

Judicial Accountability and Integrity Legislation

(As amended 3/1/2000)

(a) Preamble. The House of Representatives finds: that an inordinate and ever-growing number of complaints for willful misconduct have been lodged with Congress involving federal judges across this nation; that the current Title 28 U.S.C. §372(c) (Judicial Misconduct and Disability Act) is in many cases inadequate due to conflicts of interest of judges judging themselves; that judicial integrity is of major importance which affects all areas of our American society. Be it therefore resolved that the House of Representatives assembled hereby enacts the following legislation which shall be known as the "***Judicial Accountability and Integrity Legislation.***"

(b) Definitions. For purposes of this statute:

1. The term "blocking" shall mean any act that impedes the lawful conclusion of a case, to include unreasonable delay and willful rendering of a void judgment or order.
2. The term "federal judge" or "judge" shall mean any federal justice, judge, magistrate, commissioner, or any person shielded by judicial immunity.
3. The term "Juror" shall mean a Special Federal Grand Juror.
4. The term "strike" shall mean an adverse immunity decision based upon bad behavior as set forth by paragraph (c), or a criminal conviction as set forth in paragraph (r).

Where appropriate, the singular shall include the plural, and the plural the singular.

(c) Immunity. Notwithstanding common law or any other provision to the contrary, no immunities shall be extended to any federal judge except as is specifically set forth in this statute. Preserving the purpose of protecting judges from frivolous and harassing actions, no immunity shielding a federal judge shall be construed to extend to any deliberate violation of law, fraud or conspiracy, intentional violation of due process of law, deliberate disregard of material facts, judicial acts without jurisdiction, blocking of a lawful conclusion of a case, or any deliberate violation of the Constitution of these United States, all violations of which shall constitute bad behavior.

(d) Special Federal Grand Jury. There is hereby created within the District of Columbia a twenty-five member Special Federal Grand Jury with full federal geographical jurisdiction having power to judge on both law and fact. Their responsibility shall be limited to determining, on an objective standard, whether a civil suit against a federal judge would be frivolous and harassing, or fall within the exclusions of immunity as set forth herein, and whether there is probable cause of criminal conduct by the federal judge complained of.

(e) Professional Counsel. The Special Federal Grand Jury shall have exclusive power to retain non-governmental advisors, special prosecutors, and investigators, as needed, who shall serve no longer than two years, after which term said officers shall be ineligible. However, with permission of the Special Federal Grand Jury, a special prosecutor may prosecute their current cases through all appeals and any applicable complaints to the Special Federal Grand Jury.

(f) Establishment of a Special Federal Grand Jury Seat. A Special Federal Grand Jury seat is hereby created, which seat shall be located in excess of one mile of any federal judicial body.

(g) Annual Funding. Congress hereby deducts two and nine-tenths percent from the gross judicial salaries of all federal judges, which amount shall be deposited regularly into the exclusive trust account created by this statute in paragraph (k) for its operational expenses, together with filing fees under paragraph (h), surcharges under paragraph (i), and fines imposed under paragraph (r).

(h) Filing Fees. Attorneys representing a client filing a civil complaint or answer before the Special Federal Grand Jury, shall at the time of filing pay a fee equal to the filing fee due in a civil appeal to the United States Supreme Court. Individuals filing a civil complaint or answer before the Special Federal Grand Jury in their own behalf as a matter of right, shall, at the time of filing, post a fee of one hundred dollars, or file a declaration, which shall remain confidential, stating they are impoverished and unable to pay and/or object to such fee.

(i) Surcharges. Should this statute lack sufficient funding through its fines, fees, and forfeitures (including deductions in paragraph (g)), Congress may impose appropriate surcharges upon the civil court filing fees of corporate litigants as necessary to make this statute self-supporting, or they may appropriate any and all the necessary funds for the full implementation of this statute by legislation, notwithstanding the two and one-half percent deduction of the salaries of federal judges.

(j) Compensation of Jurors. Each Juror shall receive a salary commensurate to fifty percent of a federal district judge prorated according to the number of days actually served.

(k) Annual Budget. The Special Federal Grand Jury shall have an annual operational budget commensurate to twenty times the combined salaries of the twenty-five Jurors serving full time, which sum shall be initially deposited by Congress into an exclusive trust account to be annually administered by the Controller. Should the trust balance, within any budget year, drop to less than an amount equivalent to the annual gross salaries of fifty federal district judges, the Controller shall so notify Congress which shall replenish the account, prorated based on the actual average expenditures during the budget year. Should the trust balance in any subsequent year exceed the annual operational budget at the beginning of a new budget year, the Controller shall return such excess to the United States Treasury.

(l) Jurisdiction. The Special Federal Grand Jury shall have exclusive power to establish rules assuring their attendance, to provide internal discipline, and to remove any of its members on grounds of misconduct. The Special Federal Grand Jury shall immediately assign a docket number to each complaint brought before it. Except as provided in paragraph (s), no complaint of judicial misconduct shall be considered by the Special Federal Grand Jury unless the complainant shall have first attempted to exhaust all judicial remedies available in the federal courts within the immediately preceding six-month period. Such six-month period, however, shall not commence in complaints of prior fraud or blocking of a lawful conclusion until after the date the Special Federal Grand Jury becomes functional. This provision is intended to apply remedially and retroactively.

