

February 13, 2007

Mission Statement and Plan of Action
For Achieving
Judicial Discipline Reform
Developed and Promoted by
JUDICIAL-DISCIPLINE-REFORM.ORG

Judicial-Discipline-Reform.org is a non-partisan and non-denominational website that advocates judicial reform, first at the federal level, through legislation prohibiting and penalizing judges' [acts of disregard](#) [1] for the law, the rules, and the facts. Such acts have become so consistent as to form a [pattern of conduct](#) [2] pointing to the judges' coordination of wrongdoing. The factors behind this conduct are the judges' [refusal to discipline themselves](#) [3] in court through the [statutory mechanisms](#) [4] therefor, the [resulting immunity](#) [5] from prosecution that they enjoy as a [matter of fact](#) [5a,b], and the pursuit of unethical or illicit benefits that becomes an insidious motive when wrongdoing is riskless. Given these factors, the website has developed and keeps refining a [plan of action](#) [6] to achieve judicial reform. Its first step to eliminate the wrongdoing within the courts that judges have [felt safe](#) [7] to engage in is to expose through [investigative journalism](#) [8] its prolongation [outside the courts](#) [9], where benefits are managed and enjoyed: [illegal financial activity](#) [10].

The plan of action sets forth a series of [concrete steps](#) [11] in the context of a realistically evolving scenario that are reasonably calculated to bring about effective judicial reform:

- 1) [lawyers, investigative journalists, and](#) [12] forensic accountants [search in public](#) [13] filings with courts as well as county clerks and government offices for evidence of unjustifiable discrepancies between [statutorily mandated](#) [14] judicial financial reports and assets in the judges and their relatives' names or controlled by them, constituting hidden assets and revealing illegal financial activity, including evasion of taxes on such assets;
- 2) evidence of judges' inside-court coordinated wrongdoing and their financial activity externality is exposed on the Internet and the traditional media;
- 3) an outraged public demands and law enforcement and law-making authorities conduct an investigation of coordinated and financial wrongdoing in the judiciary;
- 4) once an outraged public is paying attention to judges' wrongdoing, a [class action](#) [15] with [RICO](#) [16] charges is brought against [judges](#) [17] and [judicial administrative bodies](#) [18] on behalf of judicial misconduct complainants whose complaints were [systematically dismissed](#) [3] so as to thereby force judges to incriminate themselves by self-servingly excluding the evidence or allowing it, thus placing them in a 'damn if you do, damn if you don't' situation;
- 5) lawmakers under pressure from the public and the media enact [judicial reform legislation](#) [19];
- 6) reform laws are implemented under the supervision of an independent judicial accountability and auditing [commission](#) [19] composed of non-partisan persons, unrelated and unresponsive to any judge or court, with authority to receive and act on judicial misconduct complaints.

A more detailed presentation of the mission of Judicial-Discipline-Reform.org and its plan of action for achieving such reform is provided through the exhibits referenced by the blue terms; their titles are listed in the Table of Exhibits below. Each one of them can be downloaded individually through the respective link accompanying its title. Moreover, all the exhibits are downloadable in one single file through http://Judicial-Discipline-Reform.org/Plan_of_Action/mission_plan_exhibits.pdf.

All these exhibits are in PDF format and need Adobe Reader 7 or higher to open, which can be downloaded for free through www.Adobe.com

Your comments on these mission and plan are welcome as are your questions and suggestions for undertaking them efficiently and successfully.

If you support the mission statement and plan of action developed and being promoted by Judicial-Discipline-Reform.org and would like to be considered for admission to [the firm being formed \[20\]](#) to further them, please state:

1. your reasons for supporting them and for pursuing judicial discipline reform;
2. your academic and professional qualifications as well as work experience [\[6§III\]](#); and
3. what you deem would be your most significant contribution to the firm's work and the extent of the commitment that you offer the firm in order to make such contribution.

Table of Exhibits*
**Providing Details of
the Mission Statement and Plan of Action
to Achieve Judicial Discipline Reform
Developed and Promoted by
JUDICIAL-DISCIPLINE-REFORM.ORG**

by
Dr. Richard Cordero, Esq.
DrRCordero@Judicial-Discipline-Reform.org

(These PDF files open with Adobe Reader 7 or higher, which can be downloaded for free from www.Adobe.com)

1. A Case Showing How Federal Judges **Disregard** Not Only Conduct Guidelines, But Also Duties Imposed on Them By Law and Their Own Implementing Local Rules; as of January 10, 2007 PA:7
http://judicial-discipline-reform.org/Plan_of_Action/1_Judges_disregard_duty_10jan7.pdf

2. **Statement of Facts** providing the evidence gathered in 12 cases over 5 years that justifies the query whether a federal judgeship has become a safe haven for wrongdoing and, if so, how high and to what extent wrongdoing has reached; and that warrants the call of August 1, 2006, for forming a virtual firm of lawyers and investigative journalists centered on Judicial Discipline Reform.org to help prepare pro bono a class action based on the representative case charging that Chief Judge John M. Walker, Jr., of the Court of Appeals for the Second Circuit (CA2) and CA2 Judge Dennis Jacobs have engaged in a series of acts of disregard for evidence and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and protects the schemers; as of September 25, 2006..... PA:9
http://Judicial-Discipline-Reform.org/Plan_of_Action/2_Statement_of_Facts_Table_of_Cases.pdf
 - a. **Table of 12 Cases** providing evidence for the *Follow the money!* Investigation and for the representative case of the class action against wrongdoing judges PA:19
http://Judicial-Discipline-Reform.org/Plan_of_Action/2a_Table_of_Cases.pdf

3. The **Official Statistics** of the Administrative Office of the U.S. Courts Show the Systematic Dismissal of Judicial Conduct Complaints by Federal Judges, Including the Justices of the Supreme Court..... PA:21
http://Judicial-Discipline-Reform.org/Plan_of_Action/3_Statistics_of_systematic_dismissals.pdf

*To download the mission statement and plan of action together with all their exhibits in one PDF file click on http://Judicial-Discipline-Reform.org/Plan_of_Action/mission_plan_exhibits.pdf

4. Judicial Conduct and Disability Act of 1980, 28 U.S.C. §351 et seq., providing a mechanism for the filing and processing of judicial **misconduct complaints**..... PA:25
http://Judicial-Discipline-Reform.org/Plan_of_Action/4_28usc351_Conduct_complaints.pdf
5. Unimpeachable Judges are Judges **Above the Law** PA:47
http://Judicial-Discipline-Reform.org/Plan_of_Action/5_Unimpeachable_above_law.pdf
 - a. Federal Judicial Center, List of **Impeached Federal Judges**: 7 judges impeached and removed in 218 years since the ratification of the U.S. Constitution in 1789..... PA:48
http://Judicial-Discipline-Reform.org/Plan_of_Action/5a_FJC_impeached_judges.pdf
 - b. Administrative Office of the U.S. Courts, Table S-22. Report of **Complaints Filed** and Action Taken Under Authority of 28 U.S.C. 351-364 During the 12-Month Periods from October 1, 1996 to September 30, 2005..... PA:51
http://Judicial-Discipline-Reform.org/Plan_of_Action/5b_Administrative_Office_statistics.pdf
6. **Programmatic Proposal** of October 11, 2006, to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Restore Integrity to Our Legal System by Engaging in Specific Activities and Achieving Concrete Objectives;..... PA:69
http://Judicial-Discipline-Reform.org/Plan_of_Action/6_Programmatic_Proposal.pdf
7. The **Dynamics of Organized Corruption** in the Courts How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up PA:79
http://Judicial-Discipline-Reform.org/Plan_of_Action/7_Dynamics_of_corruption.pdf
8. Synopsis of an **Investigative Journalism Proposal** Where the Leads in Evidence Already Gathered in 12 Federal Cases Would be Pursued in a *Follow the money!* Investigation to Answer the Question: Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing; as of November 5, 2006 PA:80
http://Judicial-Discipline-Reform.org/Plan_of_Action/8_Investigation_proposal.pdf
9. Actions In the Courts by ‘Private Prosecutors’ on Quo Warranto Lack the Legal and Practical Capacity to Bring About Judicial Reform But A **Watergate-like Follow the money! Investigation** Conducted and Published Outside the Courts by Judicial Reform Advocates, Bloggers, and the Media Searching for Evidence of the Financial Criminal Activity of Judges Engaged in Coordinated Wrongdoing Can Outrage the Public

- and Pressure the Executive and Legislative Branches Into Investigating and Reforming the Judiciary; as of February 11, 2007 PA:82
http://Judicial-Discipline-Reform.org/Plan_of_Action/9_JudReform_from_outside.pdf
10. **Bankruptcy Fraud Scheme** and its Coordinated Cover Up by Federal Judges; as of September 2006 PA:84
http://Judicial-Discipline-Reform.org/Plan_of_Action/10_Bkr_Fraud_Scheme.pdf
11. **Analysis** of Judicial Misconduct by Identifying Motive and **Strategy** to Expose it Through the Joint Effort of Judicial Misconduct Complainants and Citizens Concerned About Judicial Integrity; February 7, 2007 PA:87
http://Judicial-Discipline-Reform.org/Plan_of_Action/11_Analysis_Strategy.pdf
12. Table of Division of Labor for the Formation of the **Virtual Firm of Investigative Journalists and Lawyers** described in the Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure the Integrity of Our Legal System; as of October 30, 2006 PA:89
http://Judicial-Discipline-Reform.org/Plan_of_Action/12_Table_firm_formation_tasks.pdf
13. NewsHour Jim Lehrer’s **Rules of Journalism** PA:91
http://Judicial-Discipline-Reform.org/Plan_of_Action/13_JimLehrer_Rules_Journalism.pdf
14. Ethics in Government **Act** of 1978, 5 U.S.C. App. 4 §101 et seq., under which federal judges must file **financial disclosure reports** PA:93
http://Judicial-Discipline-Reform.org/Plan_of_Action/14_Ethics_Gov_Act.pdf
- a. Office of Government Ethics PA:169
http://Judicial-Discipline-Reform.org/Plan_of_Action/14_Ethics_Gov_Act.pdf
- b. Government-wide Limitation on Outside Earned Income and Employment PA:188
http://Judicial-Discipline-Reform.org/Plan_of_Action/14_Ethics_Gov_Act.pdf
15. Evidence of federal judges’ coordinated wrongdoing and support of a bankruptcy fraud scheme provides the basis for a **class action** against them; as of September 2006 PA:201
http://Judicial-Discipline-Reform.org/Plan_of_Action/15_class_action_v_judges.pdf
16. **RICO**, Racketeer Influenced and Corrupt Organizations, 18 U.S.C §1961 et seq. PA:203
http://Judicial-Discipline-Reform.org/Plan_of_Action/16_18usc1961_RICO.pdf
17. Federal judges have **no grant of immunity** from the Constitution In a system of “Equal Justice Under Law” they must be liable to prosecution as defendants in a class action like anybody else; as of August 2006 PA:247
http://Judicial-Discipline-Reform.org/Plan_of_Action/17_no_judicial_immunity.pdf

18. The Supreme Court **Justices and the Chief Judges** Semi-annually Receive Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Tolerate It With Disregard for the Consequent Abuse of Power and Corruption; as of January 31, 2007 PA:249
http://Judicial-Discipline-Reform.org/Plan_of_Action/18_SCT_knows_of_dismissals.pdf

19. Overview of the General Provisions of the **Proposed** Judicial Discipline and Auditing Commission **Act**..... PA:251
http://Judicial-Discipline-Reform.org/Plan_of_Action/19_Jud_Discipline_Audit_Comm_Act.pdf

20. How You Can **Help** to Take the First Concrete Step Toward the **Implementation** of the Programmatic Program Through the Formation of the **Virtual Firm** on the Internet of Investigative Journalists and Lawyers to Expose Judges Engaged in Coordinated Wrongdoing and Abuse of Power and Bring a Class Action against Them; as of October 30, 2006 PA:253
http://Judicial-Discipline-Reform.org/Plan_of_Action/20_Firm_to_sue_judges.pdf

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208-1515
DrRCordero@Judicial-Discipline-Reform.org
tel. (718) 827-9521

January 10, 2007

A Case Showing How Federal Judges Disregard Not Only Conduct Guidelines, But Also Duties Imposed on Them By Law and Their Own Implementing Local Rules

by

Dr. Richard Cordero, Esq.

On August 8, 2003, Dr. Richard Cordero, Esq., filed a judicial misconduct complaint under the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §351 et seq.) with then Chief Judge John M. Walker, Jr., of the U.S. Court of Appeals for the Second Circuit (CA2). It provided evidence of a bankruptcy judge's and other officers' series of acts of bias and disregard for the law, the rules, and the facts so consistently against an out-of-town party and in favor of the local parties as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing to protect a bankruptcy fraud scheme and the schemers.

That complaint was initially rejected by a CA2 clerk on the allegation that it did not comply with formal requirements, even though Federal Rules of Appellate Procedure Rule 25(a)(4) provides that "The clerk must not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or by any local rule or practice". One such local rule is Rule 3(a) of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers 28 U.S.C. §351 et seq., (Local Rules) providing, among other things, that "The clerk will promptly send copies of the complaint to the chief judge of the circuit..." As a result of the clerk's disregard for such provisions and her efforts to make it harder to file such a complaint, Dr. Cordero had to reformat not only the complaint itself, but also all the evidentiary documents supporting it. Thus, the complaint was not filed until August 27, 2003. To no avail.

Indeed, Chief Judge Walker was required under 28 U.S.C. §352(a) to "expeditiously review" such complaint. What is more, he was under such duty also under his own Court's Local Rule 4(e), which provides that "If the complaint is not dismissed or concluded, the chief judge will promptly appoint a special committee". For its part, Rule 7(a) requires that "The clerk will promptly cause to be sent to each member of the judicial council" copies of certain documents for deciding the complainant's petition for review. The tenor of the Rules is that action will be taken expeditiously. Disregarding such duty under the Act and the Local Rules, the Chief Judge let well over six months pass by without taking any action on the complaint. Even in the absence of any such duty, the chief judge of a federal circuit should have investigated a complaint that cast doubt on the integrity of a judge and the fairness of justice that he administered within circuit headed administratively by that chief. That not having occurred at all and given the resulting condonation in practice of misconduct, the bankruptcy judge together with the other officers went on to engage in even more flagrantly wrongful conduct.

Consequently, Dr. Cordero filed a complaint against Chief Judge Walker, addressing it on March 19, 2004, as required by law and the Local Rules, to the next judge eligible to become

the chief judge, to wit, Circuit Judge Dennis Jacobs, who is currently the CA2 chief judge. He acted no better: It was not until its seventh month that he dismissed on September 24, 2004, the complaint against his peer, after he had also dismissed on June 8 the first one, more than nine months after it had been belatedly and reluctantly filed by his Court's clerk in August 2003. So much for respect for a statutory and regulatory duty, not just a guideline, to deal 'promptly and expeditiously' with a judicial misconduct complaint.

Some readers may want to assess for themselves the factual and legal merits of the initial complaint so as to determine whether the dismissal of either complaint was justified. To that end, they can read the Statement of Facts at <http://Judicial-Discipline-Reform.org/StatFacts1.htm>, which can also be downloaded through http://Judicial-Discipline-Reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf

Other readers may wonder why judges who are supposed to show the highest regard for the concept of legal duty that they enforce upon others, instead show so blatantly disregard for their own duty under the law and its implementing regulatory provisions as well as for judicial conduct guidelines. Some of the latter are contained in the Report of the Judicial Conduct and Disability Act Study Committee, chaired by U.S. Supreme Court Associate Justice Stephen Breyer, which recommend, inter alia, that judges respond to judicial misconduct complaints within 60 days. A key element to answering such readers' query is found in the dynamics of judicial conduct that both lead to and result from the fact that in 218 years since the ratification of the U.S. Constitution of 1789 only 7 federal judges have been impeached and removed from office. Knowledge that only one federal judge is removed from office every 31 years on average engenders in the judges a realistic sense of impunity and allows them to proceed as what they are as a matter of fact: members of the only group in our country that is above the law.

A discussion of those dynamics and the fact that a federal judgeship has become a safe haven for wrongdoing is found in the article "The Supreme Court Justices and the Chief Judges Have Semi-annually Received Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Have Tolerated It With Disregard for the Consequent Abuse of Power and Corruption", and in the supporting official statistics of the Administrative Office of the U.S. Courts. They can be downloaded, respectively, from http://Judicial-Discipline-Reform.org/docs/SCT_knows_of_dismissals.pdf and http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf.

The paragraphs above were contributed by Dr. Richard Cordero, Esq., who can be contacted by e-mail at DrRCordero@Judicial-Discipline-Reform.org or by phone at (718)827-9521. His website is found at <http://Judicial-Discipline-Reform.org>.

Statement of Facts

providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme

Table of Contents

- I. Evidence gathered in 12 cases over 5 years supporting Statement & representative case.....1
- II. The pattern of wrongful acts in support of a bankruptcy fraud scheme began with the summary dismissal by Judge John C. Ninfo, II, WBNY, of Dr. Cordero’s cross-claims against Trustee Kenneth Gordon in *Pfuntner v. Trustee Gordon et al.*2
 - A. C.J. Walker and J. Jacobs have been made aware of the evidence of judges’ bias and disregard for the rule of law but have refused to investigate them, thus failing to safeguard judicial integrity and protect Dr. Cordero from their abuse..... 5
- III. CJ Walker and J. Jacobs are protecting their peers by refusing to *Follow the money!* to find over \$670,000 unaccounted for in just one out of one trustee’s more than 3,900 cases, i.e., *In re DeLano*, for following it could lead to the exposure of a bankruptcy fraud scheme and the schemers.....6
- IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached..... 9

I. Evidence gathered in 12 cases over 5 years supporting Statement & representative case

1. The herein discussed query whether a federal judgeship is a safe haven for wrongdoing and the concrete charges of such wrongdoing arise from evidence collected during the past five years from 11 related cases. (ToEC:1) Such evidence indicates that the wrongdoing is motivated by a most insidious corruptor: money, the enormous amount of money at stake in fraudulent bankruptcies. (findings leading to the [Bankruptcy Abuse Prevention and Consumer Prevention Act \(BAPCPA\)](#) of 2005, Pub.L. 109-8, 119 Stat. 23 and [Pst:1395](#))

¹ The letters preceding the page number # identify the cases and their tables of exhibits. (ToEC:1fn. & 5§IV).
*The blue text links are active in <http://Judicial-Discipline-Reform.org/StatFacts1.htm> et seq. 1 of 10

2. In just one of those cases the judges have refused even to ask for the whereabouts of over \$670,000 (T_oEC:110) earned or received by the ‘bankrupt’ *banker*, as shown by his own documents...and according to PACER.uscourts.gov (Public Access to Court Electronic Records) the trustee in his case had at the time 3,909 *open cases*! The judges’ refusal to take or skip a necessary step to decide a case is only one use of the means enabling money to have its evil effect, to wit, the most powerful corruptor, power itself, here unsupervised, discipline-free, in practice absolute judicial power exercised by federal judges who have in fact become a class of people above the law.
3. The evidence in those 12 cases shows that judges have systematically exercised judicial power through bias and disregard for the rule of law that is intended to prescribe limits to its use. Risk-free abuse of judicial power in a setting awash with money has led certain judges, their staff, and bankruptcy trustees to support a bankruptcy fraud scheme. While their exercise of it is immune from discipline, it is not harmless. It has had injurious consequences for Dr. Richard Cordero, Esq., depriving him of his legal rights in cases to which he is a party pro se and causing him enormous waste of effort, time, and money as well as inflicting upon him tremendous emotional distress.
4. Repeatedly, Dr. Cordero has submitted to Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the Court of Appeals for the Second Circuit (CA2), who have supervisory duties over the integrity of 2nd Circuit courts, substantial evidence of the pattern of support by U.S. judges therein of the bankruptcy fraud scheme and its effect on him. Consistently they have disregarded that evidence, thereby condoning the other judges’ continued support for the scheme and the schemers and allowing their bias and denial of due process to further injure Dr. Cordero.
5. In so doing, Judges Walker and Jacobs have shown their own bias toward their peers and staffs, including their own staff (T_oEC:19§C), to the detriment of Dr. Cordero and have also denied him due process of law in their dealings with him. In addition, by so protecting those officers they have breached their oath of office to apply the law, let alone do so equally “without respect to persons” (28 U.S.C. §453), which gives rise to a duty that inures to the benefit of every third party, such as Dr. Cordero, who comes before them with the reasonable expectation of having their cases decided impartially in accordance with law. Moreover, they have failed to discharge their duty as chief judge and as members of the Judicial Council of the Second Circuit to safeguard the integrity of the courts and their officers in the Circuit, a duty that also runs to the benefit of every person that resorts to the courts for the proper administration of justice.
6. There is ample and *official* evidence of coordinated and systematic disregard by judges of misconduct by their peers. (T_oEC:39>973 & Comment) To establish such disregard and its consequences a representative case can center on C.J. Walker and Judge Jacobs because the evidence against them is as abundant as their disregard of judicial misconduct has been blatant.

II. The pattern of wrongful acts in support of a bankruptcy fraud scheme began with Judge Ninfo’s summary dismissal of Dr. Cordero’s cross-claims against Trustee Kenneth Gordon in *Pfuntner v. Tr. Gordon et al.*

7. Dr. Cordero is currently a resident of New York City. However, in the early 1990’s he resided in Rochester, NY. Before leaving that city in 1993, he entrusted personal and professional property to a moving and storage company. For almost 10 years he paid storage and insurance fees for the safekeeping of such property.
8. At the beginning of 2002, Dr. Cordero contacted by phone Mr. David Palmer, the owner of

Premier Van Lines, Inc., the moving and storage company in Rochester, NY, that was storing his property. He wanted to resolve a billing issue and find out the current name of the insurance carrier. Mr. Palmer assured him that his property was safe at the Jefferson Henrietta Warehouse. Its manager, Mr. David Dworkin, did likewise and even billed Dr. Cordero for the monthly fees. (A:353-1&2) After Mr. Palmer became unreachable, Mr. Dworkin kept assuring Dr. Cordero that his property was safe and that he would find out the name of its insurer. Only much later did Mr. Dworkin reveal to him that Premier had gone bankrupt and was already in liquidation!

9. As it turned out, more than a year earlier, on March 5, 2001, Mr. Palmer had filed a voluntary petition for Premier's bankruptcy under [11 U.S.C. Chapter 11](#) (*In re Premier Van Lines, Inc.*, no. 01-20692, WBNY, docket at [A:565](#); [nywb.uscourts.gov](#); hereinafter *Premier*). His case had landed before Bankruptcy Judge John C. Ninfo, II, WBNY. Soon thereafter Mr. Palmer failed to comply with the obligations of his bankruptcy and even stopped appearing in its proceedings. Hence, on December 28, 2001, Trustee Kenneth Gordon, Esq., the Standing Trustee for liquidations under [Chapter 7](#), was appointed to liquidate Premier. (A:572/63)
10. Trustee Gordon's performance was so negligent and reckless that he failed to find out that Mr. James Pfuntner owned a warehouse in Avon, Rochester, where Premier had stored its clients' property, such as those of Dr. Cordero. To begin with, just as Mr. Palmer failed to inform Dr. Cordero of his filing for bankruptcy protection for Premier, the Trustee did not inform Dr. Cordero of his liquidation of it; consequently, Dr. Cordero was deprived of his right to file a claim as creditor of Premier. By failing thus to inform Dr. Cordero, the Trustee also deprived him of the opportunity to decide what to do with his property. Moreover, Trustee Gordon could have found out the possibility of such property being in Mr. Pfuntner's warehouse by just examining *Premier's* docket (A:567/13, 17, 19, 21, 23; 571/52), not to mention through diligent examination under [11 U.S.C. §704\(4\)](#) of Premier's financial affairs and its business records, to which he had access (A:109 ftnts-5-8; A:45, 46, 352).
11. As a result, Trustee Gordon failed to discover the income-producing storage accounts that belonged to the estate or to act timely (A-575:94; cf. A:46-48; A:575/87, 89). So he closed the case as "No distribution" (A:577/107 & entries for 10/24/2003), although he had not only classified it as an "Asset case" (A:572/70, 573/71; 575/94, 95), but had also applied for authorization to Judge Ninfo and received it to hire an auctioneer, Mr. Roy Teitsworth (A:576/97)...and then what happened? Where is the accountant's report for which \$4,699 was paid? (A:575/90) Nobody would answer, for these were job-threatening questions ([28 CFR §58.6\(7\)](#)) that no outsider was supposed to ask. (A:835§B7) Interestingly enough, a query on PACER of Kenneth Gordon as trustee returned that between April 12, 2000, and November 3, 2003, he was the trustee in [3,092](#) cases! How many of them did he handle as he did Premier?
12. Likewise, Mr. David Gene DeLano, Assistant Vice President for M&T Bank handled negligently and recklessly the liquidation of the storage containers that Mr. Palmer had bought with a loan from M&T in which the latter had kept a security interest. He assured Dr. Cordero that he had seen the storage containers holding his property at the Jefferson Henrietta Warehouse; that those containers had been sold to Champion Moving & Storage; and that he should contact and from them on deal with Champion concerning his property in those containers. (Tr.149/25-150/6, 101/17-19, 109/3-5, 111/9-24, 141/8-13) Dr. Cordero did so only to find out that Champion had never received such containers. Thus, he had to search for his property. Eventually he found out that the containers had never been at the Jefferson Henrietta Warehouse! Instead, they had been abandoned by Mr. Palmer at Mr. Pfuntner's warehouse in Avon. (A:46; Pst:1285¶70)

13. Dr. Cordero was referred to Trustee Gordon to find out how to retrieve his property. But the Trustee would not give him any information and even enjoined him not to contact his office anymore ([A:353-25, 26](#)), thus violating his duty under [11 U.S.C. §704\(7\)](#) to a party in interest.
14. Dr. Cordero found out that *Premier* was before Judge Ninfo and applied to him for a review of Trustee Gordon's performance and fitness to serve as Premier's trustee. ([A:353-28, 29](#)) The Judge, however, took no action other than to pass that application on to the Trustee's supervisor, namely, Assistant U.S. Trustee Kathleen Dunivin Schmitt. ([A:29](#)) Her office is in the same small federal building as that of Judge Ninfo's Bankruptcy Court, Trustee Gordon's box, the District Court, the U.S. Attorney's Office, and the FBI Bureau; this allows for daily contacts and the development of a web of personal relationships among their officers. By contrast, Dr. Cordero lives hundreds of miles away in NYC and is, thus, a 'diverse citizen'. Not surprisingly, Trustee Schmitt conducted a 'quick contact' with her supervisee, Trustee Gordon, that was as superficial as it was severely flawed. ([A:53, 104](#)) Nor did Judge Ninfo take action upon Dr. Cordero bringing to his attention ([A:32, 38](#)) that Trustee Gordon had filed with him false statements and statements defamatory of Dr. Cordero to persuade the Judge not to take any action on Dr. Cordero's Application to review his performance ([A:19, 41§II](#)).
15. Meantime, Mr. Pfuntner had commenced an adversary proceeding on September 27, 2002, against the Trustee, Dr. Cordero, M&T Bank, and a hockey club to recover administrative and storage fees ([A:22](#)) from them (*Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY; docket at [A:1551](#)). Dr. Cordero cross-claimed against Trustee Gordon and M&T Bank ([A:70, 83, 88](#)) and also brought in as third-party defendants Messrs. Palmer, Dworkin, and DeLano and Jefferson Henrietta Warehouse. ([Add:534/after entry 13; 891/fn.1](#))
16. Trustee Gordon countered with a motion under [Rule 12\(b\)\(6\)](#) of the Federal Rules of Civil Procedure to dismiss only Dr. Cordero's cross-claims against him. ([A:135, 143](#)) It was argued on December 18, 2002. By then almost three months had gone by since the commencement of *Pfuntner*, but the required [Rule 16](#) and [26](#) meeting of the parties and disclosure had not taken place despite Dr. Cordero having disclosed numerous documents as exhibits to his papers. ([A:11-18, 33-36, 45-49, 63-64, 65, 91-94](#))- much less had there been any discovery. Yet, disregarding the record's lack of factual development, Judge Ninfo summarily dismissed the cross-claims notwithstanding the genuine issues of material fact that Dr. Cordero had raised concerning the Trustee's negligence and recklessness in liquidating Premier ([A:148](#)). Similarly, the Judge disregarded the consideration that after discovery and at trial Mr. Pfuntner's claims against the Trustee could lend support to Dr. Cordero's claims against the Trustee.
17. Judge Ninfo even excused the Trustee's defamatory and false statements as merely "part of the Trustee just trying to resolve these issues", ([A:275/10-12](#)) thus condoning his use of falsehood; astonishingly acknowledging in open court his own acceptance of unethical behavior; and showing gross indifference to its injurious effect on Dr. Cordero.
18. That dismissal constituted the first of a long series of similar acts of disregard for the law, the rules, and the facts in which Judge Ninfo as well as other judicial and clerical officers at both the Bankruptcy and the District Court have participated, all consistently to the benefit of those in the web of personal relationships and to Dr. Cordero's detriment. Such acts were initially aimed at preventing Dr. Cordero's appeal, for if the dismissal were reversed and the cross-claims reinstated, discovery could establish how Judge Ninfo had failed to realize or knowingly tolerated Trustee Gordon's negligent and reckless liquidation of Premier. This fact would be followed by a common sense question: What motive did he have to do so?

19. Answering that question would bring up a very incisive one: Had these two officers engaged in similar conduct in any of the other cases on which they had worked together? They had had the opportunity to do so, for a subsequent PACER query showed that between April 12, 2000, and June 26, 2004, Trustee Gordon had been the trustee in [3,383 cases](#), out of which 3,382 had come before Judge Ninfo! ([A:1406§C](#)) Astonishing!, for how could a single trustee take care of examining the debtors' financial affairs and ascertaining the good faith of their petitions and dealing with the creditors and collecting the assets and liquidating them and holding auctions, and reviewing accountants' reports and making distribution and filing reports and attending hearings, and and and of each of such an overwhelming number of cases? ([D:458§V](#)) This would beg the question why had Trustee Schmitt and her supervisor, U.S. Trustee for Region 2 Deirdre Martini allowed one person to take on so many cases in such a short period of time? And how many millions of dollars worth of assets has Trustee Gordon been in charge of liquidating? How many other questions would it take to pierce the web to reveal the motives linked to their personal relationships?

A. C.J. Walker and J. Jacobs have been made aware of the evidence of judges' bias and disregard for the rule of law but have refused to investigate them, thus failing to safeguard judicial integrity and protect Dr. Cordero from their abuse

20. Dr. Cordero made Chief Judge Walker aware of these and similar concerns. Indeed, the Chief Judge was a member of the panel that was drawn –randomly?- to decide his appeal from *Pfuntner* in *Premier Van et al.*, no. 03-5023, CA2. (docket at [A:1285](#)) As such, the Chief was supposed to read Dr. Cordero's brief of July 9, 2003 ([A:1303](#)), which also included appellate arguments concerning the arbitrary, unlawful, and suspicious way in which Judge Ninfo ([A:302, 306](#)) and District Judge David G. Larimer, WDNY, ([A:315, 339, 343, 350](#)) denied Dr. Cordero's application for default judgment against Premier Owner David Palmer ([A:290-95](#)), who had nevertheless been defaulted by Bankruptcy Clerk of Court Paul Warren ([A:303; 304](#)).
21. Moreover, Chief Judge Walker was the officer with whom Dr. Cordero lodged his misconduct complaint against Judge Ninfo of August 8, 2003, ([C:1, 63](#)) under the Judicial Conduct and Disability Act. That statute imposes on the circuit chief judge the duty to "expeditiously review" such complaints. ([28 U.S.C. §352\(a\)](#)) Anyway, the Chief should have investigated a complaint like that which cast doubt on the integrity of a judge and the fairness of justice that he administered.
22. What is more, the Chief Judge was a member of the panel that decided Dr. Cordero's petition of September 12, 2003, for a writ of mandamus, no. 03-3088, CA2, ([A:615](#)) requesting that Judge Ninfo be disqualified for bias and disregard for the rule of law and that *Pfuntner* be transferred outside his web of personal relationships to an impartial court, such as the U.S. District Court in Albany, NDNY. More still, he learned of additional charges through Dr. Cordero's motion of November 3, 2003, to update the evidence of Judge Ninfo's bias. ([A:801](#)) Even more, the Chief had the opportunity to hear about Judge Ninfo's misconduct during Dr. Cordero's oral argument of *Premier Van et al.* on December 11, 2003; and even read the argument's written version that Dr. Cordero handed out to him and the other panel members on the day of argument. ([C:296](#))
23. Nevertheless, CJ Walker did nothing other than deny those requests. ([A:876, 664](#)) Yet, he had the duty to review or "promptly appoint a special committee to investigate" the complaint ([§353\(a\)](#)). Instead, he let *six months* go by without taking any action on it. So on February 2, 2004, Dr. Cordero wrote to him to inquire about the complaint's status ([C:105](#)), pointing out that the duty of promptness was imposed on the Chief not only under the Act, but also under the Circuit's

own rules, that is, Rule 3(a) of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers under 28 U.S.C. §351 et seq. (C:75) This time the Chief did something else: He had Dr. Cordero's letter returned to the sender! (C:109)

24. More than a month and a half later Chief Judge Walker had still taken no action on the complaint. By contrast, Judge Ninfo went on to engage in even more flagrantly wrongful conduct in another case to which Dr. Cordero was made a party, namely, the voluntary petition for bankruptcy under 11 U.S.C. Chapter 13 of M&T Bank Assistant Vice President David DeLano of all people! (*In re DeLano*, no. 04-20280, WBNY; C:1431, 1435, 1467; docket at D:496) Consequently, Dr. Cordero filed a judicial misconduct complaint against Chief Judge Walker on March 19, 2004. (C:271) As required by law and Circuit rule, he addressed it to the next judge eligible to become the chief judge, to wit, Circuit Judge Dennis Jacobs.

