of immigration law for a long time. Public charge is one of the grounds of inadmissibility for new immigrants. If an individual is inadmissible, admission to the United States or adjustment of status is not granted. The U.S. government defines a public charge as a person who is "primarily dependent on the government for subsistence," as demonstrated by either (1) the receipt of public cash assistance for income maintenance or (2) institutionalization for long-term care at government expense.

In order to protect our borders and the sanctity of our public assistance programs, the Trump Administration made some changes to how “public charge” is defined. In blocking the rule, Judge Daniels called the expanded rule “repugnant to the American Dream of the opportunity for prosperity and success through hard work and upward mobility.” Judge Daniels issued a nationwide injunction on its implementation and while the Second Circuit Court of Appeals allowed his injunction to remain in effect, the Ninth Circuit Court of Appeals overturned a similar injunction.

The IJC did a review of the Supreme Court’s decision. All five of the conservative justices on the Supreme Court (Roberts, Alito, Gorsuch, Thomas and Kavanaugh) sided with the Ninth Circuit and struck down the nationwide injunction. They derided the idea of district courts imposing nationwide injunctions on Trump administration policy. Justice Neil Gorsuch, joined by Justice Clarence Thomas, issued a five-page concurring opinion arguing that such nationwide injunctions exceed the authority of federal judges.

“The real problem here is the increasingly common practice of trial courts ordering relief that transcends the cases before them. Whether framed as injunctions of 'nationwide,' 'universal,' or 'cosmic' scope, these orders share the same basic flaw — they direct how the defendant must act toward persons who are not parties to the case,” Gorsuch wrote. "What in this gamesmanship and chaos can we be proud of?" Gorsuch asked.

#### **G. The Faithfulness or Faithlessness of the 2020 Election Process and Results**

Contrary to the assertions of many, voter fraud is not a myth. It is a stark reality that exists nationwide, from the rural counties of Alabama to the urban centers of New York. The Heritage Foundation has documented nearly 250 cases where citizens, officials, candidates and campaign operatives conspired to commit vote fraud, compromising the integrity of our elections to achieve their ideological goals. Here is a small sampling of voter fraud:

- Idaho: Walter Coiner, a business owner in southern Idaho, tried to vote twice in the 2008 general election. Coiner voted in person in his home town of Ketchum, and cast an absentee ballot in nearby Twin Falls. Coiner’s ruse was discovered, and he pleaded guilty to misdemeanor voter fraud charges. A judge sentenced him to one year of unsupervised probation, 40 hours of community service, and he was slapped with a \$375 fine.

- Mississippi: William Greg Eason of Tallahatchie County, Mississippi bribed with beer and money to cast fraudulent absentee ballots for a district supervisor candidate in a 2003 run-off election. A jury found him guilty, and he was sentenced to two years in prison.
- West Virginia: In Lincoln County, West Virginia, Circuit Clerk Greg Stowers and five other Democrats were charged in 2005 with participating in a conspiracy to buy votes in congressional and presidential elections dating back to 1990. The men paid for votes in liquor and cash (typically \$20 per vote), handed out slates listing preferred candidates, and performed favors for supporters. All six eventually pleaded guilty to these charges in 2006, and Stowers was sentenced to six months in federal prison.
- Georgia: Tommy Raney, a 2007 candidate for a city council seat, and his campaign worker, Debra Brown, pleaded guilty to conspiracy to commit absentee ballot fraud. Raney won the election against Larry Pickett by only 27 votes. Raney and Brown were fined \$158,000 and \$20,000, respectively. Despite the fraud, the election results were never officially overturned, and Raney did not resign his city council seat until nearly two years later, in September of 2009.
- Iowa: Martia Yvonne Phillips and eight others in Iowa pleaded guilty to voting in the 2008 election despite being convicted felons who had not had their voting rights restored. She was subsequently sentenced to five years in prison, a sentence that was suspended to two years' probation.