(m) Qualifications of Jurors. A Juror shall have attained to the age of thirty years, and have been nine years a citizen of the United States, and an inhabitant of Washington, D.C. Those not eligible for Special Federal Grand Jury service shall include elected and appointed officials, members of the Bar, judges (active or retired), judicial, prosecutorial and law enforcement personnel, without other exclusion except previous adjudication of mental incapacity, imprisonment, or parole from a conviction of a felonious crime against persons.

(n) Selection of Jurors. The Jurors shall serve without compulsion and shall be drawn by public lot by the Secretary of State from names on the voters rolls and any citizen submitting his/her name to the Secretary of State for such drawing.

(o) Service of Jurors. Excluding the establishment of the initial Special Federal Grand Jury, each Juror shall serve one year. No Juror shall serve more than once. On the first day of each month, two persons shall be rotated off the Special Federal Grand Jury and new Citizens seated, except in January it shall be three. Vacancies shall be filled on the first of the following month in addition to the Jurors regularly rotated, and the Juror chosen to fill a vacancy shall complete only the remainder of the term of the Juror replaced. A majority of thirteen shall determine any matter. Special Federal Grand Jury files shall always remain public record following their final determination.

(p) Procedures. The Special Federal Grand Jury shall serve a copy of the filed complaint upon the subject judge and notice to the complainant of such service. The judge shall have thirty days to serve and file an answer. The complainant shall have twenty days to reply to the judge's answer. (Upon timely request, the Special Federal Grand Jury may provide for extensions for good cause.) The Special Federal Grand Jury shall have power to subpoena witnesses, documents, and other tangible evidence, and to examine witnesses under oath. The Special Federal Grand Jury shall determine the causes properly before it with their reasoned findings in writing within one hundred twenty (120) calendar days, serving on all parties their decision on whether immunity shall be barred as a defense to any civil action that may thereafter be pursued against the federal judge. A rehearing may be requested of the Special Federal Grand Jury within twenty days with service upon the opposition. Twenty days shall be allowed to reply thereto. Thereafter, the Special Federal Grand Jury shall render final determination within thirty days. All allegations of the complaint shall be liberally construed in favor of the complainant. The Jurors shall keep in mind, in making their decisions, that they are entrusted by the people of these United States with the duty of restoring a perception of justice and accountability of the federal judiciary, and are not to be swayed by artful presentation by the federal judge. They shall avoid all influence by judicial and government entities. The statute of limitations on any civil suit brought pursuant to this statute against a federal judge shall not commence until the rendering of a final decision by the Special Federal Grand Jury.

(q) Removal. Whenever any federal judge shall have received more than three strikes, the federal judge shall automatically be brought up on charges before Congress for Articles of Impeachment by the Special Federal Grand Jury through its special prosecutor for bad behavior and willful misconduct. Congress thereafter shall commence to a vote on such Articles of Impeachment. Upon a conviction, the federal judge shall be permanently removed from office. He may also be held liable under any other appropriate criminal or civil proceeding.

(r) Indictment. Should the Special Federal Grand Jury also find probable cause of criminal conduct on the part of any federal judge against whom a complaint is docketed, it shall have the power to indict such federal judge except where double jeopardy attaches. The Special Federal Grand Jury shall, without voir dire beyond personal relationship, cause to be impaneled special trial jurors, plus alternates, which trial jurors shall be instructed that they have power to judge both law and fact. The Special Federal Grand Jury shall also select a non-governmental special prosecutor and a federal judge with no more than four years on the bench from a state other than that of the defendant judge, (or outside of the District of Columbia, if the case so be). The trial jury shall be selected from the same pool of jury candidates as any regular federal jury. The special prosecutor shall thereafter prosecute the cause to a conclusion, having all the powers of any other prosecutor within these United States. Upon conviction, the special trial jury shall have exclusive power of sentencing (limited to incarceration, fines and/or community service), which shall be derived by an average of the sentences of the trial jurors.

(s) Criminal Procedures. In addition to any other provisions of this statute, a complaint for criminal conduct of a federal judge may be brought directly to the Special Federal Grand Jury upon all the following prerequisites: (1) an affidavit of criminal conduct has been lodged with the appropriate prosecutorial entity within ninety (90) days of the commission of the alleged conduct; (2) the prosecutor declines to prosecute, or one hundred twenty (120) days has passed following the lodging of such affidavit and prosecution has not commenced; (3) an indictment, if sought, has not been specifically declined on the merits by a Grand Jury; and (4) the criminal statute of limitations has not run. Any criminal conviction (including a plea bargain) under any judicial process shall constitute a strike.

(t) Public Indemnification. No federal judge complained of, or sued civilly by a complainant pursuant to this statute shall be defended at public expense or by any elected or appointed public counsel, nor shall any federal judge be reimbursed from public funds for any losses sustained under this statute.

(u) Redress. The provisions of this statute are in addition to other redress that may exist and are not mutually exclusive.

(v) Preeminence. Preeminence shall be given to this statute in any case of conflicts with any other federal statutes or case law to the contrary. The foreperson of the Special Federal Grand Jury shall read, or cause to be read, this statute to the respective Jurors semi-annually during the first week of business in January and July.

Proposed statute written for Congress by Ronald Branson, whose email address is jail4judges@mindspring.com. Ronald Branson is a twice publicly elected representative by the People for the office of the Republican Central Committee for the County of Los Angeles. He currently represents the 38th Assembly District.