III. CJ Walker and J. Jacobs are protecting their peers by refusing to *Follow the money!* to find over \$670,000 unaccounted for in just one out of one trustee's more than 3,900 cases, i.e., *In re DeLano*, for following it could lead to the exposure of a bankruptcy fraud scheme and the schemers

25. Dr. Cordero brought to Judge Jacobs' attention not only Chief Judge Walker's failure to take action on the complaint against Judge Ninfo, but also how his inaction had condoned Judge Ninfo's misconduct and allowed him to engage even more flagrantly in bias and disregard for the law, the rules, and the facts in the handling of *DeLano*. A judge mindful of his duty, not only under §351, but also as a member of the Judicial Council, to safeguard the integrity of judicial process and the proper administration of justice would have conducted an investigation, for the *DeLano* petition and its handling by Judge Ninfo and other court officers and trustees are so egregious as to reveal the force that joins them and links the cases: a bankruptcy fraud scheme.
26. Indeed, Mr. David and Mrs. Mary Ann Delano are not average debtors. Mr. David DeLano has worked in financing for 7 years and as an officer at two banks for 32 years: 39 years professionally managing money!...and counting, for he is still working for M&T Bank as a manager in credit administration (Tr:15/17-16/15). As such, he qualifies as an expert in how to assess creditworthiness and remain solvent to be able to repay bank loans. Thus, Mr. Delano is a member of a class of people who should know how not to go bankrupt.
27. As for Mrs. DeLano, she was a specialist in business Xerox machines. As such, she is a person trained to think methodically so as to ask pointed questions of customers and guide them through a series of systematic steps to solve their technical problems with Xerox machines.
28. Hence, the DeLanos are professionals with expertise in borrowing, dealing with bankruptcies, and learning and applying technical instructions. They should have been held to a high standard of responsibility...but instead they were allowed to conceal assets because they know too much.
29. This means that because of his 39-year long career in finance and banking, Mr. DeLano has learned how borrowers use or abuse the bankruptcy system, and more importantly, how trustees and court officers handle their petitions so that rightfully or wrongfully they are successful in obtaining bankruptcy relief from their debts. Actually, Mr. DeLano works precisely in the area of bankruptcies at M&T Bank, collecting money from delinquent commercial borrowers and even liquidating company assets (Tr:17.14-19). In fact, he was the M&T officer that liquidated the storage containers in which M&T kept an interest to secure its loan to Mr. Palmer. So he knows how the latter was treated by Judge Ninfo in *Premier*, which gave rise to *Pfuntner*.

30. In preparation for their golden retirement, the DeLanos filed their joint voluntary bankruptcy petition and, of course, it came before Judge Ninfo. Based on what and whom Mr. DeLano knew, they could expect their petition to glide smoothly toward being granted (D:266¶¶37-39) The fact that among their 21 creditors in Schedule F they themselves named Dr. Cordero (C:1448) must have carried no significance at all other than that thereby they would be able to discharge his claim against Mr. DeLano arising in *Pfuntner*. After all, Dr. Cordero was their only non-institutional creditor, lives hundreds of miles away in NYC, and was unsecured to boot.
31. But a most unforeseen event occurred: Dr. Cordero went through the trouble of examining their petition, and more surprisingly yet, he even realized how incongruous the declarations were that the DeLanos had made in its Schedules (C:1437-1454) and Statement of Financial Affairs (C:1455-1461). Most unexpectedly, not only did he put in writing his realization, but he also traveled all the way to Rochester to attend the meeting of their creditors on March 8, 2004 (D:23), the only one to do so! (D:68, 69) While there he filed with Judge Ninfo's clerks his objection to the confirmation (C:291) of their debt repayment plan (C:1467) and even invoked 11 U.S.C. §1302(b) and §704(4) and (7) to request Chapter 13 Trustee George Reiber to investigate their financial affairs and produce documents to show the in- and outflow of their money.
32. Money the DeLanos do have, as Trustee Reiber, Judge Ninfo, Assistant Trustee Schmitt, and Region 2 Trustee Martini knew or could have readily known had they only cast a glance at their implausible petition. (C:1411) Hence, the alarms went off, for these officers were aware that Mr. DeLano could not be allowed to go down on a charge of bankruptcy fraud since he knows about their intentional and coordinated disregard for the law, the rules, and the facts in handling bankruptcy petitions, that is, of their support for the bankruptcy fraud scheme. Therefore, if Mr. DeLano's petition were checked and as a result, he were charged with bankruptcy fraud and he and his wife ended up facing up to 20 years imprisonment and ruinous fines under 18 U.S.C. §§151-158, and 1519 and 3571, he would consider it in his interest to enter into a plea bargain to incriminate top schemers in exchange for leniency. Consequently, the schemers closed ranks to protect Mr. DeLano from being investigated or having to produce incriminating documents.
33. Yet, even a person untrained in bankruptcy could realize the incongruity and implausibility of the DeLanos' declarations in their bankruptcy petition. For instance:
 - a. The DeLanos earned \$291,470 in just the 2001-2003 fiscal years preceding their petition of January 27, 2004 (C:1419; 1499);
 - b. but they declared having only \$535 in hand and accounts (C:1439); yet, they and their attorney, Christopher Werner, Esq., knew that they could afford to pay \$16,654 in legal fees (C:1060) for over a year's maneuvering to avoid producing the documents requested by Dr. Cordero, which would incriminate them for concealment of assets; their tough stance was rewarded by Judge Ninfo, who without any written request allowed even higher legal fees, \$18,005! (C:1057) But then Att. Werner is not just any attorney: according to PACER, as of February 28, 2005, he had appeared before Judge Ninfo in 525 cases out of 575! (TOEC:91¶3) Trustee Reiber rewarded Att. Werner too by requesting another \$9,948 for him on December 7, 2005, and lowering the recovery rate from 22¢ to less than 13¢ on the \$ (Pst:1175). Outrageous arrogance of power endowed with immunity!
 - c. The DeLanos amassed a whopping debt of \$98,092 (C:1449), although the average credit card debt of Americans is \$6,000; and spread it over 18 credit cards so that no issuer would have a stake high enough to make litigation cost-effective (C:1401).

- d. Despite all that borrowing, they declared household goods worth only \$2,910 (C:1439) ...that's all they pretend to have accumulated throughout their combined worklives, including Mr. DeLano's 39 years as a bank officer, although they earned over a 100 times that amount, \$291,470, in only the three fiscal years of 2001-03 (C:1499)...Unbelievable!;
- e. They also strung together mortgages since 1975, through which they received \$382,187 (Add:1058) to buy their home; yet in 2005, 30 years later, they lived in the same home but owed \$77,084 and had equity of merely \$21,415 (C:1438). *Mindboggling!* (Add:1058¶54)
34. Although the DeLanos have received over \$670,000, as shown by even the few documents that they reluctantly produced at Dr. Cordero's instigation (ToEC:110), the officers that have a statutory duty to investigate evidence of bankruptcy fraud or report it for investigation not only disregarded such duty (ToEC:111), but also refused to require them to produce (Add:1022) documents as obviously pertinent to any bankruptcy petition as the statements of their bank and debit card accounts...for such documents would show the flow of the DeLanos' receipts and payments and thereby reveal the fraud that they had committed and that the officers had covered up. Judge Jacobs too disregarded the Statement that Dr. Cordero sent him analyzing these incongruous declarations (C:1297§§15-17) and had it returned to the sender (C:1317).
35. What has motivated these officers to spare the DeLanos from having to produce incriminating documents? (D:458§V) All have been informed of the incident on March 8, 2004, that to a reasonable person, and all the more so if charged with the duty to prevent bankruptcy fraud, would have shown that the DeLanos had committed fraud and were receiving protection from exposure: Trustee Reiber unlawfully allowed his attorney, James W. Weidman, Esq., to conduct the meeting of creditors (28 CFR §58.6(10);§341) where the latter unjustifiably asked Dr. Cordero whether and, if so, how much he knew about the DeLanos' having committed fraud, and when he would not reveal what he knew, Att. Weidman, with the Trustee's approval, rather than let him examine them under oath, as §343 requires, while officially being tape recorded, put an end to the meeting after Dr. Cordero had asked only two questions! (D:79§§I-III; Add:889§II)
36. Judge Jacobs too was informed of this incident (C:272). Yet he did not conduct any investigation or ask for any documents, such as the tape of that meeting of creditors or, after the effort to impede the holding of the adjourned meeting failed, the transcript of such meeting, which contains incriminating statements by Attorney Werner of his having destroyed documents of the DeLanos. (C:1299¶¶21-33) Nor did he respect his duty of promptness in handling a misconduct complaint. The one of March 19, 2004, against his colleague, Chief Judge Walker, was in its seventh month when on September 24 Judge Jacobs "dismissed [it] as moot [because] the Complainant's judicial misconduct [against Judge Ninfo] was dismissed by order entered June 9, 2004". (C:392) Yet it took Judge Jacobs another 2½ months to dismiss it!? And still he got wrong the date of that earlier dismissal that he himself had written, and that was entered, on June 8 (C:144, 148), a mistake revealing the lack of care with which he wrote an otherwise perfunctory decision (cf. C:711).
37. As CJ Walker had done, Judge Jacobs condoned with his inaction Judge Ninfo's misconduct, thus encouraging him to engage in more brazen bias and disregard for the rule of law: Dr. Cordero submitted a statement on June 9, 2004, to J. Ninfo showing on the basis of even the few and incomplete documents that the DeLanos had produced (ToEC:62¶¶5-11, D:165-189; C:1415) that they had fraudulently concealed assets, and requesting that they be referred to the FBI and that Trustee Reiber be removed (D:193). J. Ninfo reacted by joining the DeLanos in a process abusive maneuver that used a) a motion to disallow Dr. Cordero's claim (D:218; cf. D:249; ToED:210§II);

b) an order directing Dr. Cordero to take discovery of that claim in *Pfuntner* (D:272; cf. D:440) only for *every single document* that he requested (D:287, 310, 317) to be denied by both the DeLanos (D:313, 325) and J. Ninfo (D:327; cf. ToEA:153§7) and c) a sham evidentiary hearing on March 1, 2005 (Pst:1255§E; cf. C:193§§1-3) that ended as predetermined in disallowing Dr. Cordero's claim and stripping him of standing to participate further in *DeLano* (D:20§IV, ToEC:109).

38. Dr. Cordero made Chief Judge Walker and Judge Jacobs aware of these developments by appealing to the Judicial Council and writing to Judge Jacobs (C:995, 1000, 1025). This time they acted promptly: They reappointed Judge Ninfo to a new 14-year term as bankruptcy judge! (ToEC:§H)
39. Meanwhile, Dr. Cordero appealed Judge Ninfo's disallowance of his claim to the District Court, WDNY, Judge Larimer presiding. This Judge showed again, as he had in *Pfuntner* (ToEC>C:1107-8>Comment), that he supports the bankruptcy fraud scheme. He refused to order the DeLanos to produce *even a single document* that could shed light on the 39-year veteran banker's incongruous and implausible declarations. (ToEC:111; Add:951, 1022, ToEAdd:231§VI) He even attempted to prevent Dr. Cordero from obtaining the transcript of the sham evidentiary hearing (C:1001, 1083; cf. ToEA:135§3), for what happened there incriminates Judge Ninfo as Mr. DeLano's biased Chief Advocate. Such advocacy derives from the fact that Mr. DeLano's attorney in *Pfuntner* is Michael Beyma, Esq., of Underberg & Kessler (A:1552; Pst:1289§f), the law firm of which Judge Ninfo was a partner when he was appointed to the bench (Add:636); so he felt Mr. DeLano to be his client, whereby he forfeited his position as an impartial arbiter who should have no interest in the controversy before him. The transcript also shows that Mr. DeLano's testimony corroborates Dr. Cordero's claim against him. (Pst:1281§d; ToEC:55>Comment>2nd ¶)

IV. Call for a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action centered on a representative case against these judges to expose the systematic dismissal of complaints supporting a bankruptcy fraud scheme and reveal how high and to what extent wrongdoing has reached

40. Congress adopted the Bankruptcy Abuse Prevention Act to "restor[e] personal responsibility and integrity in the bankruptcy system [and] respond to...the absence of effective oversight to eliminate abuse in the system." *HR Rep. 109-31, p.2* For its part, the Administrative Office of the U.S. Courts (AO) has produced the 1997-2005 Reports of Complaints Filed and Action Taken under the Judicial Conduct Act (C:973), which together with its previous annual Reports shows that the judges' systematic dismissal for over a decade of §351 judicial misconduct complaints could not have occurred but for their unlawful coordination to insulate themselves from such complaints. (ToEC>C:973>Comment) The relation between those official findings is what the 12 cases referred to here show, to wit, the abuse has developed into a bankruptcy fraud scheme and judges have mishandled §351 complaints to, among other things, protect it and the schemers.
41. Now there is a need to expose the bankruptcy fraud scheme and the systematic dismissal of judicial misconduct complaints so as to lay bare the motive or benefit driving federal judges to tolerate or engage in such intentional and coordinated wrongdoing. A **first step** to that end is this presentation of the evidence gathered over the past five years in 12 cases and contained in the commented records of exhibits (ToEC:1 et seq.) and the exhibits. The **second step** is the formation, called for herein, of a virtual firm of lawyers and investigative journalists digitally meeting at Judicial-Discipline-Reform.org to pro bono research difficult legal issues and organize the investigation *Follow the money!* from filed bankruptcy petitions, many available through

PACER, to wherever it ended up in preparation for the **third step**: a class action centered on the representative case against C.J. Walker and J. Jacobs, brought on behalf of those similarly injured by the scheme and the systematic dismissal of their complaints, and charging denial of due process and violation of, among others, the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. §1961; C:1291) by judges who may remain in office only “during good Behaviour” (Const. Art. III sec.1; 28 U.S.C §44(b)), but who enjoy no blanket immunity from being subject to “Equal Justice Under Law” (C:1823); their governing bodies (T_oE_C:107) and staffs (T_oE_C:19§C, 28§E & 46§D); private and U.S. bankruptcy trustees (T_oE_C:111); other officers (cf. T_oE_C:§K; C:1552, 1568) in the web of personal relationships (C:1546, 1565, 1566); bankruptcy lawyers and their law firms (cf. D:258); and bankruptcy petitioners (¶33 above; T_oE_A:135§4).

42. The class action will confront the most powerful judges. Indeed, for decades since before the Judicial Conduct Act of 1980, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (T_oE_C:60>Comment, C:1384) and of the break down of the Act’s self-discipline mechanism (T_oE_C:24>Comment, C:573). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the AO’s Annual Reports on the Act (id. §604(h)(2)) or the Conference’s reports (C:1771). He knew that in 24 years since the Act the Conference had issued under it only 15 orders! (C:1611) Yet he waited until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. (C:574-577) The Breyer Committee held no hearings (cf. T_oE_C:66§L) and took over 27 months only to issue a **report** that clears his lower peers of the systematic dismissal of complaints apparent from the official reports.
43. All the Justices are also circuit justices of the circuits to which they have been allotted (28 U.S.C. §42, 45(b); C:149) so they may attend (C:980y-83; cf. 980z-10) their councils’ meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office (id. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the Justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that ‘power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely’. Did they think that while wielding such power the 2,133 federal judges would remain immune to the type of “Culture of Corruption” that has engulfed the 535 members of Congress?, even bankruptcy judges, whose decisions affect the hand-changing of \$billions? (D:458§V, Add:621§1) Since the Justices cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?
44. Once in a lifetime the opportunity presents itself for a person to take extraordinary action for the common good. When it is long-term, fraught with grave risks, but capable of improving society with reforms that give practical meaning to the notions of integrity in government and fairness in its treatment of its people, the action becomes a noble mission. For he or she who rises to the challenge, there is public honor, gratitude, and remembrance. This is one such opportunity and a momentous one too, for it must reach all the way to the top of the Third Branch of Government to identify the motives of those in charge of the system of administration of justice for having allowed institutionalized wrongdoing by judges. Are you up to the mission to engage in highly skillful and professionally responsible legal research and analysis or investigative journalism of social and financial networks in order to answer the critical question arising from the evidence thus far collected: **Is a federal judgeship a safe heaven for wrongdoing and, if so, how high and to what extent has intentional and coordinated wrongdoing reached?**

Tables of Cases*

that provide the evidence gathered in 12 cases over 5 years showing that a federal judgeship has become a safe haven for wrongdoing and justifying an investigation to determine how high and to what extent wrongdoing has reached; and that warrant the call for forming a virtual firm of lawyers and investigative journalists centered on Judicial Discipline Reform.org to help prepare pro bono a class action based on the representative case charging that Chief Judge John M. Walker, Jr., of the Court of Appeals for the Second Circuit (CA2) and CA2 Judge Dennis Jacobs have engaged in a series of acts of disregard of evidence and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and protects the schemers

by
Dr. Richard Cordero, Esq.

I. Cases providing evidence for the investigation & the representative case

	Case name	Filing date	Closing date or status	Docket no.	Court	File:pg.# * of brief docket	
1.	<i>In re Premier Van Lines</i> (Ch. 7 bkr.)	3/5/1	10/24/3	01-20692	WBNY	cf. A:72§1	A:565
2.	<i>Pfuntner v. Trustee Gordon et al.</i> (AdvP)	9/27/2	pending	02-2230	WBNY	A:70	A:1551
3.	<i>Cordero v. Trustee Gordon</i>	1/15/3	3/27/3	03cv6021L	WDNY	A:158	A:458
4.	<i>Cordero v. Palmer</i>	2/4/3	3/27/3	03mbk6001L	WDNY	A:314	A:462, but see ToEA:156>A:462b
5.	<i>In re Premier Van et al.</i>	5/2/3	1/26/5dism'd	03-5023	CA2	C:169	C:422
6.	<i>In re Richard Cordero</i> (mandamus)	9/12/3	denied 10/8/3	03-3088	CA2	A:615	A:665g
7.	<i>Misconduct complaint v. Bkr. J. Ninfo, WBNY</i>	9/2/3	6/8/4 dism'd	03-8547	CA2	C:1, 63; E:1	ToEC§§A,D
8.	<i>Misconduct complaint v. Chief J. Walker, CA2</i>	3/30/4	9/24/4dism'd	04-8510	CA2	C:271	ToEC:§§B,F
9.	<i>Cordero v. Trustee Gordon et al.</i>	1/27/5	cert. denied	04-8371	SCt	A:1601	A:2229
10.	<i>In re David & Mary Ann DeLano</i> (Ch. 13 bkr.)	1/27/4	on appeal	04-20280	WBNY	cf.C:1295§§A-B	D:496
11.	<i>Cordero v. DeLano</i>	4/22/5	on appeal	05cv6190L	WDNY	Pst:1231	Pst:1181
12.	<i>Dr. Richard Cordero v. David & Mary DeLano</i>	10/16/6	pending	06-4780	CA2		CA2_dkt

*This is page 1 of the Tables both of entries describing the exhibits supporting the Statement of Facts & of comments thereon.

Tbl of C:# pages supporting JDR's call of 8/1/6 for class action and virtual firm of lawyers & investigators ToEC:1

Blank

The Official Statistics of the Administrative Office of the U.S. Courts
Show the Systematic Dismissal of Judicial Conduct Complaints
by Federal Judges, Including the Justices of the Supreme Court
(excerpt from Tables of Exhibits, TOEC:40, revised as of 10/7/6)

by
Dr. Richard Cordero, Esq.

1. The statistics of workload of the courts contained in the “Supreme Court’s 2005 Year-end Report on the Federal Judiciary” (emphasis added; C:980k¹) show that there were **7,496 case filings** in the 2004 Term. Only 9 justices managed to hear oral argument in 87 cases and to dispose of 85 in 74 signed opinions. (C:980.q; for the 2000-2004 workload statistics see [A:1965](#))
2. The Report goes on to state that “Filings in the regional courts of appeals rose 9 percent to an all-time high of **68,473**, marking the 10th consecutive record-breaking year and the 11th successive year of growth.” (emphasis added; C:980r) That steady growth started **from 40,893 cases filed in 1990**, as shown in “Table 2.1. Appeals Filed, Terminated, and Pending (Excludes Federal Circuit) Summary of 1990-2005”, (thus, 12 regional courts covered; C:980.x) contained in “Judicial Facts and Figures” published by the Administrative Office of the U.S. Courts (C:980.t²). That Table also shows that **38,961 cases were terminated in 1990** while **61,975** were **in 2005**.
3. The Administrative Office has also published the reports of judicial misconduct **complaints filed** under [28 U.S.C. §351 et seq.](#) in the period beginning on October 1, 1996 and ending on September 30, 2005. (C:973-980.j³) It covers not only the 13 regional

¹ 114 **Supreme Court’s 2005 Year-end Report on the Federal Judiciary** C:980.k
<http://www.supremecourtus.gov/publicinfo/year-end/2005year-endreport.pdf>

² 116 **Judicial Facts and Figures**, published by the Administrative Office of the U.S. Courts C:980.t
<http://www.uscourts.gov/judicialfactsfigures/contents.html>

a) Table 1. Total Judicial Officers. Courts of Appeals, District Courts, Bankruptcy Courts C:980.w

b) Table 2.1. U.S. Courts of Appeals (Excludes Federal Circuit). Appeals Filed, Terminated, and Pending, Summary of 1990-2005 C:980.x

³ 115. **1997-2005 Reports of Complaints** Filed and Action Taken Under Authority of 28 U.S.C. §§351-364 and 372(c) During the 12-Month Period Ending September 30, [of the year reported on], in **Judicial Business of the United States Courts, Annual Reports of the Director**, by Leonidas Ralph Mecham, Director of the **Administrative Office** of the U.S. Courts C:973

courts of appeals, including the Federal Circuit, but also two national courts, that is, the Court of Claims and the Court of International Trade, for a total of 15 courts. It shows that for the administrative year ending on September 30, **1997, 679** complaints were filed. (C:980.i) However, in the year ending on September **2005, only 642** complaints were filed. (C:973) So today there are fewer complaints filed with 15 courts against judges than nine years ago. Since **68,473 cases** were filed in 12 regional courts of appeals **but only 642 judicial misconduct complaints** were filed with all the 15 courts of appeals **in 2005**, there was less than one complaint out of every 100 cases appealed to just 12 courts by "disappointed litigants"...in a society ever more litigious as ours, as shown above? That is *unbelievable!*

4. So the courts and judicial bodies that provide to their Administrative Office the numbers of complaints filed and disposed of would have one believe that a society that has shown to become dramatically more litigious toward everybody, as shown by the ever increasing number of appeals, has become less contentious toward the 2,133 circuit, district, and bankruptcy judges. Oh, judges!, ever so civil, patient, and understanding of one's point of view. (C:980.w) How ridiculously implausible!, particularly since that same society is ever more prone to road rage, school shootings, and violence against judges, as shown "by the horrific murders of a U.S. District Court judge's husband and mother by a disappointed litigant, and the terrible incident in Atlanta in which a judge, court reporter, and deputy were killed in the Fulton County courthouse", as stated by the Supreme Court in the same 2005 Year-End Report, which was issued by Chief Justice John Roberts. (C:980.l)
5. What is more, the judicial councils –the first level of appeal after a complainant files a complaint with the chief judge of the respective court of appeals- took no action on any of those complaints but one kind: dismissal. So **in** the administrative year **1997** the councils **dismissed 212 complaints** -compared with 679 filed- (C:980.j) only to **increase that number to dismiss 267** -compared with 642 complaints filed- **in 2005** (C:974).
6. This is not just preposterous; this is a pattern where the last nine years are representative of the last 25 since the enactment of the [Judicial Conduct and Disability Act of 1980](#) (C:576, TOEC:60). It is the pattern of intentional and coordinated disregard by chief judges of the courts of appeals and the judges of the judicial councils of an Act of Congress inimical to their interests as a class of people. This explains how in the 26 years since the enactment of the Act the Judicial Conference of the United States, which is the second and last level of appeal of complaints under the Act, has issued only **15 orders** (C:682, 1611), while in the same time the Supreme Court issued thousands of decisions, 74 signed opinions in 2005 alone, as shown in ¶¶1 and 2 above.
7. Actually, the chief justice of the Supreme Court is the presiding member of the Conference. Each of the justices of the Supreme Court is also a circuit justice of the judicial council to which he or she was allotted, and as such a member of the judicial council to which the dismissal of any complaint was first appealed.⁴ Also members of

<http://www.uscourts.gov/judbususc/judbus.html>

⁴ See the discussion of this issue and the references in ¶¶42 and 43 of the "Statement of Facts."

the Conference are all the chief judges of the courts of appeals, the very ones who first received the complaints and who systematically dismissed practically all of them.⁵ The councils denied all but a handful those appeals⁶ and decided in practice which complaints they would allow to reach the Conference.⁷ Hence, all the Supreme Court justices, the circuit chief judges, and the many district judges that form part of the judicial councils or the Judicial Conference have participated in, and known of, the systematic dismissal of judicial conduct complaints. By engaging in it, all of them injured those complainants whose complaints they dismissed out of hand, thereby denying them any relief and leaving them at the mercy of the biased, law-disregarding judges about whom they had complained.

8. In addition to being liable for having caused that injury, federal judges are liable for having abrogated in practice an Act of Congress and having abused their power to exempt themselves from the self-discipline duty that it imposed upon them. They did so to provide for themselves a status of factual immunity from any control of their conduct, not to mention immunity from prosecution, that is, impeachment. Hence, they usurped a status to which no person in our country, not even the president of the United States or the speaker of the House of Representatives, has any right: Federal judges have elevated themselves to the position of the only people in our country that as a matter of fact are above the law.
9. Why would officers sworn to apply the law "without respect to persons" (28 U.S.C. §453) disregard their oath when it comes to applying the law in a disciplinary setting to their peers and themselves, thus administering for their benefit 'unequal justice despite law'? In light of the evidence and taking account of the dynamics of webs of personal relationships, two reasonable answers to that question present themselves. One is that if the judges reviewing the complaints have themselves engaged in the type of conduct complained about, then if they were to declare it unbecoming of a judge and deserving

<http://Judicial-Discipline-Reform.org/StatFacts1.htm>

⁵ cf. §A. Judicial misconduct complaint against Bkr. Judge John C. Ninfo, II, WBNY ToEC:7
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

cf. §B. Judicial misconduct complaint against complaint against Chief Judge John M. Walker, Jr., CA2 ToEC:13

⁶cf. §D. Appeal to the Judicial Council, 2nd Cir., from the dismissal of the misconduct complaint against Bkr. Judge John C. Ninfo, II, WBNY ToEC:23
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

cf. §F. Appeal to the Judicial Council, 2nd Cir., from the dismissal of the misconduct complaint against Chief Judge John M. Walker, Jr., CA2 ToEC:29

⁷ cf. §G. Appeal to the Judicial Conference of the U.S. from the denials by the Judicial Council of the petitions for review of the dismissals of the complaints against Judge Ninfo and Chief Judge Walker ToEC:32

of discipline, they would be incriminating and exposing themselves to being the target of the same discipline.

10. The other answer is that judges disregard complaints against their peers in order to avoid retaliation. So if today they were to pay any attention to a complaint, not to mention set up a special committee or call in a standing committee under [28 U.S.C. §§353\(a\)](#) and [356\(b\)](#), respectively, to examine the complained-about judge, then if tomorrow they were the subject of a complaint, the formerly investigated judge or his friends, allies, and accomplices would take the opportunity to retaliate by investigating them and perhaps even disciplining them.
11. Such conduct involves judging 'with' regard to persons, contrary to their oath of office. It illustrates the axiomatic principle that due to inescapable grave conflict of interests, one cannot sit in judgment of oneself or of those in one's web of personal relationships. Judges do act in self-interest, taking the easy, unprincipled way out in dereliction of duty and to the detriment of complainants and the integrity of judicial process. (On webs of personal relationships see [Statement of Facts:4para14](#).)
12. 'Big deal! Why would we judges ever indispose ourselves with our peers with whom we will spend the rest of our professional lives as Article III life-term appointees or renewable 14-year term bankruptcy judges⁸? Why create for ourselves an avoidable hostile work environment and the repellant reputation of an unreliable class traitor just because one Joe or Jane thought in their very impeachable judgment that a judge had misbehaved or even broken the law? Who cares! Let them deal with it for the short time they will be upset! They will get over it, trust us!, since we judges are the last resort of those complainants.'
13. Such is the mentality arising from the dynamics of a web of personal relationships whose members are endowed with unappellable judicial power. It rests on a judicial system of self-discipline inherently flawed: Federal judges have no incentive to do what is right but inimical to themselves because they do not have to fear any adverse consequences of doing what is wrong. Hence, they have taken out of service the mechanism of judicial discipline that they are supposed to operate. However, that does not mean that they are idle. Far from it, the "[Statement of Facts](#)" shows that they operate or tolerate the operation of a [bankruptcy fraud scheme](#).

[Homepage](#)

⁸ §H. Comments in response to the invitation by CA2 for public comments on the [reappointment of Judge John C. Ninfo, II](#), to a new term as bankruptcy judge ToEC:42
http://Judicial-Discipline-Reform.org/docs/Tables_of_Exhibits.pdf (downloadable)
<http://Judicial-Discipline-Reform.org/ToeC.htm> (on website)

-End-

-CITE-

28 USC CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND
JUDICIAL DISCIPLINE 01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-MISC1-

Sec.

- 351. Complaints; judge defined.
- 352. Review of complaint by chief judge.
- 353. Special committees.
- 354. Action by judicial council.
- 355. Action by Judicial Conference.
- 356. Subpoena power.
- 357. Review of orders and actions.
- 358. Rules.
- 359. Restrictions.
- 360. Disclosure of information.
- 361. Reimbursement of expenses.
- 362. Other provisions and rules not affected.
- 363. Court of Federal Claims, Court of International Trade,
Court of Appeals for the Federal Circuit.
- 364. Effect of felony conviction.

-SECREP-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 331, 332, 375, 604 of this title; title 38 section 7253.

-End-

-CITE-

28 USC Sec. 351

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 351. Complaints; judge defined

-STATUTE-

(a) Filing of Complaint by Any Person. - Any person alleging that a judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such judge is unable to discharge all the duties of office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

(b) Identifying Complaint by Chief Judge. - In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this chapter and thereby dispense with filing of a written complaint.

(c) Transmittal of Complaint. - Upon receipt of a complaint filed under subsection (a), the clerk shall promptly transmit the

complaint to the chief judge of the circuit, or, if the conduct complained of is that of the chief judge, to that circuit judge in regular active service next senior in date of commission (hereafter, for purposes of this chapter only, included in the term "chief judge"). The clerk shall simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint. The clerk shall also transmit a copy of any complaint identified under subsection (b) to the judge whose conduct is the subject of the complaint.

(d) Definitions. - In this chapter -

(1) the term "judge" means a circuit judge, district judge, bankruptcy judge, or magistrate judge; and

(2) the term "complainant" means the person filing a complaint under subsection (a) of this section.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1848.)

-MISC1-

SEVERABILITY

Pub. L. 107-273, div. C, title I, Sec. 11044, Nov. 2, 2002, 116 Stat. 1856, provided that: "If any provision of this subtitle [subtitle C (Secs. 11041-11044) of title I of div. C of Pub. L. 107-273, enacting this chapter, amending sections 331, 332, 372, 375, and 604 of this title, and section 7253 of Title 38, Veterans' Benefits, and enacting provisions set out as a note under section 1 of this title], an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby."

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 352, 354 of this title.

-End-

-CITE-

28 USC Sec. 352

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 352. Review of complaint by chief judge

-STATUTE-

(a) *Expeditious Review; Limited Inquiry.* - The chief judge shall expeditiously review any complaint received under section 351(a) or identified under section 351(b). In determining what action to take, the chief judge may conduct a limited inquiry for the purpose of determining -

(1) whether appropriate corrective action has been or can be taken without the necessity for a formal investigation; and

(2) whether the facts stated in the complaint are either plainly untrue or are incapable of being established through investigation.

For this purpose, the chief judge may request the judge whose conduct is complained of to file a written response to the complaint. Such response shall not be made available to the complainant unless authorized by the judge filing the response. The chief judge or his or her designee may also communicate orally or in writing with the complainant, the judge whose conduct is complained of, and any other person who may have knowledge of the

matter, and may review any transcripts or other relevant documents. The chief judge shall not undertake to make findings of fact about any matter that is reasonably in dispute.

(b) Action by Chief Judge Following Review. - After expeditiously reviewing a complaint under subsection (a), the chief judge, by written order stating his or her reasons, may -

(1) dismiss the complaint -

(A) if the chief judge finds the complaint to be -

(i) not in conformity with section 351(a);

(ii) directly related to the merits of a decision or procedural ruling; or

(iii) frivolous, lacking sufficient evidence to raise an inference that misconduct has occurred, or containing allegations which are incapable of being established through investigation; or

(B) when a limited inquiry conducted under subsection (a) demonstrates that the allegations in the complaint lack any factual foundation or are conclusively refuted by objective evidence; or

(2) conclude the proceeding if the chief judge finds that appropriate corrective action has been taken or that action on the complaint is no longer necessary because of intervening events.

The chief judge shall transmit copies of the written order to the complainant and to the judge whose conduct is the subject of the complaint.

(c) Review of Orders of Chief Judge. - A complainant or judge aggrieved by a final order of the chief judge under this section may petition the judicial council of the circuit for review thereof. 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.

(d) Referral of Petitions for Review to Panels of the Judicial Council. - Each judicial council may, pursuant to rules prescribed

under section 358, refer a petition for review filed under subsection (c) to a panel of no fewer than 5 members of the council, at least 2 of whom shall be district judges.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1849.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 353, 357 of this title.

-End-

-CITE-

28 USC Sec. 353

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 353. Special committees

-STATUTE-

(a) Appointment. - If the chief judge does not enter an order under section 352(b), the chief judge shall promptly -

- (1) appoint himself or herself and equal numbers of circuit and district judges of the circuit to a special committee to investigate the facts and allegations contained in the complaint;
- (2) certify the complaint and any other documents pertaining thereto to each member of such committee; and
- (3) provide written notice to the complainant and the judge

whose conduct is the subject of the complaint of the action taken under this subsection.

(b) Change in Status or Death of Judges. - A judge appointed to a special committee under subsection (a) may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his or her term as chief judge terminates under subsection (a)(3) or (c) of section 45. If a judge appointed to a committee under subsection (a) dies, or retires from office under section 371(a), while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.

(c) Investigation by Special Committee. - Each committee appointed under subsection (a) shall conduct an investigation as extensive as it considers necessary, and shall expeditiously file a comprehensive written report thereon with the judicial council of the circuit. Such report shall present both the findings of the investigation and the committee's recommendations for necessary and appropriate action by the judicial council of the circuit.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1850.)

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 332, 354, 356, 359, 360 of this title.

-End-

-CITE-

28 USC Sec. 354

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 354. Action by judicial council

-STATUTE-

(a) Actions Upon Receipt of Report. -

(1) Actions. - The judicial council of a circuit, upon receipt of a report filed under section 353(c) -

(A) may conduct any additional investigation which it considers to be necessary;

(B) may dismiss the complaint; and

(C) if the complaint is not dismissed, shall take such action as is appropriate to assure the effective and expeditious administration of the business of the courts within the circuit.

(2) Description of possible actions if complaint not dismissed.

-

(A) In general. - Action by the judicial council under paragraph (1)(C) may include -

(i) ordering that, on a temporary basis for a time certain, no further cases be assigned to the judge whose conduct is the subject of a complaint;

(ii) censuring or reprimanding such judge by means of private communication; and

(iii) censuring or reprimanding such judge by means of public announcement.

(B) For article iii judges. - If the conduct of a judge appointed to hold office during good behavior is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include -

(i) certifying disability of the judge pursuant to the

procedures and standards provided under section 372(b); and

(ii) requesting that the judge voluntarily retire, with the provision that the length of service requirements under section 371 of this title shall not apply.

(C) For magistrate judges. - If the conduct of a magistrate judge is the subject of the complaint, action by the judicial council under paragraph (1)(C) may include directing the chief judge of the district of the magistrate judge to take such action as the judicial council considers appropriate.

(3) Limitations on judicial council regarding removals. -

(A) Article iii judges. - Under no circumstances may the judicial council order removal from office of any judge appointed to hold office during good behavior.

(B) Magistrate and bankruptcy judges. - Any removal of a magistrate judge under this subsection shall be in accordance with section 631 and any removal of a bankruptcy judge shall be in accordance with section 152.