However, the 2020 Presidential election stands out for the role played by Leftist judges before and after the election. Before the election, Roberts teamed up with the nation's most leftist federal judges who advocate illegal immigration and who label any effort to administer Federal immigration laws as racists. Roberts and the Leftist federal judges denied the duly elected American President – Donald J. Trump – his undeniable right under the Constitution and United States law to reinstate a citizenship question on America's 2020 Census that Obama had removed. It takes only common sense to discern that this and the 50 injunctions against the executive's action to govern immigration in accordance to US laws in good standing had a substantial impact on the election.

After the election, Roberts and the Leftist judges turned a blind eye to the obvious election fraud that had occurred in battleground states. Despite examples of voter fraud in many forms and in many places (similar to those identified above), these same Leftist federal judges refused to hear cases that would review the results of the election. Federal Judges all over the country stood by and did nothing while was stolen out from under the American people.



The Supreme Court turned away two Republican appeals over Pennsylvania’s mail-in ballot deadline changes. Three conservative Justices Thomas, Samuel Alito, and Neil Gorsuch sought to hear the cases, while Roberts sided with the liberal justices (as in the Citizenship Question Case) in turning them away. Justice Clarence Thomas issued a blistering dissent against the decision to reject the case. “One wonders what this Court waits for,” Justice Thomas wrote. “The decision to leave election law hidden beneath a shroud of doubt is baffling . . . .By doing nothing, we invite further confusion and erosion of voter confidence,”<sup>77</sup> Justice Thomas’ dissent concluded. “Our fellow citizens deserve better and expect more from us. I respectfully dissent.”<sup>78</sup>

Of course, the most egregious example of judicial misconduct came shortly after the 2020 election, when the State of Texas sued to challenge the election results in Georgia, Pennsylvania, Michigan, and Wisconsin. Texas filed a bill of complaint against the other three states challenging the manner in which those states conducted its elections. In reply, the battleground states argued that Texas had no business challenging the election protocols of other states. If the court had heard the case, Senator Ted Cruz said he would have argued it, at the request of Trump.<sup>79</sup>

Chief Justice Roberts did not want the Supreme Court to hear the case *Texas v. Commonwealth of Pennsylvania*, because he would have been forced to state his opinions on the record. Instead, he used his position to make sure that the Supreme Court did not hear this important case which is plainly within the Supreme Court’s jurisdiction.<sup>80</sup> In an “Order in Pending Case,”<sup>81</sup> which was unsigned and simply entered into the Supreme Court’s docket by the clerk, Chief Judge Roberts’ court dismissed one of the biggest scandals in history in just three sentences.

Only Justices Samuel Alito and Clarence Thomas had the courage to put their position on record. The Statement by Justice Alito, with whom Justice Thomas joined, stated: “In my view,

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<sup>77</sup> See *Republican Party of Pennsylvania v. Degraffenreid*, 592 U.S. \_\_\_\_ (2021) (Thomas, J. dissenting).

<sup>78</sup> *Id.*

<sup>79</sup> Separately, Senator Cruz submitted a resolution to Congress calling for the appointment of an Electoral Commission of five Senators, five House Members, and five Supreme Court Justices (the “555 plan”) to consider and resolve the disputed electoral returns. This was based on precedent from 1877 following serious allegations of fraud and illegal conduct in the Hayes-Tilden presidential race.

<sup>80</sup> There is strong evidence that Chief Justice Roberts has a personal vendetta against President Trump and that is why he refused to let the Supreme Court hear the case. As Senator Ted Cruz stated in an interview with David Brody, Chief Justice Roberts “despises Donald Trump.” See <https://justthenews.com/government/courts-law/senator-ted-cruz-says-scotus-chief-justice-john-roberts-despises-donald-trump>.

<sup>81</sup> The Order is available here: [www.supremecourt.gov/orders/courtorders/121120zr\\_p860.pdf](http://www.supremecourt.gov/orders/courtorders/121120zr_p860.pdf).

we do not have discretion to deny the filing of a bill of complaint in a case that falls within our original jurisdiction. *See Arizona v. California*, 589 U.S. \_\_ (Feb. 24, 2020) (Thomas, J., dissenting).” Clearly Justices Alito and Thomas are correct. The fact that the Supreme Court would not even hear the case – a case about an election where the over 50 federal judges had joined the “resistance” of a president– shows how far Roberts will go to appease the Left.