(4) Notice of action to judge. - The judicial council shall immediately provide written notice to the complainant and to the judge whose conduct is the subject of the complaint of the action taken under this subsection.

(b) Referral to Judicial Conference. -

(1) In general. - In addition to the authority granted under subsection (a), the judicial council may, in its discretion, refer any complaint under section 351, together with the record of any associated proceedings and its recommendations for appropriate action, to the Judicial Conference of the United States.

(2) Special circumstances. - In any case in which the judicial council determines, on the basis of a complaint and an investigation under this chapter, or on the basis of information otherwise available to the judicial council, that a judge appointed to hold office during good behavior may have engaged in

conduct -

- (A) which might constitute one or more grounds for impeachment under article II of the Constitution, or
- (B) which, in the interest of justice, is not amenable to resolution by the judicial council,

the judicial council shall promptly certify such determination, together with any complaint and a record of any associated proceedings, to the Judicial Conference of the United States.

(3) Notice to complainant and judge. - A judicial council acting under authority of this subsection shall, unless contrary to the interests of justice, immediately submit written notice to the complainant and to the judge whose conduct is the subject of the action taken under this subsection.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1850.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 355, 357, 360, 361 of this title; title 38 section 7253.

-End-

-CITE-

28 USC Sec. 355

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL DISCIPLINE

-HEAD-

Sec. 355. Action by Judicial Conference

-STATUTE-

(a) In General. - Upon referral or certification of any matter under section 354(b), the Judicial Conference, after consideration of the prior proceedings and such additional investigation as it considers appropriate, shall by majority vote take such action, as described in section 354(a)(1)(C) and (2), as it considers appropriate.

(b) If Impeachment Warranted. -

(1) In general. - If the Judicial Conference concurs in the determination of the judicial council, or makes its own determination, that consideration of impeachment may be warranted, it shall so certify and transmit the determination and the record of proceedings to the House of Representatives for whatever action the House of Representatives considers to be necessary. Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination.

(2) In case of felony conviction. - If a judge has been convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the Judicial Conference may, by majority vote and without referral or certification under section 354(b), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1852.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 360 of this title; title 38 section 7253.

-End-

-CITE-

28 USC Sec. 356

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 356. Subpoena power

-STATUTE-

(a) Judicial Councils and Special Committees. - In conducting any investigation under this chapter, the judicial council, or a special committee appointed under section 353, shall have full subpoena powers as provided in section 332(d).

(b) Judicial Conference and Standing Committees. - In conducting any investigation under this chapter, the Judicial Conference, or a standing committee appointed by the Chief Justice under section 331, shall have full subpoena powers as provided in that section.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1852.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 7253.

-End-

-CITE-

28 USC Sec. 357

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 357. Review of orders and actions

-STATUTE-

(a) Review of Action of Judicial Council. - A complainant or judge aggrieved by an action of the judicial council under section 354 may petition the Judicial Conference of the United States for review thereof.

(b) Action of Judicial Conference. - The Judicial Conference, or the standing committee established under section 331, may grant a petition filed by a complainant or judge under subsection (a).

(c) No Judicial Review. - Except as expressly provided in this section and section 352(c), all orders and determinations, including denials of petitions for review, shall be final and conclusive and shall not be judicially reviewable on appeal or otherwise.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1853.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 7253.

-End-

-CITE-

28 USC Sec. 358

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 358. Rules

-STATUTE-

(a) In General. - Each judicial council and the Judicial Conference may prescribe such rules for the conduct of proceedings under this chapter, including the processing of petitions for review, as each considers to be appropriate.

(b) Required Provisions. - Rules prescribed under subsection (a) shall contain provisions requiring that -

(1) adequate prior notice of any investigation be given in writing to the judge whose conduct is the subject of a complaint under this chapter;

(2) the judge whose conduct is the subject of a complaint under this chapter be afforded an opportunity to appear (in person or by counsel) at proceedings conducted by the investigating panel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing; and

(3) the complainant be afforded an opportunity to appear at

proceedings conducted by the investigating panel, if the panel concludes that the complainant could offer substantial information.

(c) Procedures. - Any rule prescribed under this section shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such rule shall be a matter of public record, and any such rule promulgated by a judicial council may be modified by the Judicial Conference. No rule promulgated under this section may limit the period of time within which a person may file a complaint under this chapter.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1853.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 352, 604 of this title; title 38 section 7253.

-End-

-CITE-

28 USC Sec. 359

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 359. Restrictions

-STATUTE-

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

- No judge whose conduct is the subject of an investigation under this chapter shall serve upon a special committee appointed under section 353, upon a judicial council, upon the Judicial Conference, or upon the standing committee established under section 331, until all proceedings under this chapter relating to such investigation have been finally terminated.

(b) Amicus Curiae. - No 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.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1853.)

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 7253.

-End-

-CITE-

28 USC Sec. 360

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 360. Disclosure of information

-STATUTE-

(a) Confidentiality of Proceedings. - Except as provided in section 355, all papers, documents, and records of proceedings related to investigations conducted under this chapter shall be confidential and shall not be disclosed by any person in any proceeding except to the extent that -

(1) the judicial council of the circuit in its discretion releases a copy of a report of a special committee under section 353(c) to the complainant whose complaint initiated the investigation by that special committee and to the judge whose conduct is the subject of the complaint;

(2) the judicial council of the circuit, the Judicial Conference of the United States, or the Senate or the House of Representatives by resolution, releases any such material which is believed necessary to an impeachment investigation or trial of a judge under article I of the Constitution; or

(3) such disclosure is authorized in writing by the judge who is the subject of the complaint and by the chief judge of the circuit, the Chief Justice, or the chairman of the standing committee established under section 331.

(b) Public Availability of Written Orders. - Each written order to implement any action under section 354(a)(1)(C), which is issued by a judicial council, the Judicial Conference, or the standing committee established under section 331, shall be made available to the public through the appropriate clerk's office of the court of appeals for the circuit. Unless contrary to the interests of justice, each such order shall be accompanied by written reasons therefor.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1854.)

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 604 of this title; title 38 section 7253.

-End-

-CITE-

28 USC Sec. 361

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 361. Reimbursement of expenses

-STATUTE-

Upon the request of a judge whose conduct is the subject of a complaint under this chapter, the judicial council may, if the complaint has been finally dismissed under section 354(a)(1)(B), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge during the investigation which would not have been incurred but for the requirements of this chapter.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1854.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 7253.

-End-

-CITE-

28 USC Sec. 362

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 362. Other provisions and rules not affected

-STATUTE-

Except as expressly provided in this chapter, nothing in this chapter shall be construed to affect any other provision of this title, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Appellate Procedure, or the Federal Rules of Evidence.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1854.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, and the Federal Rules of Evidence, referred to in text, are set out in the Appendix to this title.

The Federal Rules of Criminal Procedure, referred to in text, are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

-End-

-CITE-

28 USC Sec. 363

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 363. Court of Federal Claims, Court of International Trade,
Court of Appeals for the Federal Circuit

-STATUTE-

The United States Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this chapter.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1854.)

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 364 of this title.

-End-

-CITE-

28 USC Sec. 364

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 16 - COMPLAINTS AGAINST JUDGES AND JUDICIAL
DISCIPLINE

-HEAD-

Sec. 364. Effect of felony conviction

-STATUTE-

In the case of any judge or judge of a court referred to in section 363 who is convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the following shall apply:

(1) The judge shall not hear or decide cases unless the judicial council of the circuit (or, in the case of a judge of a court referred to in section 363, that court) determines otherwise.

(2) Any service as such judge or judge of a court referred to in section 363, after the conviction is final and all time for filing appeals thereof has expired, shall not be included for purposes of determining years of service under section 371(c), 377, or 178 of this title or creditable service under subchapter III of chapter 83, or chapter 84, of title 5.

-SOURCE-

(Added Pub. L. 107-273, div. C, title I, Sec. 11042(a), Nov. 2, 2002, 116 Stat. 1855.)

-End-

-CITE-

28 USC CHAPTER 17 - RESIGNATION AND RETIREMENT OF
JUSTICES AND JUDGES

01/19/04

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 17 - RESIGNATION AND RETIREMENT OF JUSTICES AND
JUDGES

-HEAD-

CHAPTER 17 - RESIGNATION AND RETIREMENT OF JUSTICES
AND JUDGES

-MISC1-

Sec.

- 371. Retirement on salary; retirement in senior status.
- 372. Retirement for disability; substitute judge on failure to retire.
- 373. Judges in Territories and Possessions.(!1)
- 374. Residence of retired judges; official station.
- 375. Recall of certain judges and magistrate judges.
- 376. Annuities for survivors of certain judicial officials of the United States.
- 377. Retirement of bankruptcy judges and magistrate judges.

AMENDMENTS

2002 - Pub. L. 107-273, div. C, title I, Sec. 11043(a)(2), Nov. 2, 2002, 116 Stat. 1855, struck out "; judicial discipline" after "failure to retire" in item 372.

1988 - Pub. L. 100-702, title X, Sec. 1020(a)(9), Nov. 19, 1988, 102 Stat. 4672, substituted "Annuities for survivors of certain judicial officials of the United States" for "Annuities to widows and surviving dependent children of justices and judges of the United States" in item 376.

Pub. L. 100-659, Sec. 2(b), Nov. 15, 1988, 102 Stat. 3916, added item 377.

Unimpeachable Judges are Judges Above the Law

(Excerpt from Tables of Exhibits, ToEC:60)

<http://Judicial-Discipline-Reform.org/ToeC.htm>)

Chief Justice John Roberts is the seventeenth chief justice of the Supreme Court since John Jay became the first chief justice in 1789 upon his nomination by President George Washington. In the same 217 years comprising the whole judicial history of the United States under the Constitution, only thirteen federal judges have been impeached in Congress. This means that a federal judge has a higher statistical chance of becoming the next chief justice than of being impeached.

In addition, there is the pattern of the chief judges of the courts of appeals and the judges of the circuit councils systematically dismissing (C:973) judicial misconduct complaints. In practice this means that judges protecting their own have rendered useless that mechanism of judicial self-discipline; official statistics of the Administrative Office of U.S. Courts proves it (C:973-980x. and ToEC:>C:973>Comment thereunder).

As a result, federal judges are not subject to any effective system of supervision and discipline. Without any such control, their exercise of judicial power becomes absolute. Thereby the condition for the application of the aphorism ensues: Power corrupts and absolute power corrupts absolutely. (cf. A:1664¶70) This gives rise to the condition of possibility for a federal judgeship to become a safe haven for wrongdoing and for federal judges to become a class of wrongdoers immune to the principle inscribed on the frieze below the pediment of the Supreme Court building, „Equal Justice Under Law“. Federal judges are, as a matter of historic fact and established practice, people above the law. (cf.A:1662§D)



[[History Home](#) | [Judges](#) | [Courts](#) | [Teaching](#) | [Talking](#) | [Courthouses](#) | [Administration](#) | [Legislation](#) | [Programs](#) | [Contact](#)]

Judges of the United States Courts

[Biographical Directory of Federal Judges](#)

[About the Directory](#)

[Magistrate Judges](#)

[Bankruptcy Judges](#)

[Milestones of Judicial Service](#)

[Impeachments of Judges](#)

[A Guide to the Preservation of Judges' Papers \(pdf\)](#)

Impeachments of Federal Judges

John Pickering, U.S. District Court for the District of New Hampshire.

Impeached by the U.S. House of Representatives on March 2, 1803, on charges of mental instability and intoxication on the bench; Trial in the U.S. Senate, March 3, 1803, to March 12, 1803; Convicted and removed from office on March 12, 1803.

Samuel Chase, Associate Justice, Supreme Court of the United States.

Impeached by the U.S. House of Representatives on March 12, 1804, on charges of arbitrary and oppressive conduct of trials; Trial in the U.S. Senate, November 30, 1804, to March 1, 1805; Acquitted on March 1, 1805.

James H. Peck, U.S. District Court for the District of Missouri.

Impeached by the U.S. House of Representatives on April 24, 1830, on charges of abuse of the contempt power; Trial in the U.S. Senate, April 26, 1830, to January 31, 1831; Acquitted on January 31, 1831.

West H. Humphreys, U.S. District Court for the Middle, Eastern, and Western Districts of Tennessee.

Impeached by the U.S. House of Representatives, May 6, 1862, on charges of refusing to hold court and waging war against the U.S. government; Trial in the U.S. Senate, May 7, 1862, to June 26, 1862; Convicted and removed from office, June 26, 1862.

Mark W. Delahay, U.S. District Court for the District of Kansas.

Impeached by the U.S. House of Representatives, February 28, 1873, on charges of intoxication on the bench; Resigned from office, December 12, 1873, before opening of trial in the U.S. Senate.

Charles Swayne, U.S. District Court for the Northern District of Florida.

Impeached by the U.S. House of Representatives, December 13, 1904, on charges of abuse of contempt power and other misuses of office; Trial in the U.S. Senate, December 14, 1904, to February 27, 1905; Acquitted February 27, 1905.

Robert W. Archbald, U.S. Commerce Court.

Impeached by the U.S. House of Representatives, July 11, 1912, on charges of improper business relationship with litigants; Trial in the U.S. Senate, July 13, 1912, to January 13, 1913; Convicted and removed from office, January 13, 1913.

George W. English, U.S. District Court for the Eastern District of Illinois.

Impeached by the U.S. House of Representatives, April 1, 1926, on charges of abuse of power; resigned office November 4, 1926; Senate Court of Impeachment adjourned to December 13, 1926, when, on request of the House manager, impeachment proceedings were dismissed.

Harold Louderback, U.S. District Court for the Northern District of California.

Impeached by the U.S. House of Representatives, February 24, 1933, on charges of favoritism in the appointment of bankruptcy receivers; Trial in the U.S. Senate, May 15, 1933, to May 24, 1933; Acquitted, May 24, 1933.

Halsted L. Ritter, U.S. District Court for the Southern District of Florida.

Impeached by the U.S. House of Representatives, March 2, 1936, on charges of favoritism in the appointment of bankruptcy receivers and practicing law while sitting as a judge; Trial in the U.S. Senate, April 6, 1936, to April 17, 1936; Convicted and removed from office, April 17, 1936.

Harry E. Claiborne, U.S. District Court for the District of Nevada.

Impeached by the U.S. House of Representatives, October 9, 1986, on charges of income tax evasion and of remaining on the bench following criminal conviction; Trial in the U.S. Senate, October 7, 1986, to October 9, 1986; Convicted and removed from office, October 9, 1986.

Alcee L. Hastings, U.S. District Court for the Southern District of Florida.

Impeached by the U.S. House of Representatives, August 3, 1988, on charges of perjury and conspiring to solicit a bribe; Trial in the U.S. Senate, October 18, 1989, to October 20, 1989; Convicted and removed from office, October 20, 1989.

Walter L. Nixon, U.S. District Court for the Southern District of Mississippi.

Impeached by the U.S. House of Representatives, May 10, 1989, on charges of perjury before a federal grand jury; Trial in the U.S. Senate, November 1, 1989, to November 3, 1989; Convicted and removed from office, November 3, 1989.

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2005

Summary of Activity	Circuits															National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²	
Complaints Pending on September 30, 2004*	212	0	4	9	57	9	8	16	30	1	13	30	8	25	2	0	
Complaints Filed	642	1	33	19	36	58	43	99	55	15	38	122	36	85	2	0	
Complaint Type																	
Written by Complainant	642	1	33	19	36	58	43	99	55	15	38	122	36	85	2	0	
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Officials Complained About**																	
Judges																	
Circuit	177	1	18	1	7	4	28	10	7	6	2	80	7	6	0	0	
District	456	0	21	15	23	41	32	52	51	11	22	102	27	59	0	0	
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bankruptcy Judges	31	0	0	4	0	5	1	2	3	1	2	9	2	2	0	0	
Magistrate Judges	135	0	1	4	6	8	9	35	5	2	13	27	7	18	0	0	
Nature of Allegations**																	
Mental Disability	22	0	1	2	3	2	2	3	0	0	0	6	0	1	2	0	
Physical Disability	9	0	0	2	0	0	0	0	0	0	0	4	0	2	1	0	
Demeanor	20	0	0	3	0	2	0	2	0	1	2	8	1	1	0	0	
Abuse of Judicial Power	206	1	7	13	3	5	26	6	3	4	28	57	0	52	1	0	
Prejudice/Bias	275	1	12	19	43	21	9	16	40	5	15	57	15	20	2	0	
Conflict of Interest	49	0	2	5	5	11	2	1	3	1	2	13	3	1	0	0	
Bribery/Corruption	51	0	0	3	2	1	2	2	1	0	4	32	0	4	0	0	
Undue Decisional Delay	65	0	0	6	8	8	2	9	2	0	4	14	7	5	0	0	
Incompetence/Neglect	52	0	2	4	4	3	2	3	0	1	8	22	1	1	1	0	
Other	260	0	2	1	80	40	11	80	0	7	1	19	18	0	1	0	
Complaints Concluded	667	1	22	23	91	47	48	90	47	16	45	120	33	81	3	0	
Action by Chief Judges																	
Complaint Dismissed																	
Not in Conformity With Statute	21	0	1	0	5	0	1	0	2	0	3	5	3	1	0	0	
Directly Related to Decision																	
or Procedural Ruling	319	1	8	8	46	18	20	30	12	6	29	57	16	65	3	0	
Frivolous	41	0	1	3	1	0	4	6	3	8	5	10	0	0	0	0	

Table S-22. (September 30, 2005—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	5	0	0	0	0	1	0	1	0	0	0	2	0	1	0	0
Action No Longer Necessary Because of Intervening Events	8	0	1	0	0	1	1	0	0	0	1	0	0	4	0	0
Complaint Withdrawn	6	0	0	0	2	0	0	2	0	0	0	2	0	0	0	0
Subtotal	400	1	11	11	54	20	26	39	17	14	38	76	19	71	3	0
Action by Judicial Councils																
Directed Chief District Judge to Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	267	0	11	12	37	27	22	51	30	2	7	44	14	10	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	267	0	11	12	37	27	22	51	30	2	7	44	14	10	0	0
Complaints Pending on September 30, 2005	187	0	15	5	2	20	3	25	38	0	6	32	11	29	1	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-22.

**Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2004**

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2003*	249	0	2	19	34	3	10	19	22	1	29	38	11	61	0	0
Complaints Filed	712	2	31	30	23	40	63	95	72	34	77	146	41	58	0	0
Complaint Type																
Written by Complainant	712	2	31	30	23	40	63	95	72	34	77	146	41	58	0	0
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	240	6	20	16	4	6	23	16	24	8	14	84	13	6	0	0
District	539	0	39	21	15	22	52	51	69	27	55	128	23	37	0	0
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	28	0	0	8	1	2	1	2	4	1	0	6	2	1	0	0
Magistrate Judges	149	0	1	5	3	10	18	26	7	3	25	26	11	14	0	0
Nature of Allegations**																
Mental Disability	34	0	0	4	3	5	4	4	2	0	1	10	0	1	0	0
Physical Disability	6	0	0	0	2	1	0	0	0	0	0	3	0	0	0	0
Demeanor	34	0	1	1	6	0	4	3	0	1	7	9	1	1	0	0
Abuse of Judicial Power	251	1	3	11	6	0	42	2	4	2	71	59	22	28	0	0
Prejudice/Bias	334	2	19	27	35	14	22	35	42	7	38	52	20	21	0	0
Conflict of Interest	67	0	5	8	4	6	3	3	2	0	5	22	7	2	0	0
Bribery/Corruption	93	0	0	9	5	10	5	3	1	0	25	33	0	2	0	0
Undue Decisional Delay	70	0	2	7	5	7	4	10	2	5	8	13	4	3	0	0
Incompetence/Neglect	106	0	0	9	3	8	2	3	0	0	18	16	0	47	0	0
Other	224	0	1	1	33	30	10	89	3	24	0	24	9	0	0	0
Complaints Concluded	784	2	28	40	51	34	73	99	56	35	94	135	42	95	0	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	27	0	4	0	6	0	5	0	4	1	5	0	0	2	0	0
Directly Related to Decision																
or Procedural Ruling	295	2	9	7	18	13	31	38	16	21	37	65	8	30	0	0
Frivolous	112	0	8	4	3	0	1	11	3	5	18	5	4	50	0	0

69

Table S-22. (September 30, 2004—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	0	1	0	0	0	0	0	1	1	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	9	0	0	0	0	0	0	2	0	0	2	0	0	5	0	0
Complaint Withdrawn	3	0	0	0	1	0	0	0	0	0	0	1	1	0	0	0
Subtotal	449	2	21	11	29	13	37	51	23	27	63	72	13	87	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	335	0	7	29	22	21	36	48	33	8	31	63	29	8	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	335	0	7	29	22	21	36	48	33	8	31	63	29	8	0	0
Complaints Pending on September 30, 2004	177	0	5	9	6	9	0	15	38	0	12	49	10	24	0	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364
During the 12-Month Period Ending September 30, 2003

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2002*	141	0	3	4	29	6	3	7	22	4	15	16	6	20	5	1
Complaints Filed	835	2	11	36	69	41	67	107	73	28	97	146	47	110	0	1
Complaint Type																
Written by Complainant	835	2	11	36	69	41	67	107	73	28	97	146	47	110	0	1
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	204	6	4	19	8	4	16	27	15	2	26	43	12	22	0	0
District	719	0	14	24	49	28	54	54	53	34	157	156	39	57	0	0
National Courts	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Bankruptcy Judges	38	0	0	2	1	3	1	2	5	2	1	16	3	2	0	0
Magistrate Judges	257	0	0	5	11	6	21	24	21	3	91	40	7	28	0	0
Nature of Allegations**																
Mental Disability	26	0	0	1	6	4	5	1	0	1	2	5	0	1	0	0
Physical Disability	7	0	0	0	1	0	0	2	0	0	2	1	0	1	0	0
Demeanor	21	0	0	1	4	3	1	4	0	1	1	3	1	1	1	0
Abuse of Judicial Power	239	1	0	7	20	3	29	22	2	6	30	59	14	45	0	1
Prejudice/Bias	263	2	12	9	20	14	21	26	29	11	36	37	14	29	2	1
Conflict of Interest	33	0	0	1	3	5	3	2	2	1	2	7	3	4	0	0
Bribery/Corruption	87	0	0	1	4	6	10	6	15	0	20	22	0	3	0	0
Undue Decisional Delay	81	0	0	3	9	6	6	4	3	5	25	16	2	1	0	1
Incompetence/Neglect	47	0	0	3	3	2	8	2	3	0	15	6	1	4	0	0
Other	131	0	0	0	4	37	4	45	0	9	2	13	14	0	3	0
Complaints Concluded	682	2	12	18	42	40	69	94	53	31	87	117	42	69	4	2
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	39	0	1	0	1	0	3	0	17	2	9	6	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	230	2	3	2	14	13	30	24	10	15	15	46	9	46	1	0
Frivolous	77	0	0	0	7	1	3	6	0	7	25	21	1	6	0	0

Table S-22. (September 30, 2003—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	0	0	1	0	0	0	0	1	1	0	0	0	0
Action No Longer Necessary Because of Intervening Events	8	0	0	1	0	0	0	1	0	0	5	1	0	0	0	0
Complaint Withdrawn	8	0	0	0	0	0	1	0	0	0	4	2	0	1	0	0
Subtotal	365	2	4	3	22	15	37	31	27	24	59	77	10	53	1	0
Action by Judicial Councils																
Directed Chief District Judge to Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Dismissed the Complaint	316	0	8	15	20	25	32	63	26	7	28	40	32	16	3	1
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0														
Subtotal	317	0	8	15	20	25	32	63	26	7	28	40	32	16	3	2
Complaints Pending on September 30, 2003	294	0	2	22	56	7	1	20	42	1	25	45	11	61	1	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. COURT OF FEDERAL CLAIMS.

² CIT = U.S. COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDGES. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

**Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 372(c)
During the 12-Month Period Ending September 30, 2002**

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2001*	262	0	17	15	60	3	5	19	44	5	17	36	6	31	3	1
Complaints Filed	657	0	20	14	62	51	59	81	77	28	54	105	47	54	5	0
Complaint Type																
Written by Complainant	656	0	20	13	62	51	59	81	77	28	54	105	47	54	5	0
On Order of Chief Judge	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	353	0	47	6	10	4	17	26	52	11	52	114	11	3	0	0
District	548	0	13	20	41	35	68	32	72	29	43	127	36	32	0	0
National Courts	5	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0
Bankruptcy Judges	57	0	1	1	1	6	4	2	2	0	3	27	2	8	0	0
Magistrate Judges	152	0	1	2	10	6	8	21	11	2	21	48	11	11	0	0
Nature of Allegations**																
Mental Disability	33	0	0	0	4	1	3	2	6	1	3	11	2	0	0	0
Physical Disability	6	0	0	0	0	1	2	0	0	0	0	3	0	0	0	0
Demeanor	17	0	0	1	3	0	3	0	0	0	0	7	0	3	0	0
Abuse of Judicial Power	327	0	1	7	57	6	29	49	14	13	19	71	17	41	3	0
Prejudice/Bias	314	0	34	16	40	13	20	35	51	11	20	36	19	16	3	0
Conflict of Interest	46	0	1	0	18	9	2	3	2	0	4	3	1	3	0	0
Bribery/Corruption	63	0	0	0	15	0	4	6	8	0	5	20	1	4	0	0
Undue Decisional Delay	75	0	1	0	15	3	3	5	3	7	10	15	7	6	0	0
Incompetence/Neglect	45	0	0	2	2	1	7	1	9	0	6	16	1	0	0	0
Other	129	0	4	2	0	46	3	16	8	2	4	32	9	3	0	0
Complaints Concluded	780	0	35	25	93	48	61	98	98	30	57	124	47	61	3	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity with Statute	27	0	1	0	1	0	3	1	7	0	1	9	1	3	0	0
Directly Related to Decision																
or Procedural Ruling	249	0	6	5	23	17	24	36	31	14	11	36	22	22	2	0
Frivolous	110	0	9	2	9	2	13	7	5	7	10	36	7	3	0	0

Table S-22. (September 30, 2002—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	3	0	0	1	0	0	0	0	1	0	1	0	0	0	0	0
Action No Longer Necessary Because of Intervening Events	6	0	0	0	2	0	1	0	0	1	0	0	0	2	0	0
Complaint Withdrawn	8	0	0	2	2	1	0	0	1	0	0	1	0	0	1	0
Subtotal	403	0	16	10	37	20	41	44	45	22	23	82	30	30	3	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	375	0	19	15	56	28	20	54	51	8	34	42	17	31	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	377	0	19	15	56	28	20	54	53	8	34	42	17	31	0	0
Complaints Pending on September 30, 2002	139	0	2	4	29	6	3	2	23	3	14	17	6	24	5	1

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 372(c)
During the 12-Month Period Ending September 30, 2001

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 2001*	150	0	4	9	33	5	3	9	23	1	6	32	4	18	3	0
Complaints Filed	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
Complaint Type																
Written by Complainant	766	0	31	22	102	50	63	100	97	43	52	102	32	70	1	1
On Order of Chief Judge	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	273	0	15	16	31	13	25	23	12	16	33	53	16	20	0	0
District	563	0	16	26	52	23	45	50	86	37	69	104	25	30	0	0
National Court	3	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
Bankruptcy Judges	34	0	0	2	2	6	2	2	1	3	0	12	2	2	0	0
Magistrate Judges	143	0	3	1	17	8	12	25	17	3	10	20	9	18	0	0
Nature of Allegations**																
Mental Disability	29	0	0	0	5	4	1	3	3	1	2	5	0	5	0	0
Physical Disability	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Demeanor	31	0	0	1	14	2	1	0	1	4	2	5	0	1	0	0
Abuse of Judicial Power	200	0	3	3	28	3	35	28	1	13	21	33	15	16	1	0
Prejudice/Bias	266	0	18	11	24	9	17	31	36	13	11	43	14	38	1	0
Conflict of Interest	38	0	0	0	10	4	3	8	1	1	0	5	4	2	0	0
Bribery/Corruption	61	0	0	0	2	5	4	6	1	1	1	33	3	5	0	0
Undue Decisional Delay	60	0	0	0	6	6	3	11	2	6	4	15	0	7	0	0
Incompetence/Neglect	50	0	0	2	5	8	3	3	7	0	1	20	0	1	0	0
Other	186	0	8	1	0	50	4	47	16	3	8	32	7	10	0	0
Complaints Concluded	668	0	18	16	75	53	61	108	68	39	41	100	30	58	1	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	13	0	1	0	4	0	0	0	1	2	1	4	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	235	0	2	3	17	26	25	42	20	14	18	27	14	27	0	0
Frivolous	103	0	0	2	13	0	6	13	14	12	7	31	2	3	0	0

Table S-22. (September 30, 2001—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	4	0	0	0	0	1	0	0	0	1	1	0	1	0	0	0
Action No Longer Necessary Because of																
Intervening Events	5	0	0	0	0	0	0	0	0	0	0	0	0	5	0	0
Complaint Withdrawn	3	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0
Subtotal	363	0	3	6	34	28	31	55	35	29	28	62	17	35	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judge Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	303	0	15	10	40	25	30	53	33	10	13	38	12	23	1	0
Withdrawn	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	305	0	15	10	41	25	30	53	33	10	13	38	13	23	1	0
Complaints Pending on September 30, 2001	248	0	17	15	60	2	5	1	52	5	17	34	6	30	3	1

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-22.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the 12-Month Period Ending September 30, 2000

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1999*	181	0	1	5	65	19	2	18	15	0	7	27	11	11	0	0
Complaints Filed	696	2	18	21	59	53	61	113	56	44	51	111	32	73	2	0
Complaint Type																
Written by Complainant	695	2	18	21	59	53	61	113	56	44	51	111	31	73	2	0
On Order of Chief Judges	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
Officials Complained About**																
Judges																
Circuit	191	4	4	4	9	10	14	23	4	11	45	35	15	13	0	0
District	522	0	17	20	41	36	62	60	50	29	52	92	26	37	0	0
National Courts	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	26	0	0	1	2	6	1	2	2	2	2	5	2	1	0	0
Magistrate Judges	135	0	0	3	7	2	10	28	13	6	6	32	6	22	0	0
Nature of Allegations**																
Mental Disability	26	0	0	0	2	6	6	5	0	1	3	2	0	1	0	0
Physical Disability	12	0	0	1	1	3	4	0	0	0	0	3	0	0	0	0
Demeanor	13	0	0	0	3	2	0	0	0	0	1	6	0	1	0	0
Abuse of Judicial Power	272	0	0	10	29	25	29	43	9	23	20	38	16	30	0	0
Prejudice/Bias	257	1	13	8	28	17	15	24	28	13	17	39	25	29	0	0
Conflict of Interest	48	1	0	0	11	9	1	5	1	0	3	8	1	8	0	0
Bribery/Corruption	83	0	0	2	21	12	8	4	0	2	6	22	2	4	0	0
Undue Decisional Delay	75	0	2	1	11	6	6	7	5	3	3	16	4	11	0	0
Incompetence/Neglect	61	0	0	0	1	7	8	3	1	3	5	31	0	2	0	0
Other	188	0	7	1	5	66	0	50	4	7	13	20	9	6	0	0
Complaints Concluded	715	2	15	17	80	67	60	123	48	44	51	104	39	65	0	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	29	0	0	2	0	0	4	0	9	1	0	12	1	0	0	0
Directly Related to Decision																
or Procedural Ruling	264	2	4	3	29	31	26	23	21	11	23	38	15	38	0	0
Frivolous	50	0	4	1	0	0	2	8	2	12	8	9	2	2	0	0

74

Table S-22. (September 30, 2000—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	6	0	0	1	0	0	0	3	0	0	0	0	2	0	0	0
Action No Longer Necessary Because of																
Intervening Events	7	0	0	0	1	0	1	2	0	0	0	1	0	2	0	0
Complaint Withdrawn	3	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0
Subtotal	359	2	8	8	30	31	34	37	32	24	31	60	20	42	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judge Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	2	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	354	0	7	9	50	36	26	86	16	20	20	42	19	23	0	0
Withdrawn	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	356	0	7	9	50	36	26	86	16	20	20	44	19	23	0	0
Complaints Pending on September 30, 2000	162	0	4	9	44	5	3	8	23	0	7	34	4	19	2	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-23.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the 12-Month Period Ending September 30, 1999

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1998*	228	0	3	1	23	48	0	3	28	0	19	75	3	25	0	0
Complaints Filed	781	2	16	17	99	34	55	196	72	31	36	115	58	50	0	0
Complaint Type																
Written by Complaint	781	2	16	17	99	34	55	196	72	31	36	115	58	50	0	0
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	174	4	16	0	23	3	7	31	16	7	25	31	11	0	0	0
District	598	0	48	17	63	24	55	98	58	27	24	99	47	38	0	0
National Courts	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	30	0	0	1	2	2	0	3	2	1	2	16	0	1	0	0
Magistrate Judges	229	0	1	4	11	5	6	64	14	4	10	69	30	11	0	0
Nature of Allegations**																
Mental Disability	69	0	0	0	26	4	3	11	3	0	2	5	0	15	0	0
Physical Disability	6	0	0	0	2	0	0	0	1	1	0	2	0	0	0	0
Demeanor	34	0	0	0	2	1	4	0	5	3	1	14	1	3	0	0
Abuse of Judicial Power	254	0	1	2	7	45	17	4	9	10	16	91	27	25	0	0
Prejudice/Bias	360	2	15	8	34	20	16	28	41	15	23	85	32	41	0	0
Conflict of Interest	29	0	0	0	5	1	6	4	0	0	2	6	2	3	0	0
Bribery/Corruption	104	0	0	4	10	26	4	4	3	1	2	44	0	6	0	0
Undue Decisional Delay	80	0	5	0	0	6	6	2	5	2	2	30	18	4	0	0
Incompetence/Neglect	108	1	0	0	3	5	3	0	6	0	2	71	2	15	0	0
Other	288	0	2	0	3	62	0	143	25	7	4	26	8	8	0	0
Complaints Concluded	826	2	18	12	57	63	53	184	82	31	45	163	50	66	0	0
Action by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	27	0	4	0	0	0	6	0	8	1	4	4	0	0	0	0
Directly Related to Decision																
or Procedural Ruling	300	2	0	5	19	12	21	31	24	14	11	84	28	49	0	0
Frivolous	66	0	5	2	19	0	6	6	1	3	3	16	4	1	0	0

08

Table S-23. (September 30, 1999—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	10	0	0	0	3	0	0	0	1	0	0	3	2	1	0	0
Complainant Withdrawn	2	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0
Subtotal	406	2	9	7	41	12	34	37	34	19	18	107	35	51	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges Only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	416	0	9	5	16	51	19	147	46	12	27	54	15	15	0	0
Withdrawn	4	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	420	0	9	5	16	51	19	147	48	12	27	56	15	15	0	0
Complaints Pending on September 30, 1999	183	0	1	6	65	19	2	15	18	0	10	27	11	9	0	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

**Table S-24.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the Twelve-Month Period Ended September 30, 1998**

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1997*	214	0	6	3	10	31	0	6	18	4	18	82	1	35	0	0
Complaints Filed	1,051	1	27	10	73	120	73	46	86	37	78	265	37	197	1	0
Complaint Type																
Written by Complainant	1,049	1	27	10	73	120	73	46	86	36	78	264	37	197	1	0
On Order of Chief Judges	2	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0
Officials Complained About**																
Judges																
Circuit	443	1	16	2	14	22	23	13	8	17	134	20	11	162	0	0
District	758	0	47	9	56	83	50	27	82	26	83	250	29	16	0	0
National Courts	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Bankruptcy Judges	28	0	2	0	1	2	5	1	3	2	3	6	1	2	0	0
Magistrate Judges	215	0	3	2	8	13	15	12	16	5	7	110	8	16	0	0
Nature of Allegations**																
Mental Disability	92	0	0	3	9	4	7	2	18	0	36	13	0	0	0	0
Physical Disability	7	0	0	2	1	2	0	0	1	0	0	0	0	1	0	0
Demeanor	19	0	0	0	2	3	0	1	3	0	0	8	0	2	0	0
Abuse of Judicial Power	511	1	2	2	30	8	48	16	8	21	27	168	9	171	0	0
Prejudice/Bias	647	0	21	9	36	32	22	22	44	19	46	198	20	178	0	0
Conflict of Interest	141	0	0	1	0	7	3	3	0	0	3	117	2	5	0	0
Bribery/Corruption	166	0	0	0	0	0	3	0	0	1	2	155	2	3	0	0
Undue Decisional Delay	50	0	3	1	4	4	2	0	1	5	7	14	8	1	0	0
Incompetence/Neglect	99	0	0	0	1	4	4	0	3	1	1	81	1	3	0	0
Other	193	0	17	1	11	94	3	13	20	4	11	3	10	6	0	0
Complaints Concluded	1,002	1	33	13	56	95	73	49	70	40	78	257	35	202	0	0
Actions by Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	43	0	6	0	4	2	5	0	2	3	6	5	3	7	0	0
Directly Related to Decision																
or Procedural Ruling	532	1	0	5	19	54	42	15	43	16	52	88	18	179	0	0
Frivolous	159	0	1	1	1	1	0	1	5	13	2	133	1	0	0	0

Table S-24. (September 30, 1998—Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	2	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Complaint Withdrawn	5	0	1	0	0	0	1	0	1	1	1	0	0	0	0	0
Subtotal	742	1	8	6	24	57	48	16	51	34	62	227	22	186	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	258	0	25	7	32	38	25	32	19	6	16	29	13	16	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	260	0	25	7	32	38	25	33	19	6	16	30	13	16	0	0
Complaints Pending on September 30, 1998	263	0	0	0	27	56	0	3	34	1	18	90	3	30	1	0

NOTE: EXCLUDES COMPLAINTS NOT ACCEPTED BY THE CIRCUITS BECAUSE THEY DUPLICATED PREVIOUS FILINGS OR WERE OTHERWISE INVALID FILINGS.

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Table S-24.
Report of Complaints Filed and Action Taken Under Authority of Title 28 U.S.C. Section 372(c)
for the Twelve-Month Period Ended September 30, 1997

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Complaints Pending on September 30, 1996*	109	0	1	21	5	11	7	10	1	3	11	31	8	0	0	0
Complaints Filed	679	3	15	16	40	62	69	84	68	28	56	137	54	47	0	0
Complaint Type																
Written by Complaint	678	3	15	16	40	62	69	84	68	27	56	137	54	47	0	0
On Order of Chief Judges	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Officials Complained About**																
Judges																
Circuit	461	3	4	10	3	24	29	14	11	5	102	249	7	0	0	0
District	497	0	14	17	27	28	48	43	59	25	45	121	38	32	0	0
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	31	0	0	2	2	2	6	3	2	2	2	6	1	3	0	0
Magistrate Judges	138	0	0	1	8	7	15	27	10	0	9	24	25	12	0	0
Nature of Allegations**																
Mental Disability	11	0	0	0	1	1	2	0	2	0	3	2	0	0	0	0
Physical Disability	4	0	0	1	0	1	1	0	1	0	0	0	0	0	0	0
Demeanor	11	0	0	0	2	0	0	0	0	0	1	4	0	4	0	0
Abuse of Judicial Power	179	3	0	6	25	1	40	20	8	13	17	19	22	5	0	0
Prejudice/Bias	193	1	9	8	32	8	27	12	17	4	14	30	20	11	0	0
Conflict of Interest	12	0	0	0	0	0	2	1	2	0	3	3	0	1	0	0
Bribery/Corruption	28	0	0	1	0	2	1	0	4	2	4	13	0	1	0	0
Undue Decisional Delay	44	0	0	1	0	6	1	10	4	2	3	11	5	1	0	0
Incompetence/Neglect	30	0	0	3	4	1	0	0	5	0	0	16	1	0	0	0
Other	161	1	3	2	0	30	1	38	24	10	7	19	22	4	0	0
Complaints Concluded	482	3	9	13	33	31	69	80	49	24	41	60	53	17	0	0
Action By Chief Judges																
Complaint Dismissed																
Not in Conformity With Statute	29	2	4	0	3	1	4	2	1	3	6	2	0	1	0	0
Directly Related to Decision or Procedural Ruling	215	0	0	6	12	21	34	26	21	11	14	31	24	15	0	0
Frivolous	19	1	0	0	0	0	3	0	1	6	1	5	2	0	0	0

Table S-24. (Continued)

Summary of Activity	Circuits														National Courts	
	Total	Fed	DC	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	CC ¹	CIT ²
Appropriate Action Already Taken	2	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0
Action No Longer Necessary Because of																
Intervening Events	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Complaint Withdrawn	5	0	0	0	0	0	4	0	0	0	0	0	0	1	0	0
Subtotal	270	3	4	6	15	22	45	29	23	21	21	38	26	17	0	0
Action by Judicial Councils																
Directed Chief District Judge to																
Take Action (Magistrate Judges only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension																
of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	212	0	5	7	18	9	24	51	26	3	20	22	27	0	0	0
Referred Complaint to Judicial																
Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	212	0	5	7	18	9	24	51	26	3	20	22	27	0	0	0
Complaints Pending on September 30, 1997	306	0	7	24	12	42	7	14	20	7	26	108	9	30	0	0

¹ CC = U.S. CLAIMS COURT.

² CIT = COURT OF INTERNATIONAL TRADE.

* REVISED.

** EACH COMPLAINT MAY INVOLVE MULTIPLE ALLEGATIONS AGAINST NUMEROUS JUDICIAL OFFICERS. NATURE OF ALLEGATIONS IS COUNTED WHEN A COMPLAINT IS CONCLUDED.

Programmatic Proposal
to Unite Entities and Individuals to Use Their Resources Effectively
in Our Common Mission to Ensure Integrity in Our Courts
by Engaging in Specific Activities and Achieving Concrete Objectives
(version 1 as of 10/11/6)

by
Dr. Richard Cordero, Esq.

Table of Contents

- I. Effectiveness through unity: many entities and individuals complaining separately about wrongdoing judges, who are tightly coordinated in the Judiciary, the 3rd Branch of Government.....2**
- II. A three-pronged proposal to pursue a common mission through a virtual firm, win the public’s support, and cause the reform by law of judicial discipline3**
 - A. The virtual firm’s three objectives and its activities to attain them..... 4
 - i). expose judicial wrongdoing: a *Follow the money!* investigation & a class action.... 4
 - ii). cause authorities to investigate and prosecute wrongdoing judges..... 4
 - iii). bring about laws to reform the mechanism of judicial discipline 4
- III. Qualifications and tasks of virtual firm’s professionals and program of activities4**
 - A. The investigative journalists’ tasks..... 4
 - B. The lawyers’ tasks..... 5
 - C. Organizing and posting evidence..... 5
 - 1 Table of wrongdoing evidence..... 6
 - 2 Analyzing, integrating, and summarizing information..... 6
 - a) springboard analysis of documents 6
 - b) boomerang scrutiny..... 6
 - c) mosaic integration..... 6
 - d) broth reduction..... 7
 - e) database creation..... 7
 - f) Report on Judicial Wrongdoing in America 7
 - 3 A firm of “the best of the best, most committed, and most informed” 7
 - D. Enter the media 7
 - 1 Examples of the media joining an Internet buzz..... 8
 - E. Filing the class action..... 8
 - 1 Bankruptcy-fraud members of the class..... 8

2	Complaint-dismissal members of the class	9
F.	Authorities investigate the judiciary	9
G.	Impeachment of judges	9
H.	Drive for judicial reform legislation	9
I.	Redress and compensation for class members	10
IV.	How to select persons that want to join the virtual firm.....	10

I. Effectiveness through unity: many entities and individuals complaining separately about wrongdoing judges, who are tightly coordinated in the Judiciary, the 3rd Branch of Government

1. There are many entities and individuals that complain on the Internet, talk shows, and e-mails about our federal and state legal systems. They protest about judges that abuse their judicial power either to advance their own ideological agenda with disregard for the respective constitution and laws that they swore to apply or to gain an unlawful benefit for themselves and others participating in a corrupt scheme. In short, they all complain about wrongdoing judges.
2. In neither case is the source of their complaints acts within the bounds of judicial power that the appeal courts have failed to correct. Rather, in both cases the source is judges that have failed to apply to themselves the statutory mechanism of judicial self-discipline. In the federal jurisdiction, this mechanism is triggered when a judicial conduct complaint against a federal judge is filed by any person with the chief judge of the respective court of appeals, as provided for by the Judicial Conduct and Disability Act of 1980. (28 U.S.C. §351 et seq.)
3. The failure to discharge their self-discipline duty allows judges to do anything they want and get away with it in the knowledge that they will not be asked by their peers to answer for their conduct. That knowledge results from, and gives rise to, coordination to engage in wrongdoing. Evidence of such coordination is found in the official statistics of the [Administrative Office of the U.S. Courts](#). They show that [the judges’ rate of dismissal](#) for over a decade of judicial conduct complaints could not have occurred but for their wrongful coordination to systematically dismiss them in order to insulate themselves from any discipline. (http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf) Thus exempting themselves from the control of their conduct provided for by the Act constituted abuse of power. It engendered the sense of impunity that encouraged any subsequent abuse of power. Self-exemption from discipline and abuse of power acting as mutually reinforcing cause and effect of each other.
4. Federal judges’ sense of not being answerable for their actions to any disciplinary body is grounded in facts. As stated by the [Late Chief Justice W. Rehnquist](#) and the [Federal Judicial Center](#), since the adoption of the U.S. Constitution in 1789 only 13 judges have been impeached and only 7 convicted...in 217 years of federal judicial history. Since their chances of getting caught are less than a third of those of becoming the 18th chief justice of the Supreme Court, they engage in wrongdoing because they know that as a historical fact they are exempt from prosecution. As a result, federal judges constitute the only group of people in our country that as a matter of fact are above the law. (http://judicial-discipline-reform.org/docs/CJ_Rehnquist_impeachments.pdf)

5. Many entities and individuals have complained repeatedly about, and developed different initiatives against, the many ways in which abusive judges manifest their bias and disregard for the rule of law. Their effectiveness, however, has been limited. For one thing, a) many complaints and initiatives deal with the manifestations of the judges' abusive conduct rather than the circumstance enabling their riskless wrongdoing, to wit, their inapplication to themselves of the mechanism of judicial discipline. In addition, b) the public has not yet been made aware of the extent of the judges' abusive conduct and the fact that it concerns everybody because judges have enormous power to take decisions that affect every person's right to life, freedom, and property as well as every social and economic activity in this country. Moreover, c) the entities and individuals have pursued their complaints and initiatives separately against judges, who, by contrast, are united within a most powerful, well-connected, and moneyed organization, namely, the Judiciary, the Third Branch of Government, which provides the institutional framework for a more insidious and intractable type of wrongdoing: coordinated judicial wrongdoing.

II. A three-pronged proposal to pursue a common mission through a virtual firm, win the public's support, and cause the reform by law of judicial discipline

6. A proposal is made here to overcome these three obstacles to the effectiveness of the entities and individuals' many initiatives against abusive judges that show bias and disregard the rule of law. To begin with, it identifies what constitutes their essential common mission, namely, to restore integrity to our legal system. For its accomplishment, it proposes that they c) unite their efforts and resources to create a virtual firm on the Internet of investigative journalists and lawyers to b) make the public aware of how and why judges abuse their rights by exposing evidence of their wrongdoing through a media campaign and a class action against wrongdoing judges aimed at gaining the public's support to a) force executive and legislative authorities to launch official investigations into coordinated wrongdoing in the judicial branch leading to public demand for, and passage of, reform legislation that creates an external body for administering judicial discipline and inspecting the judges' use of public funds. Through this program of activities the entities and individuals can embark on a common mission to deal effectively with the cause of their complaints: the judges' unlawful, intentional failure to discharge their self-discipline duty, which enables them to eliminate punishment as a deterrent to wrongdoing and to engage in coordinated wrongdoing that leads to abuse and corruption in our legal system.
7. This proposal, by its very nature flexible and open to discussion, is addressed to the entities and individuals as a statement of a concrete way in which they can combine their efforts and resources in order to pursue effectively their common mission. It is also addressed as a recruitment presentation to "the best of the best, most committed, and most informed", those professionals whose quality of work can make the difference between a successful undertaking and a disappointing flop, and who demand to know before coming on board what specific functions they would be performing in a well-run firm. Likewise, it is addressed as a business plan at the pre-quantified stage to financial supporters, those with the cash and business connections and experience necessary to turn a project into a going business, but who want to make sure that an initial general idea has been thought through to a chronological series of precise activities for specific types of workers resulting in a product that people want out there in the real world. Here the business is a lofty mission: to restore integrity to our legal system so that it can produce judicial decisions that are just and fair when measured against the benchmark of "Equal Justice Under Law".

A. The virtual firm's three objectives and its activities to attain them

8. The first step in entities and individuals dealing effectively with their complaints about the legal system is to acknowledge the need for a shared and sharply focused activity on which to concentrate their efforts and resources long-term so as to reap a multiplier effect that increases the chances of success against long odds: a common mission against the well-coordinated Judiciary. The centerpiece of that unity and the key instrument in accomplishing their mission is a virtual firm on the Internet of lawyers and investigative journalists. That firm too needs to be sharply focused. Thus, it will have three realistic and progressively attainable objectives:

i) expose judicial wrongdoing: a *Follow the money!* investigation & a class action

expose judges' coordinated wrongdoing in a bankruptcy fraud scheme or in the systematic dismissal of judicial conduct complaints through investigative journalists that will uncover evidence thereof by engaging in a Watergate-like *Follow the money!* investigation from filed bankruptcy petitions into the schemers' web of personal and financial relations, and through lawyers that will bring a class action on behalf of those injured by wrongdoing judges so that through its two categories of professionals the firm will mount a media campaign to make an ever larger audience aware of the extent and damaging consequences for the public at large of judicial wrongdoing;

ii) cause authorities to investigate and prosecute wrongdoing judges

cause an outraged public to force the authorities, such as the FBI, the Department of Justice, Congress, and their state counterparts, to investigate coordinated wrongdoing in the judiciaries and proceed to the impeachment or prosecution and conviction of judges and other wrongdoers, and bring about the retirement of other unfit judges; and

iii) bring about laws to reform the mechanism of judicial discipline

channel the public's demand for integrity in the legal system to the reform by law of the judicial discipline mechanism through the creation of a body of members unrelated to, nominated and confirmed, and mandated to operate independently of, the judiciary for receiving and acting on complaints about judges' conduct and inspecting their use of public funds.

9. Neither the firm nor the class action can pursue the particular complaints of each of its professionals, supporters, or members. They will know before joining that a shotgun of issues and agendas is confusing, overwhelming, conflict-generating, and ultimately fatal to the certification of the class. Hence, they must shed distinguishing elements from their complaints and divisive statements from their discourse in order to pursue effectively their common mission. Given their unifying commitment to it, they will agree to concentrate their efforts and resources on those three reasonable objectives attainable through a program of specific, manageable activities.

III. Qualifications and tasks of virtual firm's professionals & program of activities

10. The firm will pursue its objectives by following a program of chronologically outlined activities:

A. The investigative journalists' tasks

11. The investigative journalists will conduct a Watergate-like *Follow the money!* investigation

through the web of personal and financial relationships of judges and other people involved in the judicial disposition of money. Consequently, the starting point of their investigation will be the [publicly available bankruptcy petitions](#) filed by bankrupts, such as those relating to the bankruptcy fraud scheme that constitutes a key component of the representative case of the class action. Their investigation will include digital and physical document search, [interviews](#), and inspection of places in search of assets belonging to the bankruptcy fraud schemers. The journalists will also seek to determine what federal judges and any other persons knew and when they knew of the existence of a bankruptcy fraud scheme or of a pattern of other wrongdoing, such as real estate sweet deals, and how judges supported such wrongdoing. (cf. http://judicial-discipline-reform.org/docs/Trustee_Reiber_3909_cases.pdf and http://judicial-discipline-reform.org/docs/DeLano_petition.pdf)

12. The investigative journalists will have the crucial task of convincing the editors and assignment managers of the media with the largest audience to carry their reports and commit their own resources to pushing the investigation ever more deeply and widely, and to cover the firm's own work. They will also work on identifying and vetting individuals of appropriate standing and with relevant skills, knowledge, and financial means that can overtly or anonymously join or support the firm to make a significant contribution to accomplishing its mission.

B. The lawyers' tasks

13. The evidence of coordinated judicial wrongdoing already posted and described in http://judicial-discipline-reform.org/docs/Tables_of_Exhibits.pdf, as well as the evidence produced by the investigative journalists will be reviewed by the virtual firm's lawyers, who will select the most appropriate for restricted circulation or publication and for supporting the class action. They will work on the difficult legal issues, some of them novel, involved in preparing that action. Among them are those dealing with obtaining contact information of potential class members, such as judicial conduct complainants, and selecting them; certifying the class and its representatives; choosing the judges, judicial and administrative bodies, trustees, lawyers, law firms, and other persons to be named as defendants and preparing the charges against all or some of them under laws such as the Racketeer Influenced and Corrupt Organizations Act (RICO); intentional denial of due process and judicial rights; dereliction of duty and third party beneficiaries of the oath of office; conflict of interests in judging peers, disqualification or change of venue; proper venue for claims against a branch of government; subpoenaing judges to be deposed, produce court and financial records, and testify; overcoming claims of judicial immunity, privilege, and confidentiality; conspiracy; standard of proof, and admissibility of corruption evidence against judges; liability and damages; etc. These and other tasks are described on the webpage "[Tasks for Lawyers and Investigative Journalists](http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm)". (<http://Judicial-Discipline-Reform.org/Tasks%20for%20L%20%20I.htm>)

C. Organizing and posting evidence

14. The evidence gathered that meets journalistic standards of publication, such as accuracy, credibility, and verifiability, or legal standards of admissibility will be posted on the virtual firm's website with different degrees of accessibility or made available to the media to attain the widest publication possible. The purpose will be to inform the firm's professionals and the public of the on-going state of the investigation in order to avoid duplication and provide leads

for further investigation. Such publication will also intend to encourage other journalists and bloggers aiming to deserve a Pulitzer Prize or in quest for their 15 minutes of meritorious fame to join and expand the search for evidence that will reveal to the public nationwide the nature and extent of coordinated wrongdoing in both the federal and the state judiciaries and the need for official investigations and for legislation to reform the mechanism of judicial discipline.

1. Table of wrongdoing evidence

15. To help the investigation along and facilitate the organization and widest use of the evidence gathered, the firm will devise as its key evidentiary instrument the Table of Judicial Wrongdoing Across the Nation. It will list in a column each of the 50 states, for each of which each of a selected handful of the most promising federal and state cases from a journalistic and legal standpoint will be listed in a row, the cells of which will provide essential docket information and hyperlinks to the most relevant court documents and news articles. One of those cells will provide the case-type identifier that will hyperlink to the case synopsis. This will be the paragraph most important and difficult to craft professionally, the one that will frequently be the only one read by those choosing which case to investigate or looking for an overview of judicial wrongdoing nationwide. The case synopsis will describe in 150 words or less the information that enables the first paragraph of a well-written news article to grab the attention of the reader and make her want to read on for details, the so-called six W's: what, where, when, who, how, and why. This should suffice to state the nature of the legal controversy and issues at stake. The [Table of 11 Cases](http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf) accompanying the Statement of Facts is a prototype of that Table. (http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf)

2. Analyzing, integrating, and summarizing information

16. In order for the lawyers and investigative journalists of the virtual firm to be able to write clearly, concisely, and effectively, whether it be the case synopsis or briefs, petitions, and articles for the courts, the authorities, and the media, they will perform several essential information-processing, highly detail-oriented, but imagination-demanding and-creative tasks:

a) springboard analysis of documents

17. analyze documents, such as reports on previous investigations by authorities and civilians into official corruption and influence peddling as well as legislative hearing and debate transcripts and reports on relevant subjects and laws, in order to gain insight into the dynamics of the similar, different, or conflicting interests of the characters and of the forces shaping the events involved; and identify mistakes to be avoided and pick up leads to be followed;

b) boomerang scrutiny

18. capture the spin of orders, decisions, speeches, press releases, and articles of wrongdoing judges to harness their patterns of bias or intrinsic inconsistencies or extrinsic disregard for the law and cause the judges' own words to hit them in their mouths;

c) mosaic integration

19. read a document to gain an understanding of the workings of its statements and discern between its lines its assumptions, implications, and possibilities; mine from it bits and pieces of information of importance to trained and imaginative eyes and in light of their relative shades

and shapes of relevance and credibility place them in the developing mosaic of the bits and pieces of many other documents as their placement sometimes is suggested by the picture that puzzle-like is revealing itself and sometimes is chosen by the picture of meaning that the reader is creatively drawing;

d) broth reduction

20. summarize the essential informational nutrients of scores or even hundreds of documents to a synoptic paragraph, an executive summary, a word limited news article, a table, a chart, or a diagram by submitting those source documents to the boiling down heat of the objectives at hand, the audience being addressed, and the reasonable calculation that in such size and format the piece will get read and its information assimilated;

e) database creation

21. apply standard or devise new structure and search functions of relational databases to manage efficiently and make easily accessible the documents being gathered and the informational elements that they contain so that they will assist in understanding and writing other documents;

f) Report on Judicial Wrongdoing in America

22. produce the text, tables, statistical analyses, charts, and descriptive entries of the bibliography of the virtual firm's publication that will make the influential, reading public aware of how widespread judicial wrongdoing has become and how high it has reached at the federal and state levels and serve as the firm's presentation tool before authorities to cause them to launch official investigations and legislative bodies to enact judicial discipline reform legislation.

3. A firm of "the best of the best, most committed, and most informed"

23. It should be obvious that for the virtual firm to carry out those difficult tasks it will need to be composed of a team of professionals with superior skills, technical knowledge, and ingenuity. They also must have the leadership attributes to guide the supporting entities and individuals and to organize effectively the members of the class action, not to mention to manage their relations with outsiders so as to garner their sympathy and respect while enduring with dignity abuse, disappointment, and stress. These tough demands on the performance and character of the firm's professionals require their selection by application in stages of the rigorous criteria of "the best of the best, most committed, and most informed", unlike the considerations to be used for qualifying other people as either financial supporters of the firm or members of the class action.

D. Enter the media

24. Evidence of widespread coordinated wrongdoing that reaches high in the judiciary clearly and concisely presented through the synoptic paragraphs summarizing cases and the Table of Judicial Wrongdoing Across the Nation laying out docket data and links to supporting documents and articles can generate on the Internet considerable interest as well as outrage. The buzz can reach such pitch as to cause the national newspapers and TV stations to consider it in their commercial interest to pick up the story and further develop it with their vast human, technical, and financial resources for investigative journalism.

1. Examples of the media joining an Internet buzz

25. The following account supports the reasonable expectation that investigative journalists and bloggers will recognize the importance for the man in the street and our elected representatives of uncovering evidence of coordinated wrongdoing in the Third Branch of Government and the opportunity that it offers to merit public recognition for reportage in the common good, and join the search for more evidence: Oprah Winfrey picked up for her book club James Frey's autobiography "A Million Little Pieces" and thereby launched it to the top of the best seller lists. This caught the attention of TheSmokingGun.com blog, which exposed it as embellished pseudo-fiction, after which the major TV stations picked up the story and interviewed TheSmokingGun Editor Bustone. Investigative journalists of *The New York Times* and the *Star Tribune* played a key role in exposing the book as a fabrication around a few little pieces of truth. <http://www.thesmokinggun.com/jamesfrey/0104061jamesfrey1.html>
26. In the same vein, the ever more popular, compassion-inducing drama of Lonely Girl was picked up by *The New York Times* and revealed as the hoax of some website promoters and an actress that was anything but lonely. <http://www.nytimes.com/2006/09/12/technology/12cnd-lonely.html?ex=1315713600&en=abf28fc073b3c6e9&ei=5088&partner=rssnyt&emc=rss>.

E. Filing the class action

27. Once the exposure of coordinated judicial wrongdoing has generated a critical mass of public outrage and clamor for official intervention, the filing by the virtual firm of a class action on behalf of entities and individuals injured by wrongdoing judges will stand a better chance of being reported on by the national media; taken seriously by the presiding judge, whose every decision will come under close scrutiny in the spotlight of the mass media and law journals; and surviving a motion to dismiss, particularly a bogus one intended to nip in the bud any discovery of evidence of wrongdoing coordination.

1. Bankruptcy-fraud members of the class

28. Some members of the class action will have been injured by fraud supported by judges in a bankruptcy case; other members' injuries will have arisen from the elimination of their judicial conduct complaints by the judges' systematic dismissal of such complaints. The element common to all those members is that all of them sustained actionable injury at the hand of a wrongdoing judge or of judges acting in wrongful coordination. The injury, of course, must not be susceptible to being characterized as an adverse consequence of a judicial act, for such characterization would make the theory of judicial immunity for judicial acts available to protect the judge in question from being sued.
29. However, [Article III, section 1 of the Constitution](#) provides for federal judges to remain in office only "during good Behaviour". The disposition of money in controversy by a judge acting fraudulently for his own benefit or a third party's is indisputably not "good Behaviour", but rather an impeachable act of corruption not protected by any theory of judicial immunity, which in any event is not explicitly provided for in the Constitution. Such fraud evidence could not be dismissed by the judge presiding over the class action without revealing glaring partiality by defending his peer's legally indefensible conduct and, thereby rendering himself suspicious.
30. That is why a case involving a bankruptcy fraud scheme is the representative one of the class

action. It allows evidence of fraud to be the anchor that should keep the action from being thrown out of court by the judges' immunity theory bulldozer. By the same token, the bankruptcy fraud members of the class should be able to provide invaluable leads for the investigative journalists' Watergate-like *Follow the money!* investigation of bankruptcy money fraudulently channeled into concealed assets and illegal contributions, political or otherwise.

2. Complaint-dismissal members of the class

31. Evidence of the judges' support or toleration of a bankruptcy fraud scheme would show bias and disregard for the rule of law as well as engagement in a continuing criminal activity and the consequent need to cover it up. Such evidence would lend credence to the claims that the non-bankruptcy class members made both in their judicial misconduct complaints, to wit, that the judges in their respective cases, regardless of their subject matter, showed bias and disregard for the rule of law, and subsequently in the class action, that is, that the judges that received those complaints systematically dismissed them too without any investigation or consideration of their merits so as to prevent any investigation of a judge that could open the way to the exposure of the judges' coordination to do wrong, for example, to participate in a bankruptcy fraud scheme. Hence, all the members have mutually reinforcing claims arising from the same source: judicial wrongdoing made possible by the coordination not to discipline each other.

F. Authorities investigate the judiciary

32. The outrage provoked by the media reporting on coordinated wrongdoing by judges can force the FBI, the Department of Justice, and finally Congress to launch their own investigations. Current events support this expectation. Indeed, Congress held hearings within a month after the revelation that to identify the source of leakage of classified corporate information, the top officers of Hewlett-Packard had orchestrated pretexting –posing as members of the board of directors to obtain private information about directors- and unlawful wiretapping of journalists. Likewise, less than a week after the scandal broke that Representative Mark Foley had sent salacious e-mails to underage Congressional pages and that the House leadership had known for three years that he had sent other improper e-mails to pages, the FBI opened an in-depth investigation into what Congressional leaders knew and when they knew it.

G. Impeachment of judges

33. Official investigations can lead to the impeachment or prosecution and conviction of judges as well as other bankruptcy fraud schemers and to the tactical retirement of other judges in anticipation of being charged. This will cause the removal or exiting from the bench of wrongdoing judges and have a cautionary effect on the conduct of those remaining in office.

H. Drive for judicial reform legislation

34. Once a national public has become outraged by exposure of coordinated judicial wrongdoing at both the federal and state levels, and cries out for the authorities to restore integrity to our legal system, the virtual firm and its supporting entities and individuals will more effectively press Congress and state legislatures to enact legislation providing for effective mechanisms to

discipline judicial conduct and to inspect judges' handling of public funds allocated to the judiciary. By contrast to the insufficient bill currently in Congress for the [Judicial Transparency and Ethics Enhancement Act](#), which would apply only to the federal judiciary, the new mechanism must be operated by an external body whose members will not be recommended, let alone appointed, by the judiciary, and which will receive and investigate judicial conduct complaints against, apply disciplinary measures to, and make recommendations for the impeachment of, any members of the judiciary, including the justices of the Supreme Court.

I. Redress and compensation for class members

35. The members of the class action may receive collective redress for their grievances in the form of appellate review of their cases or new trials, and perhaps even compensation from:
 - a. individual judges found liable for the harm that they inflicted through their wrongdoing;
 - b. judicial governing bodies or entities servicing the judiciary found liable for having assisted judges in their wrongdoing or covered up for them; and/or
 - c. the Federal government since the Federal Judiciary is a branch of the U.S. Government.

IV. How to select persons that want to join the virtual firm

36. Among the preliminary steps that can be taken in the process of selecting the professionals of the virtual firm of lawyers and investigative journalists are the following:
 - a. examine their complaints against the judiciary as stated in their websites, court documents filed by them, and talk shows;
 - b. check the person's name, address, resume, and entries in professional directories;
 - c. require of a person that has expressed interest in joining the firm to submit a written statement indicating, in light of this proposal:
 - 1) the reasons for wanting to join the firm in terms of its mission and objectives;
 - 2) academic and professional qualifications to carry out any of the tasks described above;
 - d. provide samples of his or her work.
37. It should be evident that a person that does not want to bother to read this proposal and provide the requested information is neither committed to the entities and individuals' common mission nor realizes how much work will be required to accomplish it or attain the firm's objectives. Just as easily as he or she would like to join, he or she would quit the firm, leaving everybody else burdened with the work that had been assigned to that person, perhaps when the pressure of an approaching key date was mounting. That is not a promising way of running a firm, particularly since the mission is to enforce discipline and accountability on the tightly-knitted web of bankruptcy fraud schemers and well-coordinated peers of the Third Branch of Government.

Comments on this Programmatic Proposal and inquiries about joining the firm are welcome and may be e-mailed to DrRCordero@Judicial-Discipline-Reform.org.

The Dynamics of Organized Corruption in the Courts

How judicial wrongdoing tolerated or supported in one instance gives rise to the mentality of judicial impunity that triggers generalized wrongdoing and weaves relationships among the judges of multilateral interdependency of survival where any subsequent unlawful act is allowed and must be covered up

by Dr. Richard Cordero, Esq.

A judge that engages in wrongdoing once and gets away with it because the other judges will not discipline him or her, will be more likely to do wrong again because they realize that as a matter of practice wrongdoing is an easy or profitable way of handling judicial business and can be engaged in with impunity regardless of the harm caused to third parties. An example is set for their fellow judges to follow. In time, everyone knows about the wrongdoing of the others, whether it be bias, abuse of power, or disregard for the law and the facts. Then they must cover for each other, for if one were allowed to be indicted, he or she could tell on another who could tell on another and with domino effect all would fall. This effect would take place even if the incriminated judge were low in the judicial hierarchy, for he or she could trade up in a plea bargain by incriminating those higher up, whether appellate judges or a chief judge, who knew about that one's wrongdoing, or though ignoring it, knew about the wrongdoing of other judges subject to the domino effect, but passively tolerated, or even actively supported them through a cover up or participation, despite their duty to safeguard the integrity of judicial process.

In a hierarchy where integrity is of the essence for the court's single business, that is, administrating justice in accordance with due process, the incrimination of a chief judge would give rise to a most threatening question, to wit, what else did he or she tolerate or support that impaired or denied due process in any other case or all other cases of the indicted judge and, by the same token, of any other judge and all the other judges of the court. In one single step, the trade up, the whole court would come under scrutiny and with it the validity-determinative due process element of the decision in every one of its cases.

This illustrates the dynamics of multilateral interdependency of survival in a practically closed and stable group of people, such as the federal judiciary, where no member, however low in the hierarchy, is expendable: If one judge falls, all fall, unless that one was the odd man out who went outside the group on a folly of his own and never became privy to the wrongdoing of the other judges. Once those dynamics are allowed to determine the relationships among judges, the mentality of everything goes develops, for another, even a more egregious, act of wrongdoing must be tolerated or supported. Were it not, a complaint that was investigated and led to disciplinary action would set a precedent that other complaints could cite in their support, each one of which could support other complaints, thus triggering a chain reaction and uncovering a pattern of wrongdoing that could lead to the fall of a court or the judiciary.

The everything goes mentality gives a boost to a degenerative trend that leads from judicial wrongdoing to organized corruption. In such organization, even third parties outside the court, whether it be court staff, lawyers, others frequently before the court, such as bankruptcy trustees, or litigants, are allowed in the corruption in exchange for a material or moral benefit payable or receivable in the case at hand or in IOUs for future cases. By then, the force dominating the court and its judges' business is not the law of Congress under the Constitution, but rather their interest in surviving and thriving. The court becomes a racketeer influenced and corrupt organization.

Synopsis of an Investigative Journalism Proposal

Where the Leads in Evidence Already Gathered in [12 Federal Cases](#)¹

Would be Pursued in a *Follow the money!* Investigation to Answer the Question:

Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?

by Dr. Richard Cordero, Esq.

This is a poignant question, for it casts doubt on the integrity of the branch of government that should incarnate respect for the law and high ethical values. What makes it a realistic question worth investigating is the fact that since 1980 judges are charged with the duty to discipline themselves; what is more, complaints by anybody against their conduct must be filed with, and handled by, them. But according to the statistics of the [Administrative Office of the U.S. Courts](#)², judges [systematically dismiss](#)³ all complaints. As a result, in the last 26 years only three judges out of some 2,133 federal judges, have been impeached, the last one in 1989. Actually, in the whole 217 years since the U.S. Constitution of 1789, [only 7 judges](#)⁴ have been impeached and convicted...on average one every 31 years!

If that were the time it would take for your CEO to be held accountable by his peers for his conduct toward you and the other people in your office, and in the meantime he could wield power over your life, liberty, and property with no more consequences than the suspension of a decision of his, do you think that he would be tempted to treat you however he wanted? If all complaints of yours ended up in the wastebasket together with those of your colleagues in the office, would you say that they would want to know of your efforts to force your CEO and his peers out of their safe haven in order to require them to treat you and your colleagues with respect or be liable to all of you? If so, you have a U.S. audience of 300 million colleagues waiting to know about your efforts to hold your judicial CEO and his peers accountable for their conduct.

Indeed, by law the chief justice of the Supreme Court and the associate justices review with the chief district and appellate judges [twice a year reports](#)⁵ showing that complaints against judges are dismissed systematically, which points to coordination to disregard a duty placed upon them by law. They have known also that in an area such as bankruptcy, judges wield enormous power over tens of billions of dollars annually. Power and money, the two most insidious and absolute corruptors in the hands of the same judges that have exempted themselves from any discipline. There is evidence that bankruptcy judges have engaged in a [bankruptcy fraud scheme](#)⁶ with the knowledge and support of district judges, and at least the toleration of circuit judges and the justices of the Supreme Court. That evidence and [leads](#)⁷ are hereby being offered for a joint *Follow the money!* investigative journalism project.

The exposure of coordinated wrongdoing involving criminal conduct throughout the federal judiciary is bound to have a farther reaching impact than finding out that the Watergate Burglary was connected to President Richard Nixon. Unlike the president and his White House aides, federal judges hold office for life or renewable 14-year terms and can only be removed through the historically [useless impeachment mechanism](#).⁸ Hence, the investment of investigative resources in this project would not be for a momentary scoop, but rather for the development of a lode of news of intense interest to the public, all members of the Congress dominated by "the [culture of corruption](#)"⁹, and a president who nominated two justices, including the chief. The question 'Were and are federal judges fit to decide cases?' and the investigative results would lock in a vicious circle causing an ever deepening institutional crisis...only to be aggravated by a [class action](#)¹⁰ on behalf of those injured by corrupt and complaint-dismissing judges. In addition, the expertise gained from the investigation of federal judges can be reinvested in that of their state counterparts. Thus, I respectfully request an interview with you to discuss the [details](#) of this synoptic proposal.¹¹

1	http://Judicial-Discipline-Reform.org/docs/Table_of_cases.pdf	IP:3
2	Table S-22. Report of Complaints Filed and Action Taken Under Authority of 28 U.S.C. 351-364 During 12-Month Periods Between October 1, 1996 and September 30, 2005, in the 1997-2005 Annual Reports of the Director of the Administrative Office of the United States Courts; http://Judicial-Discipline-Reform.org/docs/Administrative_Office_statistics.pdf	IP:5
3	The Official Statistics of the Administrative Office of the U.S. Courts Show the Systematic Dismissal of Judicial Conduct Complaints by Federal Judges, Including the Justices of the Supreme Court, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/Statistics_of_systematic_dismissals.pdf	IP:23
4	Judges of the United States, Impeachments of Federal Judges, Federal Judicial Center, http://www.fjc.gov/history/home/nsf	IP:27
5	The Supreme Court Justices and the Chief Judges Have Semi-annually Received Official Information About the Self-immunizing Systematic Dismissal of Judicial Conduct Complaints, But Have Tolerated It With Disregard for the Consequent Abuse of Power and Corruption, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/SCT_knows_of_dismissals.pdf	IP:31
6	Statement of Facts providing evidence showing that a federal judgeship has become a safe haven for wrongdoing due to lack of an effective mechanism of judicial conduct control and calling for the formation of a virtual firm of lawyers and investigative journalists to help prepare pro bono a class action based on a representative case charging that Chief Judge John M. Walker, Jr., and Circuit Judge Dennis Jacobs of the U.S. Court of Appeals for the Second Circuit have engaged in a series of acts of disregard for the law, the rules, and the facts, and of systematic dismissal of judicial misconduct complaints forming a pattern of non-coincidental, intentional, and coordinated wrongdoing that protects peers and other schemers involved in a bankruptcy fraud scheme, by Dr. Richard Cordero, Esq., http://judicial-discipline-reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf	IP:33
7	Contact information with detailed index to exhibits, organized by categories listed in the order in which the <i>Follow the money!</i> investigation may proceed, http://Judicial-Discipline-Reform.org/docs/contact_info_by_categories.pdf	IP:43
8	Under 28 U.S.C. §152(a)(1) bankruptcy judges are “appointed by the court of appeals of the United States for the circuit in which such district is located”, that is, the judicial district for which the judge is appointed “for a term of fourteen years”. Under §152(a)(3), if a majority of the judges of such court cannot agree upon such appointment, the chief judge of the court appoints the bankruptcy judge. The latter’s removal during his or her term is provided for under §152(e), which allows it to be executed “only by the judicial council of the circuit in which the judge’s official duty station is located”. Judicial councils are formed under §132(a)(1) “by the chief judge of the [respective] circuit...and an equal number of circuit judges and district judges of the circuit”. This mechanism of removal has proved to be as equally useless as that of impeachment of life-tenured federal judges, for not only do judges protect each other, but they are most reluctant to impugn their own judgment by admitting that the bankruptcy judge that they appointed was unfit to hold office and should be removed.	
9	House Minority Leader Nancy Pelosi has publicly stated that Congress is dominated by “a culture of corruption” and that if her party wins control of the U.S. House of Representatives and she becomes its Speaker, she will work to “drain the swamp of corruption” in Congress.	
10	Federal judges have no grant of immunity from the Constitution: In a system of “Equal Justice Under Law” they must be liable to prosecution as defendants in a class action like anybody else, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/docs/no_judicial_immunity.pdf	IP:65
11	cf. Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure Integrity in Our Courts by Engaging in Specific Activities and Achieving Concrete Objectives, by Dr. Richard Cordero, Esq.; http://Judicial-Discipline-Reform.org/Programmatic1.htm	IP:67

February 10, 2007

**Actions In the Courts by ‘Private Prosecutors’ on Quo Warranto
Lack the Legal and Practical Capacity to Bring About Judicial Reform
But
A Watergate-like *Follow the money!* Investigation Conducted and Published
Outside the Courts by Judicial Reform Advocates, Bloggers, and the Media
Searching for Evidence of the Financial Criminal Activity
of Judges Engaged in Coordinated Wrongdoing Can
Outrage the Public and Pressure the Executive and Legislative Branches
Into Investigating and Reforming the Judiciary**

by **Dr. Richard Cordero, Esq.**

Advocates of reform of the judicial system have at their disposal two types of approaches to pursuing their objective: from within the system or from outside it. The former includes appearing in court to argue before judges either in the customary way provided for by the Federal Rules of Procedure and their state equivalents, or after first having achieved the feat of restoring old forms of action, such as those allowing ‘people directly prosecuting quo-warranto/state-ex-rel criminal complaints’ against persons or entities acting illegally under color of law and for obtaining the civil remedy of ousting them from office. Either variant of from-within reform is confronted with a grave logical and practical problem.

Indeed, advocates complain that judges disregard the law and the facts and abuse their power. If so, then they cannot bring another action in court but this time against judges and expect them to handle it fairly and according to law...precisely when doing so will incriminate them, their peers, and other officers in wrongdoing! That amounts to doing the same thing but expecting to obtain, not just a different, but rather the opposite result. That is the classical definition of irrational behavior. Yet, it stands to reason that not even the most gifted lawyer will ever convince a judge that he or she should be fair and just and respect the law even at the risk of being imprisoned for up to 20 years and held liable for fines of up to \$500,000, as well as losing their office, pension, and prestige for engaging in corruption, such as in a bankruptcy fraud scheme.

The from-the-outside approach avoids such dooming contradiction by not going inside the courts to try to defeat the judges in their own turf. Instead, it rests outside the courts to search for evidence of the external prolongation of the judges’ wrongdoing inside the courts. This approach is based on the reasonable assumption that officers who in their official capacity show contempt for law and fairness will do the same in their non-official capacity as private citizens. This unity of conduct assumption is complemented by that of judges as rational and economic people, who behave in a consistent manner in order to maximize their benefit and in so doing are susceptible to the two most insidious motivators of conduct, to wit, the pursuit of power and money.

Power they wield as judges and its effectiveness they maximize by coordinating their wrongful conduct. Money they must manipulate and enjoy outside the court. Hence, it is on the outside that evidence of their coordinated financial wrongdoing is to be found in the form of hidden assets not included in their statutorily mandated financial disclosure reports under [5 U.S.C. App. 4 §101 et seq.](#) Evidence of their involvement in financial crime, including evasion of taxes on hidden assets, need not be brought inside the court, where the judges could arbitrarily exclude it or render it useless by applying the self-serving and -made judicial immunity doctrine.

Instead, incriminating evidence can remain outside to be brought to the public's attention first on the Internet and then through the traditional media. Once published, evidence of financial criminal activity by individual judges would take on a life of its own. Protected from them by the First Amendment's Freedom of the Press Clause, judicial reform advocates, bloggers, and journalists would only grow in number and bring to bear greater investigative resources as they showed that the judges' financial wrongdoing was an externality of their coordinated wrongdoing inside the court. This would trigger another type of search, namely, of public filings with the courts, supplemented by interviews with judicial staff, litigants, and lawyers, for evidence of the judges and their staff's consistent acts of disregard for the law and the facts of cases, bias, and abuse of power that revealed a pattern of coordinated wrongdoing within the courts. The higher in the judicial hierarchy the wrongdoing judges were, such as at the top of a prestigious federal court of appeals, let alone the Supreme Court, the more the evidence would attract the public's attention.

Actually, it would suffice to publish evidence of wrongdoing by one highly placed judge or justice for the reasonable question to arise whether his or her peers in that court or in the circuit council or in the Judicial Conference or just in any other court knew about such wrongdoing. This would beg the question whether those peers tolerated or participated in it because the wrongdoing of some judges, not to mention a chief judge, emboldened them to do wrong too and gave rise to the 'don't rock the boat' mentality that forced them to protect each other because if one blew the whistle on the other the latter could do likewise in reverse or worse, trade up in a plea bargain so that all would end up sequentially in a sea infested with indictments and tort actions. These self-reinforcing dynamics of emulation would have spread a "Culture of Corruption" also within the judiciary. There judges could transmit it to their staff by ordering them to look the other way when they disregarded the law and the facts or to disregard themselves procedural rules in performing their clerical duties when doing so was expedient or profitable.

What is more, evidence incriminating a judge would have an immediate and severely disruptive practical consequence: Every civil litigant and all inmates that lost or were rightly or wrongly convicted before an incriminated judge would move for a new trial or the vacation of their sentence. They would stretch judicial resources to the breaking point, causing substantial delay and inconvenience for all current litigants, who would join the critics of the courts. The clamor of all of them would only incite more bloggers and traditional media to search for more evidence in a positive, self-reinforcing process. The latter would generate mounting pressure on the justice departments and legislative bodies to investigate the judiciary and do what judges cannot and will not do: reform the judiciary through the removal from the bench of wrongdoing judges; legislation rendering judges accountable for their conduct; and the establishment of a judicial discipline and auditing commission of members unrelated and unresponsive to any judge.

A private prosecution on quo warranto does not have the in-built potential for generating public outrage across the nation, not to mention that eventually it would have to proceed in court, where judges would smother it. Considerable manpower and money would be consumed in the uncertain and protracted effort to resurrect such archaic form of action in just one jurisdiction at a time. Such resources can be better spent in searching for and producing to the public outside the courts evidence of coordinated judicial wrongdoing. That is the objective of the proposed Watergate-like *Follow the money!* investigation. What it involves and how to participate in it are described in the Programmatic Proposal for Attaining Judicial Reform. (http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf) Can you support it? If so, contact:

[Homepage](#)

September 2006

A Bankruptcy Fraud Scheme and its Coordinated Cover Up by Federal Judges

by

Dr. Richard Cordero, Esq.

The query whether a federal judgeship is a safe haven for wrongdoing rests on thousands of pages of public documents, all made available in this website from hyperlinks in the Statement of Facts. They show how U.S. bankruptcy and district judges, trustees, and bankrupts in 11 cases prosecuted during the past five years, some still going on, have engaged in a pattern of non-coincidental, intentional, and coordinated disregard of the law, the rules, and the facts to conceal the whereabouts of over \$670,000 earned or received by just one 'bankrupt', as shown by the few documents reluctantly produced by the bankrupt himself, in just one of the more than 3,909 *open* cases of one single trustee. The documents also show how the judges have engaged in biased and arbitrary conduct to strip of standing and prevent from obtaining any further document the only creditor trying to expose the scheme.

These documents were submitted as exhibits to opening pleadings, motions, a mandamus petition, appeals, and two judicial misconduct complaints to Chief Judge John M. Walker, Jr., of the U.S. Court of Appeals for the Second Circuit (CA2) and Judge Dennis Jacobs, CA2, as well as other circuit and district judges of that Court and of the Judicial Council of the Second Circuit. Instead of conducting the investigation required by law and Circuit rules in order to safeguard the integrity of judicial process, these judges engaged in a pattern of intentional and coordinated disregard of evidence of judicial support for a bankruptcy fraud scheme, even refusing acceptance and returning evidentiary documents, dismissed the complaints, and reappointed the bankruptcy judge to a new 14-year term in office!

The coordinated and systematic dismissal by federal judges of judicial misconduct complaints

Moreover, it turns out that official statistics released by the Administrative Office of the U.S. Courts shows that circuit chief judges and councils have for well over a decade engaged in the coordinated and systematic dismissal of judicial misconduct complaints and for years have prevented any complaint from reaching the body of last resort, namely the Judicial Conference of the United States. This body is composed of federal judges presided over by the chief justice of the Supreme Court, who as head of the Third Branch of Government has known and tolerated such break down in the mechanism of judicial self-discipline.

In the absence of any discipline over the judges' exercise of judicial power, uncontrolled power has been allowed to exert its absolutely corruptive force to turn a federal judgeship into a safe haven for wrongdoing by the only people who as a matter of fact are above the law in our country, namely, the peer-protected class of federal judges.

By failing to safeguard the integrity of the courts and dispose of judicial misconduct complaints in accordance with law, these judges have condoned the corruption of judicial

process, deprived creditors of their right to fair payment of their claims while enabling bankrupts to unlawfully evade their debts, and denied complaints due process whereby they knowingly exposed litigants and complainants to further abuse of judicial power and the consequent infliction of material and emotional injury.

Call for joining a class action and forming a virtual firm of lawyers and investigative journalists to help prepare pro bono such action

This is a call for those litigants and complainants to join in a class action against judges who may hold office only "during good Behaviour". ([U.S. Const. Art. III §1](#)) Insofar as judges have engaged in intentional and coordinated denial of people's exercise of the right under federal law to complaint about them they have inflicted upon those people the detriment of leaving them at the mercy of the complained-about judges and their abusive exercise of judicial power. That makes them liable for coordinated denial, not only of due process, but also of a federal right and for the resulting known and foreseeable injuries.

It is also a call for the formation of a virtual firm of lawyers and investigative journalists meeting at [Judicial-Discipline-Reform.org](#) to help prepare pro bono such action. Centered on the test case against Chief Judge Walker and Judge Jacobs, it will seek to expose a bankruptcy fraud scheme and its cover up through, among other means, the coordinated dismissal of judicial misconduct complaints.

Consequently, you are encouraged to read the [Statement of Facts](#) and check its hyperlinked supporting exhibits. In addition, the documents filed or exchanged with the courts, judges, and their governing bodies are listed with descriptive entries in commented [Tables of Exhibits](#), which are thematically and chronologically organized to provide a summarizing and cogent overview of the hundreds of evidentiary documents running to thousands of pages that support the query and the call.

Thereafter, you can send [Judicial-Discipline-Reform.org](#) (JDR) your comments and suggestions through the means indicated on the Contact Us page.

Implied binding declaration of joining and performing responsibly and in good faith

Moreover, if you support the objectives of JDR and can work to the high standards of professional responsibility of the [ABA Model Rules of Professional Responsibility \(2004\)](#) and the [New York Lawyer's Code of Professional Responsibility \(as of January 1, 2002\)](#) and adhere to the high standards of investigative journalism that allowed Carl Bernstein and Bob Woodward to investigate the Watergate Burglary and that are described in their Pulitzer-winning book *All the President's Men*, and are determined to apply to your investigation [Jim Lehrer's Rules of Journalism](#), you can post your contribution to JDR Blog. If you post to the blog, you declare under penalty of perjury under the terms of [28 U.S.C. §1746](#) that you do so in good faith, responsibly, and with the intention to advance, rather than surreptitiously mislead from and obstruct, the attainment of the objectives of [Judicial Discipline Reform.org](#); and that the information that you provide about your identity, location, and e-mail address is true, complete, and current. These are Terms of Use of JDR and its Blog and you certify your acceptance of them by blogging here.

[Homepage](#)

Short-term objective of winning the class action as first step to long-term one of making judges and their staffs accountable for fairness and honesty to an independent body enforcing an effective judicial discipline code

This is a once-in-a-lifetime opportunity to embark on a mission fraught with risk, which is always concomitant with challenging the powerful and well-connected, but endowed with the morally rewarding perspective of setting in motion a process that can have a positive impact on the law and our system of justice as well as on those who swore to administer it without respect to persons and according to the rule of law. ([28 U.S.C. §453](#)) Our efforts can result in the betterment of society. It can lead to the development of a mechanism to ensure that officers who directly or through their staffs wield power over the property, liberty, and life of people do so in a fair and just way as they wished others would exercise such power onto them; and that they apply that power to themselves as a constraint on their actions rather than as a license to pursue their personal and class interests.

This is a lofty mission that calls for an acute sense of responsibility and an enormous amount of determination coupled with excellent professional skills. Do you have what it takes to make it a success? Can you contribute to answering the critical question whether a federal judgeship has become a safe haven for wrongdoing and, if so, how high and to what extent has wrongdoing reached?

[Homepage](#)

February 7, 2007

Analysis of Judicial Misconduct by Identifying Motive
and Strategy to Expose it Through the Joint Effort of
Judicial Misconduct Complainants and
Citizens Concerned About Judicial Integrity

by

Dr. Richard Cordero, Esq.

To the increasing number of causes for complaining about judicial misconduct is added the use by courts of an order providing that the decision in the case at bar is non-precedential. The natural progression therefrom is for the court not even to bother to write a decision, but rather to issue a summary order that simply affirms or denies a decision on appeal without providing any explanation whatsoever or any evidence of ever having even read the briefs.

An analysis of the Federal Rules of Appellate Procedure and the local rules of a federal court of appeals reveals facts and arguments militating against, in general, non-precedential decisions and, in particular, ‘appellate review by coin flipping’: affirmed if head, denied if tail. Both are manifestations of the same underlying problem: judicial unaccountability and the resulting arrogance of power, contemptuous of the rights of others and the principle that justice must be seen to be done. (http://Judicial-Discipline-Reform.org/docs/CA2_summary_orders_19dec6.pdf)

In this context, you, the Reader, and the growing number of litigants outraged by their experience of judicial bias and abuse of power, most obvious in bankruptcy, probate, real estate, landlord, and family cases, will find useful an analysis of why judges engage in misconduct. That analysis identifies a motive and, more importantly, leads to the fashioning of a strategy to deal with the underlying problem. Their detailed statement, found at <http://Judicial-Discipline-Reform.org>, is based on public filings and official documents can be summarized as follows:

- a. The judicial system that is supposed to administer justice according to law inflicts instead injustice because a significant number of its judges disregard the law and the facts in a consistent pattern of conduct that reveals their participation in coordinated wrongdoing.
- b. Obtaining justice in that system is not achieved by appearing again before judges immune to even the best lawyering but sensitive to self-preservation because their rulings, if lawful and fair, would lead, among other things, to incriminating people who subsequently would in a plea bargain for leniency expose the judges’ wrongdoing.
- c. Rather, justice can eventually be obtained by first identifying the motives for judges to coordinate, whether implicitly or explicitly, their doing what is wrong or not doing what is their duty. Given human nature and our society’s values, their common main motive is likely to be the obtaining of an unethical or illicit benefit, especially a financial one: money.
- d. Hence, the strategy is to conduct a highly professional and legal, Watergate-like *Follow the money!* investigation to search outside the courts for evidence of judges having received such benefit, most probably assisted by complicit staff and other officers.
- e. The investigation would have two starting points:

- i. the financial disclosures that judges must file, yet make so difficult to access, but that under the [Ethics in Government Act, 5 App. 4 §101 et seq.](#), are publicly accessible; and
 - ii. the petitions for bankruptcy relief and their schedules where bankrupts must declare their financial affairs and which they must file publicly with the court deciding their petition, as well as real property declarations, which must be filed with the county clerk's office.
- f. From those documents, the *Follow the money!* investigation would proceed through the web of judges and filers' financial and personal relationships to wherever the money finds its resting place as hidden assets unaccounted for in such disclosures and declarations or inconsistent with the investigatees' stated or known sources of income, such as the salary of judges, which is fixed by law, or the salary of corporate officers, which may be found in the corporate by-laws or accounts.
- g. The evidence discovered would be brought to the public through the Internet and the traditional media. The higher in the judicial hierarchy coordinated wrongdoers were found, i.e., a court of appeals or the U.S. Supreme Court itself, the more the evidence would outrage the public and the media and the more strongly it would induce them to search for more evidence, thus triggering a self-reinforcing reaction with multiplying effect.
- h. Mounting outrage would cause the authorities, to wit, the federal and state justice departments as well as Congress and the state legislatures, to heed the public's demand for launching their own investigation of the judicial branch in their respective jurisdiction.
- i. The authorities' findings of coordinated judicial wrongdoing, including forms of corruption such as bribery, extortion, and ruling in financial self-interest although disqualification was required under [28 U.S.C. §455](#) or its state law equivalent, would cause Congress and the legislatures to enact a reform of the judiciary.
- j. Years from now, when reform acts are implemented, those stouthearted who were willing to do an enormous amount of work and undergo a lot of sacrifice at great risk, and the timorous who watched from the sidelines and helped otherwise, as well as the rest of the public may obtain justice from judges mostly deciding cases in a just and fair manner and giving much less cause for complaint...all as the result of a few conscientious individuals who recognized that only once in a lifetime one has the opportunity to embark on a mission of superior moral value for the common good. This is such opportunity. The mission: To undertake a plan of action to reform the judiciary in order to ensure that it administers to all persons "Equal Justice Under Law". The reward is 15 minutes of fame or a Pulitzer Prize or that conferred upon those who render courageous public service.

A draft of such plan of action has been set forth in the [Programmatic Proposal](#) at http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf. I respectfully submit it to you and like-minded people and request that you all consider joining forces to create the virtual firm of lawyers and investigative journalists that will conduct the *Follow the money!* investigation. Working toward that objective, I await with expectation your comments on this paper, which is also downloadable through http://Judicial-Discipline-Reform.org/Follow_money/Analysis_Strategy.pdf. For the same purpose, you may without change distribute it to other members of your group or organization or publish it on your website or newspaper.

Table of Division of Labor for the Formation of the Virtual Firm
of Investigative Journalists and Lawyers
described in the [Programmatic Proposal](#)¹
to Unite Entities and Individuals to Use Their Resources Effectively in
Our Common Mission to Ensure Integrity in Our Courts

(version 1.01 as of 10/30/6)

by

Dr. Richard Cordero, Esq.

The purpose of this Table is to divide the tasks of contacting entities and individuals that are pursuing the common mission of ensuring integrity in our courts so as to identify among them seven persons, highly committed to that mission, who exhibit moderation, pragmatism, organizational skills, and the ability to communicate clearly and concisely, and who are willing to constitute the committee to form the virtual firm of investigative journalists and lawyers that will expose in the media and through a class action the coordinated wrongdoing and abuse of power of federal judges. ([Programmatic Proposal](#)^{1:3§§II and III}) The task of that committee will include finding the supporters and professionals necessary to staff the firm and make it run.

	Tasks to develop rosters of, or take action to:	Person in charge
1.	Entities and individuals advocating legal reform ²	
2.	names with e-mail and postal addresses to send letter calling to unite in pursuit of the mission and support the formation of the virtual firm	
3.	review credentials and qualifications	

¹ 1. Programmatic Proposal

a) in a downloadable PDF: http://Judicial-Discipline-Reform.org/docs/Programmatic_Proposal.pdf.

b) accessible on the website: <http://Judicial-Discipline-Reform.org/Programmatic1.htm>

2. Summary of the Programmatic Proposal

http://Judicial-Discipline-Reform.org/docs/Programmatic_proposal_summary.pdf

² A meeting of entities and individuals, to be effective, should not be envisaged until there is a clear agenda that gives it a theme and direction, and allows participants to know what to expect and how to prepare for the discussion ahead. A brainstorming meeting will only be an opportunity for everybody who has a complaint against somebody in the judiciary, elsewhere in government, or on the moon to stand on a soapbox to have their 15 minutes of famous speech, however unfocused, unsupported by evidence, and extremist so that it will only bore and alienate more people than it will enlighten and unite them. People that are willing to commit their money, time, and effort to a common program of activities can be put off quite easily by others babbling half-baked ideas off the top of their heads. A meeting is only meaningful after its likely participants have thought through their ideas, put them in writing, thus showing commitment and competence, and given others the opportunity to comment on them. After collective revisions have developed a draft into a document enjoying the majority's approval, an auspicious meeting can be held to sign and give it a personal touch. That meeting can be an occasion for celebratory speeches and a press conference that the media can report as that of a team of professionals with a well-conceived program, the public can feel addressing its own problems and attracted to support or even join it, and the judges can take seriously as the statements of competent people very capable of taking them on.

4.	Organizing committee of the virtual firm	
5.	define the mission, objectives, and activities of the virtual firm ³	
6.	draw up a contract of participation	
7.	recruit the virtual firm's staff and plan physical office for class action	
8.	solicit support and develop the firm's website as a profit center, i.e. advertising, sale of information & publications, to generate revenue for the virtual firm's pursuit of its mission, such as the class action and lobbying Congress to adopt judicial discipline reform laws	
9.	Financial supporters	
10.	financial sponsors committed to long term support	
11.	financial donors likely to provide support on a given occasion	
12.	Information Technology	
13.	experts to set up the database for hyperlinking and posting with different degrees of access evidence, source documents, and files of the library of collaborative writing (Programmatic Proposal:5§C)	
14.	ensure search engine optimization for the website & reciprocal linking	
15.	Investigative journalists	
16.	media owners, editors, news anchors, and assignment managers to whom the case can be made to investigate coordinated judicial wrongdoing ⁴ , either overtly by publishing evidence as they obtain it, or anonymously until a critical mass of evidence has been collected, turned into an investigative report, and its publication or broadcasting choreographed for maximum impact on the public and judges	
17.	investigative journalists and bloggers to be invited to participate in, or become promoters or coordinators of, the investigation of judicial wrongdoing either on their own or as firm members (Programmatic Proposal:4¶¶11-12 on tasks and competence requirements)	
18.	Lawyers	
19.	lawyers and law firms that advocate social and judicial reform or that have experience in class action and multi-district litigation to be invited to support or join the firm (Programmatic Proposal:5¶13 on tasks & competence requirements)	

³ "Neither the firm nor the class action can pursue the particular complaints of each of its professionals, supporters, or members. They will know before joining that a shotgun of issues and agendas is confusing, overwhelming, conflict-generating, and ultimately fatal to the certification of the class. Hence, they must shed distinguishing elements from their complaints and divisive statements from their discourse in order to pursue effectively their common mission of ensuring the integrity of the legal system. Given their unifying commitment to it, they will agree to concentrate their efforts and resources on three reasonable objectives attainable through a program of specific, manageable activities." [Programmatic Proposal:4¶9](#)

⁴ http://Judicial-Discipline-Reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf



Jim Lehrer's Rules of Journalism

I practice journalism in accordance with the following guidelines:

- Do nothing I cannot defend.
- Do not distort, lie, slant or hype.
- Do not falsify facts or make up quotes.
- Cover, write and present every story with the care I would want if the story were about me.
- Assume there is at least one other side or version to every story.
- Assume the viewer is as smart and caring and good a person as I am.
- Assume the same about all people on whom I report.
- Assume everyone is innocent until proven guilty.
- Assume personal lives are a private matter until a legitimate turn in the story mandates otherwise.
- Carefully separate opinion and analysis from straight news stories and clearly label it as such.
- Do not use anonymous sources or blind quotes except on rare and monumental occasions. No one should ever be allowed to attack another anonymously.
- Do not broadcast profanity or the end result of violence unless it is an integral and necessary part of the story and/or crucial to its understanding.
- Acknowledge that objectivity may be impossible but fairness never is.
- Journalists who are reckless with facts and reputations should be disciplined by their employers.
- My viewers have a right to know what principles guide my work and the process I use in their practice.
- I am not in the entertainment business.

-Jim Lehrer

Blank

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+1233+197++%28%29%20%20AND%20%28%285%29%20ADJ%20USC%29%3ACITE%20%20%20%20%20%20%20%20%20>

5 USC APPENDIX TITLE I - FINANCIAL DISCLOSURE

REQUIREMENTS OF FEDERAL PERSONNEL

01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-COD-

CODIFICATION

Title I of Pub. L. 95-521 was classified to chapter 18 (Sec. 701 et seq.) of Title 2, The Congress, prior to general amendment of title I by Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1724.

-CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 101 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 101. Persons required to file

-STATUTE-

(a) Within thirty days of assuming the position of an officer or employee described in subsection (f), an individual shall file a report containing the information described in section 102(b) unless the individual has left another position described in subsection (f) within thirty days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

(b)(1) Within five days of the transmittal by the President to

the Senate of the nomination of an individual (other than an individual nominated for appointment to a position as a Foreign Service Officer or a grade or rank in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code, is O-6 or below) to a position, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 102(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 102(a)(1)(A) with respect to income and honoraria received as of the date which occurs five days before the date of such hearing. Nothing in this Act shall prevent any Congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

(c) Within thirty days of becoming a candidate as defined in section 301 of the Federal Campaign Act of 1971, in a calendar year for nomination or election to the office of President, Vice President, or Member of Congress, or on or before May 15 of that calendar year, whichever is later, but in no event later than 30 days before the election, and on or before May 15 of each successive year an individual continues to be a candidate, an individual other than an incumbent President, Vice President, or Member of Congress shall file a report containing the information described in section 102(b). Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such

individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

(d) Any individual who is an officer or employee described in subsection (f) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 102(a).

(e) Any individual who occupies a position described in subsection (f) shall, on or before the thirtieth day after termination of employment in such position, file a report containing the information described in section 102(a) covering the preceding calendar year if the report required by subsection (d) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in another position described in subsection (f).

(f) The officers and employees referred to in subsections (a), (d), and (e) are -

(1) the President;

(2) the Vice President;

(3) each officer or employee in the executive branch, including a special Government employee as defined in section 202 of title 18, United States Code, who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; each member of a uniformed service whose pay grade is at or in excess of O-7 under section 201 of title 37, United States Code; and each officer or employee in any other position determined by the Director of the Office of Government Ethics to be of equal classification;

(4) each employee appointed pursuant to section 3105 of title 5, United States Code;

(5) any employee not described in paragraph (3) who is in a

position in the executive branch which is excepted from the competitive service by reason of being of a confidential or policymaking character, except that the Director of the Office of Government Ethics may, by regulation, exclude from the application of this paragraph any individual, or group of individuals, who are in such positions, but only in cases in which the Director determines such exclusion would not affect adversely the integrity of the Government or the public's confidence in the integrity of the Government;

(6) the Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the United States Postal Service and each officer or employee of the United States Postal Service or Postal Rate Commission who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(7) the Director of the Office of Government Ethics and each designated agency ethics official;

(8) any civilian employee not described in paragraph (3), employed in the Executive Office of the President (other than a special government (!1) employee) who holds a commission of appointment from the President;

(9) a Member of Congress as defined under section 109(12);

(10) an officer or employee of the Congress as defined under section 109(13);

(11) a judicial officer as defined under section 109(10); and

(12) a judicial employee as defined under section 109(8).

(g)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the supervising ethics office for each branch, but the total of such extensions shall not exceed ninety days.

(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for purposes of section 112 of the Internal Revenue

Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of -

(i) the last day of the individual's service in such area during such designated period; or

(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

(h) The provisions of subsections (a), (b), and (e) shall not apply to an individual who, as determined by the designated agency ethics official or Secretary concerned (or in the case of a Presidential appointee under subsection (b), the Director of the Office of Government Ethics), the congressional ethics committees, or the Judicial Conference, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if such individual performs the duties of his office or position for more than sixty days in a calendar year -

(1) the report required by subsections (a) and (b) shall be filed within fifteen days of the sixtieth day, and

(2) the report required by subsection (e) shall be filed as provided in such subsection.

(i) The supervising ethics office for each branch may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position less than one hundred and thirty days in a calendar year, but only if the supervising ethics office determines that -

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 101, Oct. 26, 1978, 92 Stat. 1824; Pub. L. 96-19, Secs. 2(a)(1), (b), (c)(1), 4(b)(1), (d)-(f), 5, June 13, 1979, 93 Stat. 37, 38, 40; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1725; Pub. L. 101-280, Sec. 3(1), (2), May 4, 1990, 104 Stat. 152; Pub. L. 102-25, title VI, Sec. 605(a), Apr. 6, 1991, 105 Stat. 110; Pub. L. 102-378, Sec. 4(a)(1), Oct. 2, 1992, 106 Stat. 1356.)

-REFTEXT-

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(1), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Section 301 of the Federal Campaign Act of 1971, referred to in subsec. (c), probably means section 301 of the Federal Election Campaign Act of 1971, Pub. L. 92-225, which is classified to section 431 of Title 2, The Congress.

The General Schedule, referred to in subsec. (f)(3), (6), is set out under section 5332 of this title.

Section 112 of the Internal Revenue Code of 1986, referred to in subsec. (g)(2), is classified to section 112 of Title 26, Internal Revenue Code.

-COD-

CODIFICATION

Section was formerly classified to section 701 of Title 2, The Congress.

-MISC1-

AMENDMENTS

1992 - Subsec. (f)(3). Pub. L. 102-378, Sec. 4(a)(1)(A), substituted "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "whose position is classified at GS-16 or above of the General Schedule prescribed by section 5332 of title 5, United States Code, or the rate of basic pay for which is fixed (other than under the General Schedule) at a rate equal to or greater than the minimum rate of basic pay fixed for GS-16".

Subsec. (f)(6). Pub. L. 102-378, Sec. 4(a)(1)(B), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "whose basic rate of pay is equal to or greater than the minimum rate of basic pay fixed for GS-16".

1991 - Subsec. (g). Pub. L. 102-25 designated existing provisions as par. (1) and added par. (2).

1990 - Subsec. (e). Pub. L. 101-280, Sec. 3(2), struck out "the later of May 15 or" after "shall, on or before".

Subsec. (h). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

1989 - Pub. L. 101-194 substituted "Persons required to file" for "Legislative personnel financial disclosure" as section catchline and amended text generally, substituting subsecs. (a) to (i) relating to filing of financial disclosure reports by Federal personnel for former subsecs. (a) to (h) relating to filing of financial disclosure reports by legislative personnel.

1979 - Subsec. (b). Pub. L. 96-19, Secs. 2(b), 4(d), (e), designated existing provisions as par. (1), substituted "described

in subsection (e)" for "designated in subsection (e)" and "information described in section 102(a) if such individual is or will be such an officer or employee on such May 15" for "information as described in section 102(a)", and added par. (2).

Subsec. (c). Pub. L. 96-19, Secs. 2(a)(1), 4(d), (f), inserted provisions relating to an individual who is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year and substituted "described" for "designated" and ", other than an individual who was employed in the legislative branch immediately before he assumed such position," for "other than an individual employed in the legislative branch upon assuming such position".

Subsec. (d). Pub. L. 96-19, Sec. 5, inserted provision that in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to that candidacy were held in prior calendar years, that individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

Subsec. (e). Pub. L. 96-19, Sec. 4(b)(1), inserted reference to the National Commission on Air Quality.

Subsec. (h). Pub. L. 96-19, Sec. 2(c)(1), added subsec. (h).

EFFECTIVE DATE OF 1991 AMENDMENT

Section 605(b) of Pub. L. 102-25 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to reports required to be filed after January 17, 1991."

EFFECTIVE DATE OF 1990 AMENDMENT

Section 11 of Pub. L. 101-280 provided that: "Except as otherwise provided in this joint resolution, this Act and the amendments made by this joint resolution [amending sections 101 to 106, 109 to 111, former section 202, and sections 501 to 503 of Pub. L. 95-521, set out in this Appendix, sections 3393, 7351, 7353, and 7701 of this

title, sections 31-1, 31-2, and 441i of Title 2, The Congress, sections 1601 and 2397a of Title 10, Armed Forces, sections 202, 203, 205, 207, 208, and 216 of Title 18, Crimes and Criminal Procedure, section 3945 of Title 22, Foreign Relations and Intercourse, section 1043 of Title 26, Internal Revenue Code, and sections 1353 and 3730 of Title 31, Money and Finance, renumbering section 1352 of Title 31 as section 1353, repealing section 112 of Pub. L. 95-521, set out in this Appendix, enacting provisions set out as notes under sections 101 and 105 of Pub. L. 95-521, set out in this Appendix, section 2397a of Title 10, and section 1043 of Title 26, and amending provisions set out as notes under section 207 and 208 of Title 18 and section 1344 of Title 31] take effect on the date of the enactment of this joint resolution [May 4, 1990]."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 204 of title II of Pub. L. 101-194, as added by Pub. L. 101-280, Sec. 3(10)(B), May 4, 1990, 104 Stat. 157, provided that: "The amendments made by this title [enacting sections 110 to 112 of Pub. L. 95-521, set out in this Appendix amending sections 101 to 109 of Pub. L. 95-521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, The Congress] and the repeal made by section 201 [repealing sections 201 to 212 of Pub. L. 95-521, formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix, and sections 301 to 309 of Pub. L. 95-521, formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] shall take effect on January 1, 1991, except that the provisions of section 102(f)(4)(B) of the Ethics in Government Act of 1978 [section 102(f)(4)(B) of Pub. L. 95-521, set out in this Appendix], as amended by this title, shall be effective as of January 1, 1990."

Section 3(10)(C), (D) of Pub. L. 101-280 provided that:

"(C) The provisions of titles I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements

in this Appendix], and III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect on the day before the date of the enactment of the Ethics Reform Act of 1989 [Nov. 30, 1989], shall be effective for the period beginning on November 30, 1989, and ending on January 1, 1991, as if the Ethics Reform Act of 1989 [Pub. L. 101-194] had not been enacted, except that the provisions of section 202(f)(4)(B) of the Ethics in Government Act of 1978 [section 202(f)(4)(B) of Pub. L. 95-521] shall be repealed as of January 1, 1990.

"(D) Nothing in title II of the Ethics Reform Act of 1989 or the amendments made by such title [title II of Pub. L. 101-194, amending title I of Pub. L. 95-521, set out in this Appendix, but formerly classified to sections 701 to 709 of Title 2, and repealing title II of Pub. L. 95-521, formerly set out in this Appendix, and title III of Pub. L. 95-521, formerly set out in the Appendix to Title 28] shall be construed to prevent the prosecution of civil actions against individuals for violations of the Ethics in Government Act of 1978 [Pub. L. 95-521] before January 1, 1991."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-119, Sec. 1, Jan. 15, 2002, 115 Stat. 2382, provided that: "This Act [amending section 405 of Pub. L. 95-521, set out in this Appendix] may be cited as the 'Office of Government Ethics Authorization Act of 2001'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-179, Sec. 1, Aug. 6, 1996, 110 Stat. 1566, provided that: "This Act [amending sections 401, 403, 405, and 408 of Pub. L. 95-521, set out in this Appendix, section 1822 of Title 12, Banks and Banking, and section 207 of Title 18, Crimes and Criminal Procedure, and repealing provisions set out as a note under section 7301 of this title] may be cited as the 'Office of Government Ethics Authorization Act of 1996'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-506, Sec. 1, Oct. 24, 1992, 106 Stat. 3280, provided that: "This Act [amending section 405 of Pub. L. 95-521 set out in this Appendix] may be cited as the 'Office of Government Ethics Amendment of 1992'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-334, Sec. 1, July 16, 1990, 104 Stat. 318, provided that: "This Act [amending section 405 of Pub. L. 95-521 set out in this Appendix] may be cited as the 'Ethics in Government Act Amendment of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Section 1 of Pub. L. 101-194 provided that: "This Act [see Tables for classification] may be cited as the 'Ethics Reform Act of 1989'."

SHORT TITLE

Section 1 of Pub. L. 95-521 provided: "That this Act [enacting provisions set out in this Appendix, sections 118a, 288 to 288m of Title 2, The Congress, sections 49, 528, 529, 591 to 598, 1364 of Title 28, Judiciary and Judicial Procedure, amending section 5316 of Title 5, Government Organization and Employees, section 207 of Title 18, Crimes and Criminal Procedure, and sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under section 288 of Title 2, section 207 of Title 18, and section 591 of Title 28] may be cited as the 'Ethics in Government Act of 1978'."

DECLARATION OF PURPOSE OF 1990 AMENDMENTS

Section 1 of Pub. L. 101-280 provided that: "It is the purpose of this joint resolution to make technical corrections in the Ethics Reform Act of 1989 [Pub. L. 101-194, see Tables for classification]."

RULEMAKING POWER OF CONGRESS

Pub. L. 102-90, title III, Sec. 314(f), Aug. 14, 1991, 105 Stat.

470, provided that: "The provisions of this section [amending sections 102 and 505 of Pub. L. 95-521, set out in this Appendix, section 31-2 of Title 2, The Congress, and section 7701 of Title 26, Internal Revenue Code, and enacting provisions set out as a note under section 31-2 of Title 2] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress -

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House."

Section 1001 of Pub. L. 101-194 provided that: "The provisions of this Act [see Short Title of 1989 Amendment note above] that are applicable to Members, officers, or employees of the legislative branch are enacted by the Congress -

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House."

-FOOTNOTE-

(!1) So in original. Probably should be capitalized.

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 102 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 102. Contents of reports

-STATUTE-

(a) Each report filed pursuant to section 101(d) and (e) shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating \$200 or more in value and, effective January 1, 1991, the source, date, and amount of payments made to charitable organizations in lieu of honoraria, and the reporting individual shall simultaneously file with the applicable supervising ethics office, on a confidential basis, a corresponding list of recipients of all such payments, together with the dates and amounts of such payments.

(B) The source and type of income which consists of dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds \$200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

- (i) not more than \$1,000,
- (ii) greater than \$1,000 but not more than \$2,500,
- (iii) greater than \$2,500 but not more than \$5,000,
- (iv) greater than \$5,000 but not more than \$15,000,

- (v) greater than \$15,000 but not more than \$50,000,
 - (vi) greater than \$50,000 but not more than \$100,000,
 - (vii) greater than \$100,000 but not more than \$1,000,000,
 - (viii) greater than \$1,000,000 but not more than \$5,000,000,
- or
- (ix) greater than \$5,000,000.

(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of \$100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

(B) The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater and received during the preceding calendar year.

(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds \$1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, (1) or by a parent, brother, sister, or child of the reporting individual or

of the reporting individual's spouse, or any deposits aggregating \$5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed \$10,000 at any time during the preceding calendar year, excluding -

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds \$10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale or exchange during the preceding calendar year which exceeds \$1,000 -

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse;
or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first

report filed by an individual, during the two-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(B) If any person, other than the United States Government, paid a nonelected reporting individual compensation in excess of \$5,000 in any of the two calendar years prior to the calendar year during which the individual files his first report under this title, the individual shall include in the report -

- (i) the identity of each source of such compensation; and
- (ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.

(b)(1) Each report filed pursuant to subsections (a), (b), and (c) of section 101 shall include a full and complete statement with respect to the information required by -

(A) paragraph (1) of subsection (a) for the year of filing and the preceding calendar year,

(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than thirty-one days before the filing date, and

(C) paragraphs (6) and (7) of subsection (a) as of the filing date but for periods described in such paragraphs.

(2)(A) In lieu of filling out one or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the supervising ethics office for the branch in which such individual serves or pursuant to a specific written determination by such office for a reporting individual.

(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

(c) In the case of any individual described in section 101(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

(d)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4), (5), and (8) of subsection (a) are as follows:

(A) not more than \$15,000;

(B) greater than \$15,000 but not more than \$50,000;

- (C) greater than \$50,000 but not more than \$100,000;
- (D) greater than \$100,000 but not more than \$250,000;
- (E) greater than \$250,000 but not more than \$500,000;
- (F) greater than \$500,000 but not more than \$1,000,000;
- (G) greater than \$1,000,000 but not more than \$5,000,000;
- (H) greater than \$5,000,000 but not more than \$25,000,000;
- (I) greater than \$25,000,000 but not more than \$50,000,000; and
- (J) greater than \$50,000,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(e)(1) Except as provided in the last sentence of this paragraph,

each report required by section 101 shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed \$1,000 and the source and amount of any honoraria received by a spouse, except that, with respect to earned income (other than honoraria), if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) All information required to be reported in subsection (a)(1)(B) with respect to income derived by a spouse or dependent child from any asset held by the spouse or dependent child and reported pursuant to subsection (a)(3).

(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

(F) For purposes of this section, categories with amounts or values greater than \$1,000,000 set forth in sections 102(a)(1)(B)

and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than \$1,000,000 shall be categorized only as an amount or value greater than \$1,000,000.

Reports required by subsections (a), (b), and (c) of section 101 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of -

(A) any qualified blind trust (as defined in paragraph (3));

(B) a trust -

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of; or

(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who -

(I) is independent of and not associated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party; and

(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust -

(I) is independent of and not associated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

(III) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that -

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than \$1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an

asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

(E) For purposes of this subsection, "interested party" means a reporting individual, his spouse, and any minor or dependent child; "broker" has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

(F) Any trust qualified by a supervising ethics office before the effective date of title II of the Ethics Reform Act of 1989 shall continue to be governed by the law and regulations in effect immediately before such effective date.

(4)(A) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than \$1,000.

(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the supervising ethics office for such reporting

individual finds that -

(I) the assets placed in the trust consist of a well-diversified portfolio of readily marketable securities;

(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraphs (3)(C)(iii) and (iv) of this subsection, from making public or informing any interested party of the sale of any securities;

(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v) of this subsection, to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust established prior to the effective date of this Act which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of -

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust,

including the category of value of each asset as determined under subsection (d) of this section.

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (d) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall -

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (d) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 105 and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$10,000.

(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed \$5,000.

(7) Any trust may be considered to be a qualified blind trust if

-

(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;

(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the supervising ethics office, including the category of value of each asset as determined under subsection (d) of this section, are filed with such office and made available to the public as provided under paragraph (5)(D) of this subsection; and

(C) the supervising ethics office determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if -

(A)(i) the fund is publicly traded; or

(ii) the assets of the fund are widely diversified; and

(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

(h) A report filed pursuant to subsection (a), (d), or (e) of section 101 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

(i) A reporting individual shall not be required under this title to report -

(1) financial interests in or income derived from -

(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

(2) benefits received under the Social Security Act [42 U.S.C. 301 et seq.].

-SOURCE-

(Pub. L. 95-521, title I, Sec. 102, Oct. 26, 1978, 92 Stat. 1825;

Pub. L. 96-19, Secs. 3(a)(1), (b), 6(a), 7(a)-(d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39-43; Pub. L. 97-51, Sec. 130(b), Oct. 1, 1981, 95 Stat. 966; Pub. L. 98-150, Sec. 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1727; Pub. L. 101-280, Sec. 3(3), May 4, 1990, 104 Stat. 152; Pub. L. 102-90, title III, Sec. 314(a), Aug. 14, 1991, 105 Stat. 469; Pub. L. 104-65, Secs. 20, 22(a), (b), Dec. 19, 1995, 109 Stat. 704, 705.)

-REFTEXT-

REFERENCES IN TEXT

The effective date of title II of the Ethics Reform Act of 1989, referred to in subsec. (f)(3)(F), is Jan. 1, 1991. See section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

The effective date of this Act, referred to in subsec. (f)(4)(B)(i)(V), probably means the effective date of title II of the Ethics Reform Act of 1989, which amended this title generally and is effective Jan. 1, 1991. See section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

The Social Security Act, referred to in subsec. (i)(2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified generally to chapter 7 (Sec. 301 et seq.) of Title 42,

The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

-COD-

CODIFICATION

Section was formerly classified to section 702 of Title 2, The Congress.

-MISC1-

AMENDMENTS

1995 - Subsec. (a)(1)(B)(viii), (ix). Pub. L. 104-65, Sec. 20(a),

added cls. (viii) and (ix) and struck out former cl. (viii) which read as follows: "greater than \$1,000,000."

Subsec. (a)(8). Pub. L. 104-65, Sec. 22(a), added par. (8).

Subsec. (d)(1). Pub. L. 104-65, Sec. 22(b), substituted "(5), and (8)" for "and (5)" in introductory provisions.

Subsec. (d)(1)(G) to (J). Pub. L. 104-65, Sec. 20(b), added subpars. (G) to (J) and struck out former subpar. (G) which read as follows: "greater than \$1,000,000."

Subsec. (e)(1)(F). Pub. L. 104-65, Sec. 20(c), added subpar. (F).

1991 - Subsec. (a)(2)(A). Pub. L. 102-90, Sec. 314(a)(3), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating \$100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph."

Pub. L. 102-90, Sec. 314(a)(1), (2), redesignated subpar. (B) as (A) and struck out former subpar. (A) which read as follows: "The identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided) of any gifts of transportation, lodging, food, or entertainment aggregating \$250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of \$75 or less need not be aggregated for purposes of this subparagraph."

Subsec. (a)(2)(B). Pub. L. 102-90, Sec. 314(a)(2), (4), redesignated subpar. (C) as (B) and substituted "more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or \$250, whichever is greater" for "\$250 or more in value". Former subpar. (B) redesignated (A).

Subsec. (a)(2)(C), (D). Pub. L. 102-90, Sec. 314(a)(2), (5), redesignated subpar. (D) as (C) and struck out "or (B)" after "(A)". Former subpar. (C) redesignated (B).

1990 - Subsec. (a)(1)(A). Pub. L. 101-280, Sec. 3(3)(A)(i), substituted "the reporting individual" for "such individuals".

Subsec. (a)(3). Pub. L. 101-280, Sec. 3(3)(A)(ii), substituted ", or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse," for "parent, brother, sister, or child".

Subsec. (a)(4). Pub. L. 101-280, Sec. 3(3)(A)(iii), substituted "spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse" for "relative".

Subsec. (e)(1)(E). Pub. L. 101-280, Sec. 3(3)(B), inserted "of subsection (a)" after "(3) through (5)".

Subsec. (f)(3)(A)(i)(II). Pub. L. 101-280, Sec. 3(3)(C)(i)(I), struck out comma after "involved in".

Subsec. (f)(3)(A)(ii)(II). Pub. L. 101-280, Sec. 3(3)(C)(i)(II), amended subcl. (II) generally. Prior to amendment, subcl. (II) read as follows: "is not or has not been a partner of any interested party and is not a partner of, or involved in any joint venture or other investment with any interested party; and".

Subsec. (f)(3)(F). Pub. L. 101-280, Sec. 3(3)(C)(i)(III), substituted "title II of the Ethics Reform Act of 1989" for "this section".

Subsec. (f)(6)(A), (B). Pub. L. 101-280, Sec. 3(3)(C)(ii), substituted "and willfully, or negligently," for "or negligently".

Subsec. (i). Pub. L. 101-280, Sec. 3(3)(D), added subsec. (i).

1989 - Pub. L. 101-194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (g) which related, respectively, to Members of Congress, legislative officers and employees, non-legislative personnel and Congressional candidates, categories of value; interests in real property and other items needing appraisals, information respecting spouses and dependent children, trusts or other financial arrangements including qualified blind trusts, political campaign funds, and gifts and

reimbursements.

1983 - Subsec. (e)(5)(A). Pub. L. 98-150, Sec. 10(b), inserted provision that this subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7) of this subsection.

Subsec. (e)(7). Pub. L. 98-150, Sec. 10(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "Any trust which is in existence prior to the date of the enactment of this Act shall be considered a qualified blind trust if -

"(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

"(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

"(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection."

1981 - Subsec. (a)(1)(A). Pub. L. 97-51 inserted "including speeches, appearances, articles, or other publications" after "honoraria from any source".

1979 - Subsec. (a)(2)(B). Pub. L. 96-19, Sec. 3(b)(2), struck out provision that a gift need not be aggregated if, in an unusual case, a publicly available request for a waiver is granted.

Subsec. (a)(2)(D). Pub. L. 96-19, Sec. 3(b)(1), added subpar. (D).

Subsec. (a)(6). Pub. L. 96-19, Sec. 9(b), substituted "The identity of all positions held" for "The identity of all

positions".

Subsec. (a)(7). Pub. L. 96-19, Sec. 9(j), struck out a colon following "arrangement with respect to".

Subsec. (b). Pub. L. 96-19, Sec. 9(c)(1), substituted provisions that the information required by pars. (3) and (4) of subsec. (a) be as of the date specified in the report but which is less than thirty-one days before the filing date and that the information required by par. (6) and, in the case of reports filed under section 101(c), par. (7) of subsec. (a) be as of the filing date but for periods described in such paragraphs for provisions that required that the information covered by pars. (3), (4), (6), and, in the case of reports filed pursuant to section 101(c), par. (7) of subsec. (a) be as of a date specified in such report, which could not be more than thirty-one days prior to the date of filing.

Subsec. (d)(1)(B). Pub. L. 96-19, Sec. 6(a)(1), (2), substituted "any gifts received by a spouse which are" for "any gift which is" and "and a brief description" for "or a brief description".

Subsec. (d)(1)(C). Pub. L. 96-19, Sec. 6(a)(3), (4), substituted "reimbursements received by a spouse which are" for "reimbursement which is" and "description of each such reimbursement" for "description of the reimbursement".

Subsec. (d)(1)(D). Pub. L. 96-19, Sec. 6(a)(5), substituted "represent the spouse's or dependent child's sole financial interest" for "represent the spouse or dependent child's sole financial interest".

Subsec. (e)(3). Pub. L. 96-19, Sec. 7(a)-(d)(1), substituted "a broker, or an investment adviser" for "or a broker" in subpar. (A) preceding cl. (i), substituted "is not or has not been" for "is or has not been" in cl. (ii) of subpar. (A), and, in provisions following subpar. (D), substituted "section 78c(a)(4) of title 15" for "section 78 of title 15", substituted "the reports" for "their reports", and inserted definition of "investment adviser".

Subsec. (e)(5)(D). Pub. L. 96-19, Sec. 7(f), substituted "shall apply with respect to such documents and lists" for "shall apply".

Subsec. (g). Pub. L. 96-19, Sec. 3(a)(1), added subsec. (g).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by section 20 of Pub. L. 104-65 effective Jan. 1, 1996, see section 24 of Pub. L. 104-65, set out as an Effective Date note under section 1601 of Title 2, The Congress.

Section 22(c) of Pub. L. 104-65 provided that: "The amendment made by this section [amending this section] shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] for calendar year 1996 and thereafter."

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-90 effective Jan. 1, 1993, see section 314(g)(2) of Pub. L. 102-90, as amended, set out as a note under section 31-2 of Title 2, The Congress.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, except that subsec. (f)(4)(B) of this section, as amended by Pub. L. 101-194, is effective Jan. 1, 1990, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 13 of Pub. L. 98-150 provided that: "The amendments made by this Act [enacting sections 211 and 407 of Pub. L. 95-521, set out in this Appendix, amending sections 102, 201-203, 210, 302, and 401-405 of Pub. L. 95-521, set out in this Appendix, and enacting provisions set out as a note under section 402 of this Appendix] shall take effect on October 1, 1983."

-FOOTNOTE-

(!1) So in original.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 103 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 103. Filing of reports

-STATUTE-

(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 101(e), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

(b) The President, the Vice President, and independent counsel and persons appointed by independent counsel under chapter 40 of title 28, United States Code, shall file reports required under this title with the Director of the Office of Government Ethics.

(c) Copies of the reports required to be filed under this title by the Postmaster General, the Deputy Postmaster General, the Governors of the Board of Governors of the United States Postal Service, designated agency ethics officials, employees described in section 105(a)(2)(A) or (B), 106(a)(1)(A) or (B), or 107(a)(1)(A) or (b)(1)(A)(i), of title 3, United States Code, candidates for the office of President or Vice President and officers and employees in (and nominees to) offices or positions which require confirmation by the Senate or by both Houses of Congress other than individuals nominated to be judicial officers and those referred to in subsection (f) shall be transmitted to the Director of the Office of Government Ethics. The Director shall forward a copy of the report of each nominee to the congressional committee considering the nomination.

(d) Reports required to be filed under this title by the Director

of the Office of Government Ethics shall be filed in the Office of Government Ethics and, immediately after being filed, shall be made available to the public in accordance with this title.

(e) Each individual identified in section 101(c) who is a candidate for nomination or election to the Office of President or Vice President shall file the reports required by this title with the Federal Election Commission.

(f) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

(g) Each supervising ethics office shall develop and make available forms for reporting the information required by this title.

(h)(1) The reports required under this title shall be filed by a reporting individual with -

(A)(i)(I) the Clerk of the House of Representatives, in the case of a Representative in Congress, a Delegate to Congress, the Resident Commissioner from Puerto Rico, an officer or employee of the Congress whose compensation is disbursed by the Chief Administrative Officer of the House of Representatives, an officer or employee of the Architect of the Capitol, the United States Botanic Garden, the Congressional Budget Office, the Government Printing Office, the Library of Congress, or the Copyright Royalty Tribunal (including any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico; and

(II) the Secretary of the Senate, in the case of a Senator, an officer or employee of the Congress whose compensation is disbursed by the Secretary of the Senate, an officer or employee of the Government Accountability Office, the Office of Technology Assessment, or the Office of the Attending Physician (including

any individual terminating service, under section 101(e), in any office or position referred to in this subclause), or an individual described in section 101(c) who is a candidate for nomination or election as a Senator; and

(ii) in the case of an officer or employee of the Congress as described under section 101(f)(10) who is employed by an agency or commission established in the legislative branch after the date of the enactment of the Ethics Reform Act of 1989 -

(I) the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as designated in the statute establishing such agency or commission; or

(II) if such statute does not designate such committee, the Secretary of the Senate for agencies and commissions established in even numbered calendar years, and the Clerk of the House of Representatives for agencies and commissions established in odd numbered calendar years; and

(B) the Judicial Conference with regard to a judicial officer or employee described under paragraphs (11) and (12) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position).

(2) The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such committee.

(i) A copy of each report filed under this title by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk of the House of Representatives or Secretary of the Senate, as the case may be, to the appropriate State officer designated under section 316(a) (!1) of the Federal Election Campaign Act of 1971 of the State represented by the Member or in which the individual is a candidate, as the case may be, within the 30-day period beginning on the day the report is filed with the Clerk or Secretary.

(j)(1) A copy of each report filed under this title with the

Clerk of the House of Representatives shall be sent by the Clerk to the Committee on Standards of Official Conduct of the House of Representatives within the 7-day period beginning on the day the report is filed.

(2) A copy of each report filed under this title with the Secretary of the Senate shall be sent by the Secretary to the Select Committee on Ethics of the Senate within the 7-day period beginning on the day the report is filed.

(k) In carrying out their responsibilities under this title with respect to candidates for office, the Clerk of the House of Representatives and the Secretary of the Senate shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 103, Oct. 26, 1978, 92 Stat. 1831;
Pub. L. 96-19, Secs. 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42;
Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1736;
Pub. L. 101-280, Sec. 3(1), (4), May 4, 1990, 104 Stat. 152, 153;
Pub. L. 102-90, title III, Sec. 313(1), Aug. 14, 1991, 105 Stat.
469; Pub. L. 104-186, title II, Sec. 216(1), Aug. 20, 1996, 110
Stat. 1747; Pub. L. 108-271, Sec. 8(b), July 7, 2004, 118 Stat.
814.)

-REFTEXT-

REFERENCES IN TEXT

The date of the enactment of the Ethics Reform Act of 1989, referred to in subsec. (h)(1)(A)(ii), is the date of enactment of Pub. L. 101-194, which was approved Nov. 30, 1989.

Section 316(a) of the Federal Election Campaign Act of 1971, referred to in subsec. (i), was probably intended to be a reference to section 312(a) of Federal Election Campaign Act of 1971, Pub. L. 92-225, which is classified to section 439(a) of Title 2, The Congress, and which directs the chief executive officer of each State to designate a State officer to receive reports and statements filed by persons under the Federal Election Campaign Act of 1971.

-COD-

CODIFICATION

Section was formerly classified to section 703 of Title 2, The Congress.

-MISC1-

AMENDMENTS

2004 - Subsec. (h)(1)(A)(i)(II). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1996 - Subsec. (h)(1)(A)(i)(I). Pub. L. 104-186 substituted "by the Chief Administrative Officer" for "by the Clerk".

1991 - Subsec. (i). Pub. L. 102-90 substituted "30-day" for "7-day".

1990 - Subsec. (c). Pub. L. 101-280, Sec. 3(4)(A), inserted "individuals nominated to be judicial officers and" after "Houses of Congress other than".

Subsec. (d). Pub. L. 101-280, Sec. 3(4)(B), inserted "of the Office of Government Ethics" after "Director".

Subsec. (e). Pub. L. 101-280, Sec. 3(4)(C), inserted "who is a candidate for nomination or election to the Office of President or Vice President" after "section 101(c)" and substituted "Election" for "Elections".

Subsec. (g). Pub. L. 101-280, Sec. 3(4)(D), substituted "Each supervising ethics office" for "The Office of Government Ethics".

Subsec. (h)(1)(A)(i). Pub. L. 101-280, Sec. 3(4)(E), amended cl.

(i) generally. Prior to amendment, cl. (i) read as follows: "the appropriate congressional ethics committee with regard to a Member of Congress, officer or employee of the Congress described under paragraphs (9) and (10) of section 101(f) (including individuals terminating service in such office or position under section 101(e) or immediately preceding service in such office or position); and".

Subsec. (h)(1)(A)(ii)(I). Pub. L. 101-280, Sec. 3(4)(F)(i), substituted "Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, as" for "congressional ethics committee".

Subsec. (h)(1)(A)(ii)(II). Pub. L. 101-280, Sec. 3(4)(F)(ii), substituted "Secretary of the Senate" for "Senate Select Committee on Ethics" and "Clerk" for "Committee on Standards of Official Conduct".

Subsec. (h)(1)(B). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsecs. (i) to (k). Pub. L. 101-280, Sec. 3(4)(G), added subsecs. (i) to (k).

1989 - Pub. L. 101-194 amended section generally, substituting subsecs. (a) to (h) for former subsecs. (a) to (f) which related, respectively, to persons filing with the clerk, persons filing with the Secretary, State copies, Committee copies, Federal Election Commission assistance, and reporting forms, rules and regulations.

1979 - Subsec. (b). Pub. L. 96-19, Sec. 4(b)(2), inserted reference to the National Commission on Air Quality.

Subsec. (f). Pub. L. 96-19, Sec. 9(a), substituted "the

designated committee of the House of Representatives" for "the Clerk shall, after consultation with the designated committee of the House of Representatives".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 109 of this Appendix.

-FOOTNOTE-

(!1) See References in Text note below.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 104 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 104. Failure to file or filing false reports

-STATUTE-

(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed \$10,000.

(b) The head of each agency, each Secretary concerned, the

Director of the Office of Government Ethics, each congressional ethics committee, or the Judicial Conference, as the case may be, shall refer to the Attorney General the name of any individual which such official or committee has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported. Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral.

(c) The President, the Vice President, the Secretary concerned, the head of each agency, the Office of Personnel Management, a congressional ethics committee, and the Judicial Conference, may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of -

(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

(B) if a filing extension is granted to such individual under section 101(g), the last day of the filing extension period, shall, at the direction of and pursuant to regulations issued by the supervising ethics office, pay a filing fee of \$200. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the supervising ethics office in the executive branch to other agencies in the executive branch..(!)

(2) The supervising ethics office may waive the filing fee under this subsection in extraordinary circumstances.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 104, Oct. 26, 1978, 92 Stat. 1832; Pub. L. 96-19, Sec. 8(a), June 13, 1979, 93 Stat. 41; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101-280, Sec. 3(1), (5), May 4, 1990, 104 Stat. 152, 154; Pub. L. 101-650, title IV, Sec. 405, Dec. 1, 1990, 104 Stat. 5124.)

-COD-

CODIFICATION

Section was formerly classified to section 704 of Title 2, The Congress.

-MISC1-

AMENDMENTS

1990 - Subsec. (b). Pub. L. 101-650 inserted at end "Whenever the Judicial Conference refers a name to the Attorney General under this subsection, the Judicial Conference also shall notify the judicial council of the circuit in which the named individual serves of the referral."

Pub. L. 101-280, Sec. 3(5)(A), substituted "Judicial Conference" for "Chairman of the Judicial Conference".

Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (c). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (d)(1). Pub. L. 101-280, Sec. 3(5)(B), substituted closing provisions for former closing provisions which read "shall pay a filing fee of \$200 to the miscellaneous receipts of the General Treasury".

1989 - Pub. L. 101-194 amended section generally, substituting provisions relating to failure to file or filing false reports for provisions relating to accessibility of reports. See section 105 of this Appendix.

1979 - Subsec. (c). Pub. L. 96-19 designated existing provisions as par. (2) and added par. (1).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-650 effective 90 days after Dec. 1, 1990, see section 407 of Pub. L. 101-650, set out as a note under section 332 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

-FOOTNOTE-

(!1) So in original.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 105 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 105. Custody of and public access to reports

-STATUTE-

(a) Each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall make available to the public, in accordance with subsection (b), each report filed under this title with such agency or office or with the Clerk or the Secretary of the Senate, except that -

(1) this section does not require public availability of a report filed by any individual in the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds or has found that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, be (!1) revealing the identity of the individual or other sensitive information, compromise the national interest of the United States; and such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds or has found that such filing is necessary in the national interest; and

(2) any report filed by an independent counsel whose identity has not been disclosed by the division of the court under chapter 40 of title 28, United States Code, and any report filed by any person appointed by that independent counsel under such chapter, shall not be made available to the public under this title.

(b)(1) Except as provided in the second sentence of this subsection, each agency, each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate shall, within thirty days after any report is received under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be,, (!2) permit inspection of such report by or furnish a copy of such report to any person requesting such inspection or copy. With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g). The agency, office, Clerk, or Secretary of the Senate, as the case may be (!3) may require a reasonable fee to be paid in any amount which is

found necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest.

(2) Notwithstanding paragraph (1), a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating -

(A) that person's name, occupation and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(3)(A) This section does not require the immediate and unconditional availability of reports filed by an individual described in section 109(8) or 109(10) of this Act if a finding is made by the Judicial Conference, in consultation with United States Marshall (!4) Service, that revealing personal and sensitive information could endanger that individual.

(B) A report may be redacted pursuant to this paragraph only -

(i) to the extent necessary to protect the individual who filed the report; and

(ii) for as long as the danger to such individual exists.

(C) The Administrative Office of the United States Courts shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate an annual report with respect to the operation of this paragraph including -

(i) the total number of reports redacted pursuant to this paragraph;

(ii) the total number of individuals whose reports have been redacted pursuant to this paragraph; and

(iii) the types of threats against individuals whose reports are redacted, if appropriate.

(D) The Judicial Conference, in consultation with the Department of Justice, shall issue regulations setting forth the circumstances under which redaction is appropriate under this paragraph and the procedures for redaction.

(E) This paragraph shall expire on December 31, 2005, and apply to filings through calendar year 2005.

(c)(1) It shall be unlawful for any person to obtain or use a report -

(A) for any unlawful purpose;

(B) for any commercial purpose, other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1) of this subsection. The court in which such action is brought may assess against such person a penalty in any amount not to exceed \$10,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

(d) Any report filed with or transmitted to an agency or supervising ethics office or to the Clerk of the House of Representatives or the Secretary of the Senate pursuant to this title shall be retained by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be. Such report shall be made available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(b) and was not subsequently confirmed by the Senate, or who filed the report pursuant to section 101(c) and was not subsequently elected, such reports shall be destroyed one year after the individual either is no longer under consideration by the Senate or is no longer a candidate for nomination or election to

the Office of President, Vice President, or as a Member of Congress, unless needed in an ongoing investigation.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 105, Oct. 26, 1978, 92 Stat. 1833; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1737; Pub. L. 101-280, Sec. 3(6), May 4, 1990, 104 Stat. 154; Pub. L. 102-90, title III, Sec. 313(2), Aug. 14, 1991, 105 Stat. 469; Pub. L. 103-359, title V, Sec. 501(m), Oct. 14, 1994, 108 Stat. 3430; Pub. L. 104-201, div. A, title XI, Sec. 1122(b)(2), Sept. 23, 1996, 110 Stat. 2687; Pub. L. 105-318, Sec. 7, Oct. 30, 1998, 112 Stat. 3011; Pub. L. 107-126, Jan. 16, 2002, 115 Stat. 2404; Pub. L. 108-136, div. A, title IX, Sec. 921(g), Nov. 24, 2003, 117 Stat. 1570; Pub. L. 108-458, title I, Sec. 1079(c), Dec. 17, 2004, 118 Stat. 3696.)

-COD-

CODIFICATION

Section was formerly classified to section 705 of Title 2, The Congress.

-MISC1-

AMENDMENTS

2004 - Subsec. (a)(1). Pub. L. 108-458 inserted "the Office of the Director of National Intelligence," before "the Central Intelligence Agency".

2003 - Subsec. (a)(1). Pub. L. 108-136 substituted "National Geospatial-Intelligence Agency" for "National Imagery and Mapping Agency".

2002 - Subsec. (b)(3)(E). Pub. L. 107-126 substituted "2005" for "2001" in two places.

1998 - Subsec. (b)(3). Pub. L. 105-318 added par. (3).

1996 - Subsec. (a)(1). Pub. L. 104-201 substituted "National

Imagery and Mapping Agency" for "Central Imagery Office".

1994 - Subsec. (a)(1). Pub. L. 103-359 inserted "the Central Imagery Office," after "Defense Intelligence Agency,".

1991 - Subsec. (b)(1). Pub. L. 102-90 substituted "Except as provided in the second sentence of this subsection, each agency" for "Each agency" and inserted after first sentence "With respect to any report required to be filed by May 15 of any year, such report shall be made available for public inspection within 30 calendar days after May 15 of such year or within 30 days of the date of filing of such a report for which an extension is granted pursuant to section 101(g)."

1990 - Subsec. (a). Pub. L. 101-280, Sec. 3(6)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Each agency and each supervisory ethics office shall make each report filed with it under this title available to the public in accordance with the provisions of subsection (b) of this section, except that this section does not require public availability of a report filed by -

"(1) any individual in the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or any individual engaged in intelligence activities in any agency of the United States, if the President finds that, due to the nature of the office or position occupied by such individual, public disclosure of such report would, by revealing the identity of the individual or other sensitive information, compromise the national interest of the United States. In addition, such individuals may be authorized, notwithstanding section 104(a), to file such additional reports as are necessary to protect their identity from public disclosure if the President first finds that such filing is necessary in the national interest; or

"(2) an independent counsel or person appointed by independent counsel under chapter 40 of title 28, United States Code, whose identity has not otherwise been disclosed."

Subsec. (b)(1). Pub. L. 101-280, Sec. 3(6)(B)(i)(I), substituted

", each supervising ethics office in the executive or judicial branch, the Clerk of the House of Representatives, and the Secretary of the Senate" for "and each supervising ethics office".

Pub. L. 101-280, Sec. 3(6)(B)(i)(II), substituted "under this title by such agency or office or by the Clerk or the Secretary of the Senate, as the case may be," for "by such agency or office under this title".

Pub. L. 101-280, Sec. 3(6)(B)(ii), substituted ", office, Clerk, or Secretary of the Senate, as the case may be" for "or office".

Subsec. (d). Pub. L. 101-280, Sec. 3(6)(C), inserted "or to the Clerk of the House of Representatives or the Secretary of the Senate" after "ethics office" and "or by the Clerk or the Secretary of the Senate" after "or office".

1989 - Pub. L. 101-194 amended section generally, substituting provisions relating to custody of and public access to reports for provisions relating to review and compliance procedures. See section 106 of this Appendix.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108-458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

-TRANS-

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

-MISC2-

PUBLIC AVAILABILITY OF REPORTS FILED UNDER PRE-1991 ETHICS IN
GOVERNMENT ACT PROVISIONS

Section 9 of Pub. L. 101-280 provided that: "Those reports filed under title I [formerly classified to section 701 et seq. of Title 2, The Congress], II [formerly set out under the heading Executive Personnel Financial Disclosure Requirements in this Appendix], or III [formerly set out under the heading Judicial Personnel Financial Disclosure Requirements in the Appendix to Title 28, Judiciary and Judicial Procedure] of the Ethics in Government Act of 1978 [Pub. L. 95-521], as in effect before January 1, 1991, shall be made available to the public on or after such date in accordance with section 105 of that Act [this section], as amended by the Ethics Reform Act of 1989 [Pub. L. 101-194], and the provisions of such section shall apply with respect to those reports."

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 107 of this Appendix; title 18 section 208.

-FOOTNOTE-

- (!1) So in original. Probably should be "by".
- (!2) So in original.
- (!3) So in original. Probably should be followed by a comma.

(!4) So in original. Probably should be "Marshal".

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 106 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 106. Review of reports

-STATUTE-

(a)(1) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within sixty days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within sixty days after the date of transmittal.

(2) Each congressional ethics committee and the Judicial Conference shall make provisions to ensure that each report filed under this title is reviewed within sixty days after the date of such filing.

(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by the congressional ethics committee, or a person designated by the Judicial Conference, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

(2) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a

person designated by the congressional ethics committee, or a person designated by the Judicial Conference, after reviewing any report under subsection (a) -

(A) believes additional information is required to be submitted, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

(3) If the Director of the Office of Government Ethics, the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the Judicial Conference, reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official or committee shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official or committee be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate -

(A) divestiture,

(B) restitution,

(C) the establishment of a blind trust,

(D) request for an exemption under section 208(b) of title 18, United States Code, or

(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the supervising ethics office may prescribe.

(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an

individual in a position in the executive branch (other than in the Foreign Service or the uniformed services), appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency, the congressional ethics committee, or the Judicial Conference, for appropriate action; except that in the case of the Postmaster General or Deputy Postmaster General, the Director of the Office of Government Ethics shall recommend to the Governors of the Board of Governors of the United States Postal Service the action to be taken.

(7) Each supervising ethics office may render advisory opinions interpreting this title within its respective jurisdiction. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 106, Oct. 26, 1978, 92 Stat. 1833;
Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1739;
Pub. L. 101-280, Sec. 3(1), (7), May 4, 1990, 104 Stat. 152, 155.)

-COD-

CODIFICATION

Section was formerly classified to section 706 of Title 2, The Congress.

AMENDMENTS

1990 - Subsec. (a)(2). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(1). Pub. L. 101-280, Sec. 3(7)(B), substituted "the Secretary concerned, the designated agency ethics official," for "Secretary concerned, designated agency ethics official, or".

Pub. L. 101-280, Sec. 3(7)(A), substituted "a person designated by the Judicial Conference" for "the Chairman of the Judicial Conference".

Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(2). Pub. L. 101-280, Sec. 3(7)(C), substituted "the Secretary concerned, the designated agency ethics official," for "Secretary concerned, designated agency ethics official or".

Pub. L. 101-280, Sec. 3(7)(A), substituted "a person designated by the Judicial Conference" for "the Chairman of the Judicial Conference".

Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(3). Pub. L. 101-280, Sec. 3(7)(D), substituted "the Secretary concerned, the designated agency ethics official, a person designated by a congressional ethics committee, or a person designated by the" for "Secretary concerned, designated agency ethics official, a congressional ethics committee, or the".

Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Subsec. (b)(4). Pub. L. 101-280, Sec. 3(7)(E), inserted "in the

executive branch" after "position" and substituted "Foreign Service" for "foreign service".

Subsec. (b)(5). Pub. L. 101-280, Sec. 3(7)(F), substituted "Foreign Service" for "foreign service".

Subsec. (b)(6). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Pub. L. 101-280, Sec. 3(7)(G), substituted "employee," for "employee".

1989 - Pub. L. 101-194 amended section generally, substituting provisions relating to review of reports for provisions relating to failure to file or filing false reports. See section 104(a) of this Appendix.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 107 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 107. Confidential reports and other additional requirements

-STATUTE-

(a)(1) Each supervising ethics office may require officers and employees under its jurisdiction (including special Government

employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as the supervising ethics office may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency shall be set forth in rules or regulations prescribed by the supervising ethics office, and may be less extensive than otherwise required by this title, or more extensive when determined by the supervising ethics office to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 101 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Subsections (a), (b), and (d) of section 105 shall not apply with respect to any such report.

(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 107, Oct. 26, 1978, 92 Stat. 1834;

Pub. L. 96-19, Sec. 9(d), (g), June 13, 1979, 93 Stat. 42, 43; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1740.)

-REFTEXT-

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

-COD-

CODIFICATION

Section was formerly classified to section 707 of Title 2, The Congress.

-MISC1-

AMENDMENTS

1989 - Pub. L. 101-194 amended section generally, substituting provisions relating to confidential reports and other additional requirements for provisions setting forth definitions for purposes of title I of Pub. L. 95-521. See section 109 of this Appendix.

1979 - Par. (1). Pub. L. 96-19, Sec. 9(d), substituted "gross income derived from business (and net income if the individual elects to include it)" for "net and gross income derived from business".

Par. (16). Pub. L. 96-19, Sec. 9(g), inserted quotation marks after "designated committee of the House of Representatives" and before "designated committee of the Senate".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section

204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 108 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 108. Authority of Comptroller General

-STATUTE-

(a) The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

(b) No later than December 31, 1992, and regularly thereafter, the Comptroller General shall conduct a study to determine whether the provisions of this title are being carried out effectively.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 108, Oct. 26, 1978, 92 Stat. 1835;

Pub. L. 96-19, Sec. 9(t), June 13, 1979, 93 Stat. 44; Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1741.)

-COD-

CODIFICATION

Section was formerly classified to section 708 of Title 2, The Congress.

-MISC1-

AMENDMENTS

1989 - Pub. L. 101-194 amended section generally, substituting

provisions relating to authority of Comptroller General for provision relating to preemption of State laws.

1979 - Pub. L. 96-19 inserted "holding the office of Member or" after "financial disclosure by reason of".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 109 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 109. Definitions

-STATUTE-

For the purposes of this title, the term -

(1) "congressional ethics committees" means the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives;

(2) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who -

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 [26 U.S.C. 152];

(3) "designated agency ethics official" means an officer or employee who is designated to administer the provisions of this

title within an agency;

(4) "executive branch" includes each Executive agency (as defined in section 105 of title 5, United States Code), other than the Government Accountability Office, and any other entity or administrative unit in the executive branch;

(5) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include -

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

(F) consumable products provided by home-State businesses to the offices of a reporting individual who is an elected official, if those products are intended for consumption by persons other than such reporting individual;

(6) "honoraria" has the meaning given such term in section 505 of this Act;

(7) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(8) "judicial employee" means any employee of the judicial

branch of the Government, of the United States Sentencing Commission, of the Tax Court, of the Court of Federal Claims, of the Court of Appeals for Veterans Claims, or of the United States Court of Appeals for the Armed Forces, who is not a judicial officer and who is authorized to perform adjudicatory functions with respect to proceedings in the judicial branch, or who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(9) "Judicial Conference" means the Judicial Conference of the United States;

(10) "judicial officer" means the Chief Justice of the United States, the Associate Justices of the Supreme Court, and the judges of the United States courts of appeals, United States district courts, including the district courts in Guam, the Northern Mariana Islands, and the Virgin Islands, Court of Appeals for the Federal Circuit, Court of International Trade, Tax Court, Court of Federal Claims, Court of Appeals for Veterans Claims, United States Court of Appeals for the Armed Forces, and any court created by Act of Congress, the judges of which are entitled to hold office during good behavior;

(11) "legislative branch" includes -

- (A) the Architect of the Capitol;
- (B) the Botanic Gardens;
- (C) the Congressional Budget Office;
- (D) the Government Accountability Office;
- (E) the Government Printing Office;
- (F) the Library of Congress;
- (G) the United States Capitol Police;
- (H) the Office of Technology Assessment; and
- (I) any other agency, entity, office, or commission established in the legislative branch;

(12) "Member of Congress" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "officer or employee of the Congress" means -

- (A) any individual described under subparagraph (B), other

than a Member of Congress or the Vice President, whose compensation is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives;

(B)(i) each officer or employee of the legislative branch who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule; and

(ii) at least one principal assistant designated for purposes of this paragraph by each Member who does not have an employee who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule;

(14) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(15) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are -

(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(16) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of

the spouse of the reporting individual, and shall be deemed to include the fiance or fiancée of the reporting individual;

(17) "Secretary concerned" has the meaning set forth in section 101(a)(9) of title 10, United States Code, and, in addition, means -

(A) the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration;

(B) the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service; and

(C) the Secretary of State, with respect to matters concerning the Foreign Service;

(18) "supervising ethics office" means -

(A) the Select Committee on Ethics of the Senate, for Senators, officers and employees of the Senate, and other officers or employees of the legislative branch required to file financial disclosure reports with the Secretary of the Senate pursuant to section 103(h) of this title;

(B) the Committee on Standards of Official Conduct of the House of Representatives, for Members, officers and employees of the House of Representatives and other officers or employees of the legislative branch required to file financial disclosure reports with the Clerk of the House of Representatives pursuant to section 103(h) of this title;

(C) the Judicial Conference for judicial officers and judicial employees; and

(D) the Office of Government Ethics for all executive branch officers and employees; and

(19) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 109, Oct. 26, 1978, 92 Stat. 1836;

Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1741;

Pub. L. 101-280, Sec. 3(1), (8), May 4, 1990, 104 Stat. 152, 155;

Pub. L. 102-378, Sec. 4(a)(2), Oct. 2, 1992, 106 Stat. 1357;

Pub. L. 102-572, title IX, Sec. 902(b)(2), Oct. 29, 1992, 106 Stat. 4516;

Pub. L. 103-160, div. A, title XI, Sec. 1182(d)(3), Nov. 30, 1993, 107 Stat. 1773;

Pub. L. 103-337, div. A, title IX, Sec. 924(d)(3), Oct. 5, 1994, 108 Stat. 2832;

Pub. L. 104-186, title II, Sec. 216(2), Aug. 20, 1996, 110 Stat. 1747;

Pub. L. 105-368, title V, Sec. 512(b)(1)(D), Nov. 11, 1998, 112 Stat. 3342;

Pub. L. 108-271, Sec. 8(b), July 7, 2004, 118 Stat. 814.)

-REFTEXT-

REFERENCES IN TEXT

The General Schedule, referred to in pars. (8) and (13)(B), is set out under section 5332 of this title.

-COD-

CODIFICATION

Section was formerly classified to section 709 of Title 2, The Congress.

-MISC1-

AMENDMENTS

2004 - Pars. (4), (11)(D). Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1998 - Pars. (8), (10). Pub. L. 105-368 substituted "Court of Appeals for Veterans Claims" for "Court of Veterans Appeals".

1996 - Par. (13)(A). Pub. L. 104-186 substituted "Chief Administrative Officer" for "Clerk".

1994 - Pars. (8), (10). Pub. L. 103-337 substituted "Court of Appeals for the Armed Forces" for "Court of Military Appeals".

1993 - Par. (17). Pub. L. 103-160 substituted "section 101(a)(9) of title 10" for "section 101(8) of title 10" in introductory provisions.

1992 - Par. (8). Pub. L. 102-572 substituted "Court of Federal Claims" for "Claims Court".

Pub. L. 102-378, Sec. 4(a)(2)(A), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule".

Par. (10). Pub. L. 102-572 substituted "Court of Federal Claims" for "Claims Court".

Par. (13)(B)(i). Pub. L. 102-378, Sec. 4(a)(2)(B), substituted "who, for at least 60 days, occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "who is compensated for at least 60 days at a rate of basic pay equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule".

Par. (13)(B)(ii). Pub. L. 102-378, Sec. 4(a)(2)(C), substituted "who occupies a position for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule".

1990 - Par. (1). Pub. L. 101-280, Sec. 3(8)(A), substituted "Select Committee on Ethics of the Senate" for "Senate Select Committee on Ethics".

Par. (4). Pub. L. 101-280, Sec. 3(8)(B), inserted ", other than the General Accounting Office," after "Code)".

Par. (5)(C). Pub. L. 101-280, Sec. 3(8)(C)(i), inserted ", the District of Columbia, or a State or local government or political subdivision thereof" after "United States Government".

Par. (5)(D). Pub. L. 101-280, Sec. 3(8)(C)(ii), amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows:

"food and beverages consumed at banquets, receptions, or similar events; or".

Par. (5)(E). Pub. L. 101-280, Sec. 3(8)(C)(iii), substituted "individual," for "individual" and inserted "or" after semicolon at end.

Par. (5)(F). Pub. L. 101-280, Sec. 3(8)(C)(iv), added subpar. (F).

Par. (8). Pub. L. 101-280, Sec. 3(8)(D), substituted "United States Sentencing Commission, of the Tax Court, of the Claims Court," for "Tax Court," and "who is paid at a rate of basic pay equal to or greater than the minimum rate of basic pay in effect for grade GS-16 of the General Schedule" for "who receives compensation at a rate at or in excess of the minimum rate prescribed for grade 16 of the General Schedule under section 5332 of title 5, United States Code;".

Par. (10). Pub. L. 101-280, Sec. 3(8)(E), substituted "Guam, the Northern Mariana Islands," for "the Canal Zone, Guam," struck out "Court of Claims," after "Virgin Islands," and inserted "Claims Court, Court of Veterans Appeals," after "Tax Court,".

Par. (13)(B)(i). Pub. L. 101-280, Sec. 3(8)(F), substituted "at least 60" for "60 consecutive" and "of basic pay equal to or greater than" for "equal to or in excess of".

Par. (15)(A). Pub. L. 101-280, Sec. 3(8)(G), inserted ", the District of Columbia, or a State or local government or political subdivision thereof" after "Government".

Par. (17)(C). Pub. L. 101-280, Sec. 3(8)(H), added subpar. (C).

Par. (18)(A). Pub. L. 101-280, Sec. 3(8)(I)(i), substituted "the Secretary of the Senate" for "such committee".

Par. (18)(B). Pub. L. 101-280, Sec. 3(8)(I)(ii), substituted "the Clerk of the House of Representatives" for "such committee".

Par. (18)(C). Pub. L. 101-280, Sec. 3(1), struck out "of the United States" after "Judicial Conference".

Par. (18)(D). Pub. L. 101-280, Sec. 3(8)(I)(iii), inserted "officers and" after "branch".

1989 - Pub. L. 101-194 amended section generally, substituting provisions setting forth definitions for purposes of title I of

Pub. L. 95-521 for provisions relating to a study by the Comptroller General.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 effective on first day of first month beginning more than 90 days after Nov. 11, 1998, see section 513 of Pub. L. 105-368, set out as a note under section 7251 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as a note under section 101 of this Appendix.

-TRANS-

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of Title 2, The Congress.

-SECFEF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 101, 105 of this Appendix; title 2 section 1602; title 42 section 290b.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 110 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 110. Notice of actions taken to comply with ethics agreements

-STATUTE-

(a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, a Senate confirmation committee, a congressional ethics committee, or the Judicial Conference, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, the appropriate committee of the Senate, the congressional ethics committee, or the Judicial Conference, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than three months after the date of the agreement, if no date for action is so specified.

(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal

agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the appropriate supervising ethics office within the time prescribed in the last sentence of subsection (a).

-SOURCE-

(Pub. L. 95-521, title I, Sec. 110, as added Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101-280, Sec. 3(1), May 4, 1990, 104 Stat. 152.)

-REFTEXT-

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

-MISC1-

AMENDMENTS

1990 - Subsec. (a). Pub. L. 101-280 struck out "of the United States" after "Judicial Conference" wherever appearing.

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 111 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

Sec. 111. Administration of provisions

-STATUTE-

The provisions of this title shall be administered by -

(1) the Director of the Office of Government Ethics, the designated agency ethics official, or the Secretary concerned, as appropriate, with regard to officers and employees described in paragraphs (1) through (8) of section 101(f);

(2) the Select Committee on Ethics of the Senate and the Committee on Standards of Official Conduct of the House of Representatives, as appropriate, with regard to officers and employees described in paragraphs (9) and (10) of section 101(f); and

(3) the Judicial Conference in the case of an officer or employee described in paragraphs (11) and (12) of section 101(f). The Judicial Conference may delegate any authority it has under this title to an ethics committee established by the Judicial Conference.

-SOURCE-

(Pub. L. 95-521, title I, Sec. 111, as added Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744; amended Pub. L. 101-280, Sec. 3(1), (9), May 4, 1990, 104 Stat. 152, 157.)

-MISC1-

AMENDMENTS

1990 - Pub. L. 101-280, Sec. 3(9)(C), inserted sentence at end authorizing Judicial Conference to delegate its authority to an ethics committee.

Par. (2). Pub. L. 101-280, Sec. 3(9)(A), substituted "Select Committee on Ethics of the Senate" for "Senate Select Committee on Ethics".

Par. (3). Pub. L. 101-280, Sec. 3(9)(B), struck out "and clerk of the applicable court, as appropriate," before "in the case of".

Pub. L. 101-280, Sec. 3(1), struck out "of the United States"

after "Judicial Conference".

EFFECTIVE DATE

Section effective Jan. 1, 1991, see section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

TRANSMITTAL OF FINANCIAL DISCLOSURE REPORTS

Section 902 of Pub. L. 101-194 provided that:

"(a) The Select Committee on Ethics shall transmit a copy of each report filed with it under title I of the Ethics in Government Act of 1978 [section 101 et seq. of Pub. L. 95-521, set out in this Appendix] (other than a report filed by a Member of Congress) to the head of the employing office of the individual filing the report.

"(b) For purposes of this section, the head of the employing office shall be -

"(A) in the case of an employee of a Member, the Member by whom that person is employed;

"(B) in the case of an employee of a Committee, the chairman and ranking minority member of such Committee;

"(C) in the case of an employee on the leadership staff, the Member of the leadership on whose staff such person serves; and

"(D) in the case of any other employee of the legislative branch, the head of the office in which such individual serves."

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 112 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE I - FINANCIAL DISCLOSURE REQUIREMENTS OF FEDERAL PERSONNEL

-HEAD-

[Sec. 112. **Repealed.** Pub. L. 101-280, Sec. 3(10)(A), May 4, 1990,

104 Stat. 157]

-MISC1-

Section, Pub. L. 95-521, title I, Sec. 112, as added Pub. L. 101-194, title II, Sec. 202, Nov. 30, 1989, 103 Stat. 1744, provided that the provisions made by title I of Pub. L. 95-521 take effect on Jan. 1, 1990, and be applicable to reports filed under such title after Jan. 1, 1991. See section 3(10)(C) of Pub. L. 101-280 and section 204 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

EFFECTIVE DATE OF REPEAL

Repeal effective May 4, 1990, see section 11 of Pub. L. 101-280, set out as an Effective Date of 1990 Amendment note under section 101 of this Appendix.

CITE-

5 USC APPENDIX [TITLE II - REPEALED]

01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

[TITLE II - REPEALED]

-HEAD-

[TITLE II - REPEALED]

[Sections 201 to 212 of Pub. L. 95-521, title II, Oct. 26, 1978,

92 Stat. 1836, as amended by Pub. L. 96-19, Secs. 2(a)(2), (c)(2),

3(a)(2), (b), 4(a), (d), (g), 5, 6, 7(a)-(c), (d)(2), (e), (f),

8(b), 9(c)(2), (d), (f), (h)-(o), June 13, 1979, 93 Stat. 37-43;

Pub. L. 98-150, Secs. 6-11, Nov. 11, 1983, 97 Stat. 960-962; Pub.

L. 99-190, Sec. 148(b), Dec. 19, 1985, 99 Stat. 1325; Pub. L.

100-191, Sec. 3(b), Dec. 15, 1987, 101 Stat. 1306, which related to

executive personnel financial disclosure requirements, were

repealed by Pub. L. 101-194, title II, Sec. 201, Nov. 30, 1989, 103

Stat. 1724.]

-MISC1-

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L.

101-194, set out as an Effective Date of 1989 Amendment note under

section 101 of this Appendix.

Provisions of title II of Pub. L. 95-521, as in effect prior to

Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101-194 had not been enacted, except that section 202(f)(4)(B) of Pub. L. 95-521 repealed effective Jan. 1, 1990, and nothing in title II of Pub. L. 101-194 to be construed to prevent prosecution of civil actions against individuals for violations of title II of Pub. L. 95-521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101-280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

CITE-

5 USC APPENDIX [TITLE III - REPEALED]

01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

[TITLE III - REPEALED]

-HEAD-

[TITLE III - REPEALED]

[Sections 301 to 309 of Pub. L. 95-521, title III, Oct. 26, 1978, 92 Stat. 1851, as amended by Pub. L. 96-19, Secs. 2(a)(3), (c)(3), 3(a)(3), (b), 4(c), 6, 7(a)-(c), (d)(2), (e), (f), 8(c), 9(c)(3), (d), (j), (p)-(r), June 13, 1979, 93 Stat. 37-43; Pub. L. 96-417, title VI, Sec. 601(9), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 96-579, Sec. 12(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 97-164, title I, Sec. 163(a)(6), Apr. 2, 1982, 96 Stat. 49; Pub. L. 98-150, Sec. 10, Nov. 11, 1983, 97 Stat. 962; Pub. L. 99-573, Sec. 6, Oct. 28, 1986, 100 Stat. 3231; Pub. L. 101-237, title VI, Sec. 602(a)(1), Dec. 18, 1989, 103 Stat. 2094, which related to judicial personnel financial disclosure requirements, were repealed by Pub. L. 101-194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.]

-MISC1-

EFFECTIVE DATE OF REPEAL

Repeal effective Jan. 1, 1991, see section 204 of Pub. L.

101-194, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

Provisions of title III of Pub. L. 95-521, as in effect prior to Nov. 30, 1989, effective until Jan. 1, 1991, as if Pub. L. 101-194 had not been enacted, and nothing in title II of Pub. L. 101-194 to be construed to prevent prosecution of civil actions against individuals for violations of title III of Pub. L. 95-521 before Jan. 1, 1991, see section 3(10)(C), (D) of Pub. L. 101-280, set out as an Effective Date of 1989 Amendment note under section 101 of this Appendix.

CITE-

5 USC APPENDIX TITLE IV - OFFICE OF GOVERNMENT

ETHICS

01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

TITLE IV - OFFICE OF GOVERNMENT ETHICS

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 401 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 401. Establishment; appointment of Director

-STATUTE-

(a) There is established an executive agency to be known as the Office of Government Ethics.

(b) There shall be at the head of the Office of Government Ethics a Director (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. Effective with respect to any individual appointed or reappointed by the President as Director on or after October 1, 1983, the term of service of the Director shall be five years.

(c) The Director may -

(1) appoint officers and employees, including attorneys, in

accordance with chapter 51 and subchapter III of chapter 53 of title 5, United States Code; and

(2) contract for financial and administrative services (including those related to budget and accounting, financial reporting, personnel, and procurement) with the General Services Administration, or such other Federal agency as the Director determines appropriate, for which payment shall be made in advance, or by reimbursement, from funds of the Office of Government Ethics in such amounts as may be agreed upon by the Director and the head of the agency providing such services. Contract authority under paragraph (2) shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 401, Oct. 26, 1978, 92 Stat. 1862;

Pub. L. 98-150, Sec. 2, Nov. 11, 1983, 97 Stat. 959; Pub. L.

100-598, Sec. 3, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 104-179, Sec. 4(b)(2)(A), Aug. 6, 1996, 110 Stat. 1567.)

-MISC1-

AMENDMENTS

1996 - Pub. L. 104-179 substituted "Establishment; appointment of Director" for "Office of Government Ethics" in section catchline.

1988 - Subsec. (a). Pub. L. 100-598, Sec. 3(a), substituted "an executive agency to be known as" for "in the Office of Personnel Management an office to be known as".

Subsec. (c). Pub. L. 100-598, Sec. 3(b), added subsec. (c).

1983 - Subsec. (b). Pub. L. 98-150 inserted provision that, effective with respect to any individual appointed or reappointed by the President as Director on or after Oct. 1, 1983, the term of service of the Director shall be five years.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 10 of Pub. L. 100-598 provided that:

"(a) In General. - Except as provided in subsection (b), the amendments made by this Act [enacting section 408 of Pub. L. 95-521, set out in this Appendix, and amending sections 401 to 403, 405, and 407 of Pub. L. 95-521, set out in this Appendix, and sections 5314 and 5316 of this title] shall take effect on the date of the enactment of this Act [Nov. 3, 1988].

"(b) Exception. - The amendments made by section 3 [amending section 401 of Pub. L. 95-521, set out in this Appendix] shall take effect on October 1, 1989."

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 402 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 402. Authority and functions

-STATUTE-

(a) The Director shall provide, in consultation with the Office of Personnel Management, overall direction of executive branch policies related to preventing conflicts of interest on the part of officers and employees of any executive agency, as defined in section 105 of title 5, United States Code.

(b) The responsibilities of the Director shall include -

(1) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to conflicts of interest and ethics in the executive branch, including rules and regulations establishing procedures for the filing, review, and public availability of financial statements filed by officers and employees in the executive branch as required by title II of this Act;

(2) developing, in consultation with the Attorney General and the Office of Personnel Management, rules and regulations to be promulgated by the President or the Director pertaining to the identification and resolution of conflicts of interest;

(3) monitoring and investigating compliance with the public financial disclosure requirements of title II of this Act by officers and employees of the executive branch and executive agency officials responsible for receiving, reviewing, and making available financial statements filed pursuant to such title;

(4) conducting a review of financial statements to determine whether such statements reveal possible violations of applicable conflict of interest laws or regulations and recommending appropriate action to correct any conflict of interest or ethical problems revealed by such review;

(5) monitoring and investigating individual and agency compliance with any additional financial reporting and internal review requirements established by law for the executive branch;

(6) interpreting rules and regulations issued by the President or the Director governing conflict of interest and ethical problems and the filing of financial statements;

(7) consulting, when requested, with agency ethics counselors and other responsible officials regarding the resolution of conflict of interest problems in individual cases;

(8) establishing a formal advisory opinion service whereby advisory opinions are rendered on matters of general applicability or on important matters of first impression after, to the extent practicable, providing interested parties with an opportunity to transmit written comments with respect to the request for such advisory opinion, and whereby such advisory

opinions are compiled, published, and made available to agency ethics counselors and the public;

(9) ordering corrective action on the part of agencies and employees which the Director deems necessary;

(10) requiring such reports from executive agencies as the Director deems necessary;

(11) assisting the Attorney General in evaluating the effectiveness of the conflict of interest laws and in recommending appropriate amendments;

(12) evaluating, with the assistance of the Attorney General and the Office of Personnel Management, the need for changes in rules and regulations issued by the Director and the agencies regarding conflict of interest and ethical problems, with a view toward making such rules and regulations consistent with and an effective supplement to the conflict of interest laws;

(13) cooperating with the Attorney General in developing an effective system for reporting allegations of violations of the conflict of interest laws to the Attorney General, as required by section 535 of title 28, United States Code;

(14) providing information on and promoting understanding of ethical standards in executive agencies; and

(15) developing, in consultation with the Office of Personnel Management, and promulgating such rules and regulations as the Director determines necessary or desirable with respect to the evaluation of any item required to be reported by title II of this Act.

(c) In the development of policies, rules, regulations, procedures, and forms to be recommended, authorized, or prescribed by him, the Director shall consult when appropriate with the executive agencies affected and with the Attorney General.

(d)(1) The Director shall, by the exercise of any authority otherwise available to the Director under this title, ensure that each executive agency has established written procedures relating to how the agency is to collect, review, evaluate, and, if applicable, make publicly available, financial disclosure statements filed by any of its officers or employees.

(2) In carrying out paragraph (1), the Director shall ensure that each agency's procedures are in conformance with all applicable requirements, whether established by law, rule, regulation, or Executive order.

(e) In carrying out subsection (b)(10), the Director shall prescribe regulations under which -

(1) each executive agency shall be required to submit to the Office an annual report containing -

(A) a description and evaluation of the agency's ethics program, including any educational, counseling, or other services provided to officers and employees, in effect during the period covered by the report; and

(B) the position title and duties of -

(i) each official who was designated by the agency head to have primary responsibility for the administration, coordination, and management of the agency's ethics program during any portion of the period covered by the report; and

(ii) each officer or employee who was designated to serve as an alternate to the official having primary responsibility during any portion of such period; and

(C) any other information that the Director may require in order to carry out the responsibilities of the Director under this title; and

(2) each executive agency shall be required to inform the Director upon referral of any alleged violation of Federal conflict of interest law to the Attorney General pursuant to section 535 of title 28, United States Code, except that nothing under this paragraph shall require any notification or disclosure which would otherwise be prohibited by law.

(f)(1) In carrying out subsection (b)(9) with respect to executive agencies, the Director -

(A) may -

(i) order specific corrective action on the part of an agency based on the failure of such agency to establish a system for the collection, filing, review, and, when applicable, public

inspection of financial disclosure statements, in accordance with applicable requirements, or to modify an existing system in order to meet applicable requirements; or

(ii) order specific corrective action involving the establishment or modification of an agency ethics program (other than with respect to any matter under clause (i)) in accordance with applicable requirements; and

(B) shall, if an agency has not complied with an order under subparagraph (A) within a reasonable period of time, notify the President and the Congress of the agency's noncompliance in writing (including, with the notification, any written comments which the agency may provide).

(2)(A) In carrying out subsection (b)(9) with respect to individual officers and employees -

(i) the Director may make such recommendations and provide such advice to such officers and employees as the Director considers necessary to ensure compliance with rules, regulations, and Executive orders relating to conflicts of interest or standards of conduct;

(ii) if the Director has reason to believe that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may recommend to the head of the officer's or employee's agency that such agency head investigate the possible violation and, if the agency head finds such a violation, that such agency head take any appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) against the officer or employee, except that, if the officer or employee involved is the agency head, any such recommendation shall instead be submitted to the President; and

(II) shall notify the President in writing if the Director determines that the head of an agency has not conducted an investigation pursuant to subclause (I) within a reasonable time after the Director recommends such action;

(iii) if the Director finds that an officer or employee is

violating any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may order the officer or employee to take specific action (such as divestiture, recusal, or the establishment of a blind trust) to end such violation; and

(II) shall, if the officer or employee has not complied with the order under subclause (I) within a reasonable period of time, notify, in writing, the head of the officer's or employee's agency of the officer's or employee's noncompliance, except that, if the officer or employee involved is the agency head, the notification shall instead be submitted to the President; and

(iv) if the Director finds that an officer or employee is violating, or has violated, any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct, the Director -

(I) may recommend to the head of the officer's or employee's agency that appropriate disciplinary action (such as reprimand, suspension, demotion, or dismissal) be brought against the officer or employee, except that if the officer or employee involved is the agency head, any such recommendations shall instead be submitted to the President; and

(II) may notify the President in writing if the Director determines that the head of an agency has not taken appropriate disciplinary action within a reasonable period of time after the Director recommends such action.

(B)(i) In order to carry out the Director's duties and responsibilities under subparagraph (A)(iii) or (iv) with respect to individual officers and employees, the Director may conduct investigations and make findings concerning possible violations of any rule, regulation, or Executive order relating to conflicts of interest or standards of conduct applicable to officers and employees of the executive branch.

(ii)(I) Subject to clause (iv) of this subparagraph, before any finding is made under subparagraphs (A)(iii) or (iv), the officer or employee involved shall be afforded notification of the alleged violation, and an opportunity to comment, either orally or in

writing, on the alleged violation.

(II) The Director shall, in accordance with section 553 of title 5, United States Code, establish procedures for such notification and comment.

(iii) Subject to clause (iv) of this subparagraph, before any action is ordered under subparagraph (A)(iii), the officer or employee involved shall be afforded an opportunity for a hearing, if requested by such officer or employee, except that any such hearing shall be conducted on the record.

(iv) The procedures described in clauses (ii) and (iii) of this subparagraph do not apply to findings or orders for action made to obtain compliance with the financial disclosure requirements in title 2 (!1) of this Act. For those findings and orders, the procedures in section 206 of this Act shall apply.

(3) The Director shall send a copy of any order under paragraph (2)(A)(iii) to -

(A) the officer or employee who is the subject of such order; and

(B) the head of officer's or employee's agency or, if such officer or employee is the agency head, to the President.

(4) For purposes of paragraphs (2)(A)(ii), (iii), (iv), and (3)(B), in the case of an officer or employee within an agency which is headed by a board, committee, or other group of individuals (rather than by a single individual), any notification, recommendation, or other matter which would otherwise be sent to an agency head shall instead be sent to the officer's or employee's appointing authority.

(5) Nothing in this title shall be considered to allow the Director (or any designee) to make any finding that a provision of title 18, United States Code, or any criminal law of the United States outside of such title, has been or is being violated.

(6) Notwithstanding any other provision of law, no record developed pursuant to the authority of this section concerning an investigation of an individual for a violation of any rule,

regulation, or Executive order relating to a conflict of interest shall be made available pursuant to section 552(a)(3) of title 5, United States Code, unless the request for such information identifies the individual to whom such records relate and the subject matter of any alleged violation to which such records relate, except that nothing in this subsection shall affect the application of the provisions of section 552(b) of title 5, United States Code, to any record so identified.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 402, Oct. 26, 1978, 92 Stat. 1862; Pub. L. 96-19, Sec. 9(e), (s), June 13, 1979, 93 Stat. 43, 44; Pub. L. 98-150, Sec. 3(a), (b), Nov. 11, 1983, 97 Stat. 959; Pub. L. 100-598, Secs. 5-7, Nov. 3, 1988, 102 Stat. 3032, 3033.)

-REFTEXT-

REFERENCES IN TEXT

Title II of this Act, referred to in subsec. (b)(1), (3), and (15), and title 2 of this Act, referred to in subsec. (f)(2)(B)(iv), is title II of Pub. L. 95-521, which was set out in this Appendix prior to repeal by Pub. L. 101-194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.

Section 206 of this Act, referred to in subsec. (f)(2)(B)(iv), is section 206 of Pub. L. 95-521, which was set out in this Appendix prior to repeal by Pub. L. 101-194, title II, Sec. 201, Nov. 30, 1989, 103 Stat. 1724.

-MISC1-

AMENDMENTS

1988 - Subsecs. (d) to (f). Pub. L. 100-598 added subsecs. (d) to (f).

1983 - Subsec. (a). Pub. L. 98-150, Sec. 3(a), substituted "in consultation with" for "under the general supervision of".

Subsec. (b)(1). Pub. L. 98-150, Sec. 3(b)(1), struck out "and recommending to the Office of Personnel Management" after "(1)

developing", inserted "and the Office of Personnel Management" after "Attorney General", and substituted "President or the Director" for "President or the Office of Personnel Management".

Subsec. (b)(2). Pub. L. 98-150, Sec. 3(b)(2), struck out "and recommending to the Office of Personnel Management" after "(2) developing", inserted "and the Office of Personnel Management" after "Attorney General", and substituted "President or the Director" for "President or the Office of Personnel Management".

Subsec. (b)(6). Pub. L. 98-150, Sec. 3(b)(3), substituted "Director" for "Office of Personnel Management".

Subsec. (b)(12). Pub. L. 98-150, Sec. 3(b)(4), inserted "and the Office of Personnel Management" after "Attorney General", and substituted "Director" for "Office of Personnel Management".

Subsec. (b)(15). Pub. L. 98-150, Sec. 3(b)(5), substituted ", in consultation with the Office of Personnel Management, and promulgating" for "and recommending for promulgation by the Office of Personnel Management".

1979 - Subsec. (b)(1). Pub. L. 96-19, Sec. 9(s), substituted "consultation" for "consulation" and struck out a comma after "rules and regulations" and "President".

Subsec. (b)(15). Pub. L. 96-19, Sec. 9(e)(2), added par. (15).

Subsec. (d). Pub. L. 96-19, Sec. 9(e)(1), repealed subsec. (d) which required the promulgation of a regulation establishing a method of readily determining, without expert appraisal, the fair market value of assets required to be disclosed.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

RULES AND REGULATIONS IN EFFECT BEFORE OCTOBER 1, 1983

Section 3(d) of Pub. L. 98-150 provided that:

"(1) Any rules or regulations issued under section 402 of the Ethics in Government Act of 1978 [this section] which are in effect immediately before the effective date of the amendments made by this Act [Oct. 1, 1983] shall remain in effect according to their terms until modified, superseded, set aside, or revoked on or after such effective date.

"(2) The responsibilities of the Director of the Office of Government Ethics under paragraphs (6) and (12), respectively, of section 402(b) of the Ethics in Government Act of 1978 [this section], with respect to rules and regulations issued by the Office of Personnel Management before the effective date of the amendments made by this Act [Oct. 1, 1983] shall not be affected by this Act or any of the amendments made by this Act [see Effective Date of 1983 Amendment note set out under section 102 of this Appendix]."

-FOOTNOTE-

(!1) So in original. Probably should be title "II".

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 403 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 403. Administrative provisions

-STATUTE-

(a) Upon the request of the Director, each executive agency is directed to -

(1) make its services, personnel, and facilities available to the Director to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Director all information and records in its possession which the Director may determine to be necessary for the performance of his duties. The authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting investigations pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act (!1)

(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

(2) No gift may be accepted -

(A) that attaches conditions inconsistent with applicable laws or regulations; or

(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics, or any employee of such Office, to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 403, Oct. 26, 1978, 92 Stat. 1863;

Pub. L. 98-150, Sec. 5, Nov. 11, 1983, 97 Stat. 960;

Pub. L. 100-598, Sec. 9, Nov. 3, 1988, 102 Stat. 3035;

Pub. L. 104-179, Sec. 2, Aug. 6, 1996, 110 Stat. 1566.)

-REFTEXT-

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1824, as amended, known as the Ethics in Government Act of 1978. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this Appendix and Tables.

-MISC1-

AMENDMENTS

1996 - Pub. L. 104-179 designated existing provisions as subsec. (a) and added subsec. (b).

1988 - Pub. L. 100-598 substituted "pursuant to the Office of Government Ethics responsibilities under this Act. The head of any agency may detail such personnel and furnish such services, with or without reimbursement, as the Director may request to carry out the provisions of this Act" for "pursuant to subsections (b)(3) and (b)(4) of section 402." in closing provisions.

1983 - Pub. L. 98-150 inserted provision that the authority of the Director under this section includes the authority to request assistance from the inspector general of an agency in conducting the investigations pursuant to subsections (b)(3) and (b)(4) of section 402.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this

Appendix.

-FOOTNOTE-

(!1) So in original. Probably should be followed by a period.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 404 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 404. Rules and regulations

-STATUTE-

In promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch, the Director shall issue rules and regulations in accordance with chapter 5 of title 5, United States Code. Any person may seek judicial review of any such rule or regulation.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 404, Oct. 26, 1978, 92 Stat. 1863;
Pub. L. 98-150, Sec. 3(c), Nov. 11, 1983, 97 Stat. 960.)

-MISC1-

AMENDMENTS

1983 - Pub. L. 98-150 substituted "Director" for "Office of Personnel Management".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

-CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 405 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 405. Authorization of appropriations

-STATUTE-

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2002 through 2006.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 405, Oct. 26, 1978, 92 Stat. 1863; Pub. L. 98-150, Sec. 12, Nov. 11, 1983, 97 Stat. 963; Pub. L. 100-598, Sec. 2, Nov. 3, 1988, 102 Stat. 3031; Pub. L. 101-334, Sec. 2, July 16, 1990, 104 Stat. 318; Pub. L. 102-506, Sec. 2, Oct. 24, 1992, 106 Stat. 3280; Pub. L. 104-179, Sec. 3, Aug. 6, 1996, 110 Stat. 1566; Pub. L. 107-119, Sec. 2, Jan. 15, 2002, 115 Stat. 2382.)

-MISC1-

AMENDMENTS

2002 - Pub. L. 107-119 substituted "2002 through 2006" for "1997 through 1999".

1996 - Pub. L. 104-179 amended text of section generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out the provisions of this title and for no other purpose -

"(1) not to exceed \$2,500,000 for the fiscal year ending September 30, 1989;

"(2) not to exceed \$5,000,000 for the fiscal year ending September 30, 1990; and

"(3) such sums as may be necessary for each of the 4 fiscal years thereafter."

1992 - Pub. L. 102-506 struck out "and" at end of par. (1), substituted "the fiscal year ending September 30, 1990; and" for "each of the 5 fiscal years thereafter." in par. (2), and added par. (3).

1990 - Par. (2). Pub. L. 101-334 substituted "\$5,000,000" for "\$3,500,000".

1988 - Pub. L. 100-598 amended section generally. Prior to amendment, section read as follows: "There are authorized to be appropriated to carry out the provisions of this title, and for no other purpose -

"(1) not to exceed \$2,000,000 for the fiscal year ending September 30, 1979; and

"(2) not to exceed \$2,000,000 for each of the nine fiscal years thereafter."

1983 - Par. (2). Pub. L. 98-150 substituted "nine" for "four".

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98-150 effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as a note under section 102 of this Appendix.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 406 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 406. Annual pay

-STATUTE-

[Section amended section 5316 of Title 5, Government Organization and Employees.]

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 407 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 407. Annual pay of Director

-STATUTE-

[Section amended sections 5314 and 5316 of Title 5, Government Organization and Employees.]

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 407, as added Pub. L. 98-150, Sec. 4, Nov. 11, 1983, 97 Stat. 960; amended Pub. L. 100-598, Sec. 8, Nov. 3, 1988, 102 Stat. 3035.)

-MISC1-

AMENDMENTS

1988 - Pub. L. 100-598 substituted "Annual pay of Director" for "Submission of budget" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) In the budget submitted to the Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include estimated expenditures and proposed appropriations the President decides are necessary to support the Office of Government Ethics in the fiscal year for which the budget is submitted and the four fiscal years after that year.

"(b) In the statement of changes submitted to Congress with

respect to the budget pursuant to section 1106(b) of title 31, United States Code, the President shall specify the effect of such changes on the information submitted pursuant to subsection (a) of this section."

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 13 of Pub. L. 98-150 set out as an Effective Date of 1983 Amendment note under section 102 of this Appendix.

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+1256+197++%28%29%20%2>

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 408 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE IV - OFFICE OF GOVERNMENT ETHICS

-HEAD-

Sec. 408. Reports to Congress

-STATUTE-

The Director shall, no later than April 30 of each year in which the second session of a Congress begins, submit to the Congress a report containing -

- (1) a summary of the actions taken by the Director during a 2-year period ending on December 31 of the preceding year in order to carry out the Director's functions and responsibilities under this title; and
- (2) such other information as the Director may consider appropriate.

-SOURCE-

(Pub. L. 95-521, title IV, Sec. 408, as added Pub. L. 100-598, Sec.

4, Nov. 3, 1988, 102 Stat. 3031; amended Pub. L. 104-179, Sec. 4(b)(2)(B), Aug. 6, 1996, 110 Stat. 1567.)

-MISC1-

AMENDMENTS

1996 - Pub. L. 104-179 substituted "April 30" for "March 31" in introductory provisions.

CITE-

**5 USC APPENDIX TITLE V - GOVERNMENT-WIDE
LIMITATIONS ON OUTSIDE EARNED INCOME AND EMPLOYMENT**

01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

-HEAD-

TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 501 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX
ETHICS IN GOVERNMENT ACT OF 1978
TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

-HEAD-

Sec. 501. Outside earned income limitation

-STATUTE-

(a) Outside Earned Income Limitation. -

(1) Except as provided by paragraph (2), a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, may not in any calendar year have outside earned income attributable to such calendar year which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year.

(2) In the case of any individual who during a calendar year becomes a Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, such individual may not have outside earned income attributable to the portion of that calendar year which occurs after such individual becomes a Member or such an officer or employee which exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of such calendar year multiplied by a fraction the numerator of which is the number of days such individual is a Member or such officer or employee during such calendar year and the denominator of which is 365.

(b) Honoraria Prohibition. - An individual may not receive any honorarium while that individual is a Member, officer or employee.

(c) Treatment of Charitable Contributions. - Any honorarium which, except for subsection (b), might be paid to a Member, officer or employee, but which is paid instead on behalf of such Member, officer or employee to a charitable organization, shall be

deemed not to be received by such Member, officer or employee. No such payment shall exceed \$2,000 or be made to a charitable organization from which such individual or a parent, sibling, spouse, child, or dependent relative of such individual derives any financial benefit.

-SOURCE-

(Pub. L. 95-521, title V, Sec. 501, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1760; amended Pub. L. 101-280, Sec. 7(a), May 4, 1990, 104 Stat. 161; Pub. L. 102-378, Sec. 4(b)(1), (2), Oct. 2, 1992, 106 Stat. 1357.)

-REFTEXT-

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

-MISC1-

PRIOR PROVISIONS

A prior section 501 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1864, amended section 207 of Title 18, Crimes and Criminal Procedure, and the analysis of chapter 11 of Title 18.

AMENDMENTS

1992 - Subsec. (a)(1). Pub. L. 102-378, Sec. 4(b)(1), substituted "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule," for "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code,".

Subsec. (a)(2). Pub. L. 102-378, Sec. 4(b)(2), substituted "who during a calendar year becomes a Member or an officer or employee

who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule," for "who becomes a Member or an officer or employee who is a noncareer officer or employee and whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule during a calendar year,".

1990 - Subsec. (a)(1). Pub. L. 101-280, Sec. 7(a)(1), substituted "a noncareer officer or employee" for "not a career civil servant".

Subsec. (a)(2). Pub. L. 101-280, Sec. 7(a)(1), substituted "a noncareer officer or employee" for "not a career civil servant".

Pub. L. 101-280, Sec. 7(a)(2), substituted "Member or such an officer or employee which" for "Member, officer or employee which" and "Member or such officer or employee during" for "Member, officer or employee during".

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 502 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

-HEAD-

Sec. 502. Limitations on outside employment

-STATUTE-

(a) Limitations. - A Member or an officer or employee who is a noncareer officer or employee and who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule shall not -

(1) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity which provides professional services involving a fiduciary relationship;

(2) permit that Member's, officer's, or employee's name to be used by any such firm, partnership, association, corporation, or other entity;

(3) receive compensation for practicing a profession which involves a fiduciary relationship;

(4) serve for compensation as an officer or member of the board of any association, corporation, or other entity; or

(5) receive compensation for teaching, without the prior notification and approval of the appropriate entity referred to in section 503.

(b) Teaching Compensation of Justices and Judges Retired From Regular Active Service. - For purposes of the limitation under section 501(a), any compensation for teaching approved under subsection (a)(5) of this section shall not be treated as outside earned income -

(1) when received by a justice of the United States retired from regular active service under section 371(b) of title 28, United States Code;

(2) when received by a judge of the United States retired from regular active service under section 371(b) of title 28, United States Code, for teaching performed during any calendar year for which such judge has met the requirements of subsection (f) of

section 371 of title 28, United States Code, as certified in accordance with such subsection; or

(3) when received by a justice or judge of the United States retired from regular active service under section 372(a) of title 28, United States Code.

-SOURCE-

(Pub. L. 95-521, title V, Sec. 502, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101-280, Sec. 7(a)(1), (b), May 4, 1990, 104 Stat. 161; Pub. L. 101-650, title III, Sec. 319, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 102-198, Sec. 6, Dec. 9, 1991, 105 Stat. 1624; Pub. L. 102-378, Sec. 4(b)(3), Oct. 2, 1992, 106 Stat. 1357.)

-REFTEXT-

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (a), is set out under section 5332 of this title.

-MISC1-

PRIOR PROVISIONS

A prior section 502 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1992 - Subsec. (a). Pub. L. 102-378, Sec. 4(b)(3), substituted "who occupies a position classified above GS-15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule" for "whose rate of basic pay is equal to or greater than the annual rate of basic pay in effect for grade GS-16 of the General Schedule".

1991 - Subsec. (b). Pub. L. 102-198 substituted heading for one which read "Senior Judges Teaching Compensation" and amended text

generally. Prior to amendment, text read as follows: "Any compensation for teaching received by a senior judge (as designated under section 294(b) of title 28, United States Code) approved under subsection (a)(5) of this section shall not be treated as outside earned income for the purpose of the limitation under section 501(a)."

1990 - Pub. L. 101-650 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Pub. L. 101-280, Sec. 7(a)(1), in introductory provisions substituted "a noncareer officer or employee" for "not a career civil servant".

Pub. L. 101-280, Sec. 7(b)(1), in par. (1) substituted "receive compensation for affiliating with or being" for "affiliate with or be" and "which provides professional services involving" for "to provide professional services which involves", and struck out "for compensation" after "relationship".

Pub. L. 101-280, Sec. 7(b)(2), in par. (3) substituted "receive compensation for practicing" for "practice" and struck out "for compensation" after "relationship".

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 503 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND

EMPLOYMENT

-HEAD-

Sec. 503. Administration

-STATUTE-

This title shall be subject to the rules and regulations of -

(1) and administered by -

(A) the Committee on Standards of Official Conduct of the House of Representatives, with respect to Members, officers, and employees of the House of Representatives; and

(B) in the case of Senators and legislative branch officers and employees other than those officers and employees specified in subparagraph (A), the committee to which reports filed by such officers and employees under title I are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees;

(2) the Office of Government Ethics and administered by designated agency ethics officials with respect to officers and employees of the executive branch; and

(3) and administered by the Judicial Conference of the United States (or such other agency as it may designate) with respect to officers and employees of the judicial branch.

-SOURCE-

(Pub. L. 95-521, title V, Sec. 503, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 101-280, Sec. 7(c), May 4, 1990, 104 Stat. 161; Pub. L. 102-90, title I, Sec. 6(b)(1), Aug. 14, 1991, 105 Stat. 450.)

-MISC1-

PRIOR PROVISIONS

A prior section 503 of Pub. L. 95-521, title V, Oct. 26, 1978, 92 Stat. 1867, is set out as a note under section 207 of Title 18, Crimes and Criminal Procedure.

AMENDMENTS

1991 - Par. (1)(B). Pub. L. 102-90 substituted "Senators and legislative branch officers and employees" for "legislative branch officers and employees other than Senators, officers, and employees of the Senate and".

1990 - Par. (1). Pub. L. 101-280 amended par. (1) generally. Prior to amendment, par. (1) read as follows: "and administered by the committee of the House of Representatives assigned responsibility for administering the reporting requirements of title I with respect to Members, officers and employees of the House of Representatives;".

EFFECTIVE DATE OF 1991 AMENDMENT

Section 6(f)(1) of Pub. L. 102-90 provided that: "Except for the provisions of subsection (e)(1) [105 Stat. 451], the provisions of this section [amending this section and section 505 of Pub. L. 95-521, set out in this Appendix, repealing sections 31-1 and 441i of Title 2, The Congress, enacting provisions set out as a note under section 5318 of this title, and repealing provisions set out as notes under sections 31 and 358 of Title 2] shall take effect on the date of the enactment of this Act [Aug. 14, 1991]."

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 504 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND

EMPLOYMENT

-HEAD-

Sec. 504. Civil Penalties

-STATUTE-

(a) Civil Action. - The Attorney General may bring a civil action in any appropriate United States district court against any individual who violates any provision of section 501 or 502. The court in which such action is brought may assess against such individual a civil penalty of not more than \$10,000 or the amount of compensation, if any, which the individual received for the prohibited conduct, whichever is greater.

(b) Advisory Opinions. - Any entity described in section 503 may render advisory opinions interpreting this title, in writing, to individuals covered by this title. Any individual to whom such an advisory opinion is rendered and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of such advisory opinion, acts in good faith in accordance with its provisions and findings shall not, as a result of such actions, be subject to any sanction under subsection (a).

-SOURCE-

(Pub. L. 95-521, title V, Sec. 504, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761.)

-MISC1-

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

CITE-

5 USC APPENDIX, ETHICS IN GOVERNMENT ACT, Sec. 505 01/03/05

-EXPCITE-

TITLE 5 - APPENDIX

ETHICS IN GOVERNMENT ACT OF 1978

TITLE V - GOVERNMENT-WIDE LIMITATIONS ON OUTSIDE EARNED INCOME AND
EMPLOYMENT

-HEAD-

Sec. 505. Definitions

-STATUTE-

For purposes of this title:

(1) The term "Member" means a Senator in, a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(2) The term "officer or employee" means any officer or employee of the Government except any special Government employee (as defined in section 202 of title 18, United States Code).

(3) The term "honorarium" means a payment of money or any thing of value for an appearance, speech or article (including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government) by a Member, officer or employee, excluding any actual and necessary travel expenses incurred by such individual (and one relative) to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed.

(4) The term "travel expenses" means, with respect to a Member, officer or employee, or a relative of any such individual, the cost of transportation, and the cost of lodging and meals while away from his or her residence or principal place of employment.

(5) The term "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1986 [26 U.S.C. 170(c)].

-SOURCE-

(Pub. L. 95-521, title V, Sec. 505, as added Pub. L. 101-194, title VI, Sec. 601(a), Nov. 30, 1989, 103 Stat. 1761; amended Pub. L. 102-90, title I, Sec. 6(b)(2), (3), title III, Sec. 314(b), Aug. 14, 1991, 105 Stat. 450, 469.)

-MISC1-

AMENDMENTS

1991 - Par. (1). Pub. L. 102-90, Sec. 6(b)(2), inserted "a Senator in," before "a Representative".

Par. (2). Pub. L. 102-90, Sec. 6(b)(3), struck out "(A) any individual (other than the Vice President) whose compensation is disbursed by the Secretary of the Senate or (B)" after "except".

Par. (3). Pub. L. 102-90, Sec. 314(b), inserted "(including a series of appearances, speeches, or articles if the subject matter is directly related to the individual's official duties or the payment is made because of the individual's status with the Government)" before "by a Member".

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 314(b) of Pub. L. 102-90 effective Jan. 1, 1992, see section 314(g)(1) of Pub. L. 102-90, as amended, set out as a note under section 31-2 of Title 2, The Congress.

EFFECTIVE DATE

Section effective Jan. 1, 1991, but shall cease to be effective if the provisions of section 703 of Pub. L. 101-194, 5 U.S.C. 5318 note, are subsequently repealed, see section 603 of Pub. L. 101-194, set out as an Effective Date of 1989 Amendment note under section 7701 of Title 26, Internal Revenue Code.

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+1262+197++%28%29%20%2>

Blank

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208-1515
DrRCordero@Judicial-Discipline-Reform.org
tel. (718) 827-9521

PRESS RELEASE

September 2006

TO: Entities and individuals complaining about biased judges that abuse their power

RE: Evidence of federal judges' coordinated wrongdoing and support of a bankruptcy fraud scheme

I would like to bring to your attention evidence posted at <http://Judicial-Discipline-Reform.org> showing that a federal judgeship has become a safe haven for wrongdoing due to the lack of an effective mechanism of judicial conduct control; and that the justices of the Supreme Court of the U.S. have known for decades of such wrongdoing, but tolerate it. Because institutionalized abuse of power within the Third Branch of Government affects everybody's life, liberty, and property daily and substantially, this matter warrants your and your audience's consideration, particularly since there is something concrete that both can do about it that can redound to your significant benefit and everybody else's.

One mechanism of judicial conduct control is impeachment in the U.S. House of Representatives, so rarely used that it lacks any deterrent value; the other is judicial self-discipline, which is triggered by anybody lodging against any federal judge a complaint, which in turn judges systematically dismiss without investigation. Thus, federal judges wield their vast judicial power free from any control. Since those who can do anything and get away with it will do everything, the judges have allowed their uncontrolled power to follow its course toward absolutely corruptive power.

Federal judges' motive for coordinating the wrongful exercise of their judicial power is only strengthened by the lure of another most insidious corruptor: money. Lots of money enters the federal judicial system through bankruptcy cases. Evidence of this is found in 11 cases that have been prosecuted for more than 5 years, starting in bankruptcy court and moving on to the district court, to the Court of Appeals for the Second Circuit, to the Circuit's Judicial Council, to the Supreme Court and the Judicial Conference of the U.S., whose presiding member is the chief justice. The justices and judges in all these federal entities and their staffs together with trustees, bankrupts, and lawyers have engaged in a series of acts so consistently in disregard of law and facts while in favor of or against certain parties and outcomes as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing in support of a bankruptcy fraud scheme and its cover up.

The evidence of federal judges' coordinated wrongdoing and support of a bankruptcy fraud scheme is contained in public [documents](#) and summarized in the "[Statement of Facts](#)", both posted at <http://Judicial-Discipline-Reform.org>. The purpose of their posting is to provide a solid basis from which concerned people, including investigative journalists, bloggers, and lawyers, can launch a Watergate-like *Follow the money!* investigation into the schemers' and their supporters' web of personal and financial relationships in order to substantiate counts under the Racketeer Influenced and Corrupt Organizations Act ([RICO](#)). They will be asserted in a class action on behalf of those that have been injured by the judges' abuse of power and systematic dismissal of conduct complaints against them. In the class' representative case arising from those 11 cases the principal defendants will be top federal circuit judges and other judicial officers.

Once in a lifetime, the opportunity presents itself for a person to take a stand in support of a risky, but noble mission that can change government for the public good, as this mission is: To ensure the integrity and accountability of those entrusted with "*WE THE PEOPLE*"'s judicial system and force them to administer "Equal Justice Under Law". This is such an opportunity. Will you examine the evidence to determine whether to participate in that investigation and thereby render a public service that can be nationally recognized as being of significant practical and moral value to your audience and everybody else in our country? Kindly let me know.

Blank

<http://uscode.house.gov/download/pls/18C96.txt>

-CITE-

18 USC CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS 01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-MISC1-

Sec.
1961. Definitions.
1962. Prohibited activities.
1963. Criminal penalties.
1964. Civil remedies.
1965. Venue and process.
1966. Expedition of actions.
1967. Evidence.
1968. Civil investigative demand.

AMENDMENTS

1990 - Pub. L. 101-647, title XXXV, Sec. 3559, Nov. 29, 1990, 104
Stat. 4927, struck out "racketeering" after "Prohibited" in item
1962.

1970 - Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84
Stat. 941, added chapter 96 and items 1961 to 1968.

-SECREP-

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 3582, 3663 of this title;
title 7 section 12a.

-End-

-CITE-

18 USC Sec. 1961

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1961. Definitions

-STATUTE-

As used in this chapter -

(1) "racketeering activity" means

(A) any act or threat

involving murder, kidnapping, gambling, arson, robbery, bribery,
extortion, dealing in obscene matter, or dealing in a controlled
substance or listed chemical (as defined in section 102 of the
Controlled Substances Act), which is chargeable under State law
and punishable by imprisonment for more than one year;

(B) any

act which is indictable under any of the following provisions of
title 18, United States Code:

Section 201 (relating to bribery),

section 224 (relating to sports bribery),

sections 471, 472, and
473 (relating to counterfeiting),

section 659 (relating to theft
from interstate shipment) if the act indictable under section 659
is felonious,

section 664 (relating to embezzlement from pension
and welfare funds),

sections 891-894 (relating to extortionate
credit transactions),

section 1028 (relating to fraud and related
activity in connection with identification documents),

section
1029 (relating to fraud and related activity in connection with
access devices),

section 1084 (relating to the transmission of
gambling information),

section 1341 (relating to mail fraud),

section 1343 (relating to wire fraud),

section 1344 (relating to
financial institution fraud),

section 1425 (relating to the
procurement of citizenship or nationalization unlawfully),

section 1426 (relating to the reproduction of naturalization or
citizenship papers),

section 1427 (relating to the sale of

naturalization or citizenship papers),

sections 1461-1465

(relating to obscene matter),

section 1503 (relating to
obstruction of justice),

section 1510 (relating to obstruction of
criminal investigations),

section 1511 (relating to the
obstruction of State or local law enforcement),

section 1512

(relating to tampering with a witness, victim, or an informant),

section 1513 (relating to retaliating against a witness, victim,
or an informant),

section 1542 (relating to false statement in
application and use of passport),

section 1543 (relating to
forgery or false use of passport),

section 1544 (relating to
misuse of passport),

section 1546 (relating to fraud and misuse
of visas, permits, and other documents),

sections 1581-1591

(relating to peonage, slavery, and trafficking in persons).(!)

section 1951 (relating to interference with commerce, robbery, or
extortion),

section 1952 (relating to racketeering),

section 1953

(relating to interstate transportation of wagering paraphernalia),

section 1954 (relating to unlawful welfare fund payments),

section 1955 (relating to the prohibition of illegal gambling businesses),

section 1956 (relating to the laundering of monetary instruments),

section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity),

section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire),

sections 2251,

2251A, 2252, and 2260 (relating to sexual exploitation of children),

sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles),

sections 2314 and 2315

(relating to interstate transportation of stolen property),

section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation

or packaging and copies of motion pictures or other audiovisual

works),

section 2319 (relating to criminal infringement of a copyright),

section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances),

section 2320 (relating to trafficking in goods or services bearing counterfeit marks),

section 2321
(relating to trafficking in certain motor vehicles or motor vehicle parts),

sections 2341-2346 (relating to trafficking in contraband cigarettes),

sections 2421-24 (relating to white slave traffic),

(C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds),

(D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States,

(E) any act which is indictable under the Currency and Foreign Transactions Reporting Act,

(F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B);

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) "person" includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

(5) "pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

(6) "unlawful debt" means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money

or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

(7) "racketeering investigator" means any attorney or investigator so designated by the Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

(8) "racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

(9) "documentary material" includes any book, paper, document, record, recording, or other material; and

(10) "Attorney General" includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 941; amended Pub. L. 95-575, Sec. 3(c), Nov. 2, 1978, 92 Stat. 2465; Pub. L. 95-598, title III, Sec. 314(g), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 98-473, title II, Secs. 901(g), 1020, Oct. 12, 1984, 98 Stat. 2136, 2143; Pub. L. 98-547, title II, Sec. 205, Oct. 25, 1984, 98 Stat. 2770; Pub. L. 99-570, title I, Sec.

1365(b), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 99-646, Sec. 50(a), Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100-690, title VII, Secs. 7013, 7020(c), 7032, 7054, 7514, Nov. 18, 1988, 102 Stat. 4395, 4396, 4398, 4402, 4489; Pub. L. 101-73, title IX, Sec. 968, Aug. 9, 1989, 103 Stat. 506; Pub. L. 101-647, title XXXV, Sec. 3560, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103-322, title IX, Sec. 90104, title XVI, Sec. 160001(f), title XXXIII, Sec. 330021(1), Sept. 13, 1994, 108 Stat. 1987, 2037, 2150; Pub. L. 103-394, title III, Sec. 312(b), Oct. 22, 1994, 108 Stat. 4140;

Pub. L. 104-132, title IV, Sec. 433, Apr. 24, 1996, 110 Stat. 1274;

Pub. L. 104-153, Sec. 3, July 2, 1996, 110 Stat. 1386; Pub. L. 104-208, div. C, title II, Sec. 202, Sept. 30, 1996, 110 Stat. 3009-565; Pub. L. 104-294, title VI, Secs. 601(b)(3), (i)(3), 604(b)(6), Oct. 11, 1996, 110 Stat. 3499, 3501, 3506; Pub. L. 107-56, title VIII, Sec. 813, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107-273, div. B, title IV, Sec. 4005(f)(1), Nov. 2, 2002, 116 Stat. 1813; Pub. L. 108-193, Sec. 5(b), Dec. 19, 2003, 117 Stat. 2879.)

-REFTEXT-

REFERENCES IN TEXT

Section 102 of the Controlled Substances Act, referred to in par. (1)(A), (D), is classified to section 802 of Title 21, Food and Drugs.

The Currency and Foreign Transactions Reporting Act, referred to in par. (1)(E), is title II of Pub. L. 91-508, Oct. 26, 1970, 84 Stat. 1118, which was repealed and reenacted as subchapter II of chapter 53 of Title 31, Money and Finance, by Pub. L. 97-258, Sec. 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31.

The Immigration and Nationality Act, referred to in par. (1)(F), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (Sec. 1101 et seq.) of Title 8, Aliens and Nationality. Sections 274, 277, and 278 of the Act

are classified to sections 1324, 1327, and 1328 of Title 8, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

The effective date of this chapter, referred to in par. (5), is Oct. 15, 1970.

-MISC1-

AMENDMENTS

2003 - Par. (1)(B). Pub. L. 108-193, which directed amendment of par. (1)(A) of this section by substituting "sections 1581-1591 (relating to peonage, slavery, and trafficking in persons)." for "sections 1581-1588 (relating to peonage and slavery)", was executed by making the substitution in par. (1)(B) to reflect the probable intent of Congress.

2002 - Par. (1)(G). Pub. L. 107-273 made technical amendment to directory language of Pub. L. 107-56. See 2001 Amendment note below.

2001 - Par. (1)(G). Pub. L. 107-56, as amended by Pub. L. 107-273, which directed addition of cl. (G) before period at end, was executed by making the addition before the semicolon at end to reflect the probable intent of Congress.

1996 - Par. (1)(B). Pub. L. 104-294, Sec. 604(b)(6), amended directory language of Pub. L. 103-322, Sec. 160001(f). See 1994 Amendment note below.

Pub. L. 104-294, Sec. 601(i)(3), substituted "2260" for "2258".

Pub. L. 104-208 struck out "if the act indictable under section 1028 was committed for the purpose of financial gain" before "

section 1029", inserted "section 1425 (relating to the procurement of citizenship or nationalization unlawfully),

section 1426

(relating to the reproduction of naturalization or citizenship papers),

section 1427 (relating to the sale of naturalization or citizenship papers)," after "section 1344 (relating to financial institution fraud)," struck out "if the act indictable under section 1542 was committed for the purpose of financial gain" before ", section 1543", "if the act indictable under section 1543 was committed for the purpose of financial gain" before ", section 1544", "if the act indictable under section 1544 was committed for the purpose of financial gain" before ", section 1546", and "if the act indictable under section 1546 was committed for the purpose of financial gain" before ", sections 1581-1588".

Pub. L. 104-153 inserted ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works),

section 2319 (relating to criminal infringement of a copyright),

section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances),

section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

Pub. L. 104-132, Sec. 433(1), (2), inserted "section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029" and "section 1542 (relating to false statement in application

and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant),".

Par. (1)(D). Pub. L. 104-294, Sec. 601(b)(3), substituted "section 157 of this title" for "section 157 of that title".

Par. (1)(F). Pub. L. 104-132, Sec. 433(3), (4), which directed addition of cl. (F) before period at end, was executed by making the addition before the semicolon at end to reflect the probable intent of Congress.

1994 - Par. (1)(A). Pub. L. 103-322, Sec. 330021(1), substituted "kidnapping" for "kidnaping".

Pub. L. 103-322, Sec. 90104, substituted "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)" for "narcotic or other dangerous drugs".

Par. (1)(B). Pub. L. 103-322, Sec. 160001(f), as amended by Pub. L. 104-294, Sec. 604(b)(6), substituted "2251, 2251A, 2252, and 2258" for "2251-2252".

Par. (1)(D). Pub. L. 103-394 inserted "(except a case under section 157 of that title)" after "title 11".

Pub. L. 103-322, Sec. 90104, substituted "a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)" for "narcotic or other dangerous drugs".

1990 - Par. (1)(B). Pub. L. 101-647 substituted "section 1029 (relating to" for "section 1029 (relative to" and struck out "sections 2251 through 2252 (relating to sexual exploitation of

children)," before ", section 1958".

1989 - Par. (1). Pub. L. 101-73 inserted "section 1344 (relating to financial institution fraud)," after "section 1343 (relating to wire fraud),".

1988 - Par. (1)(B). Pub. L. 100-690, Sec. 7514, inserted "sections 2251 through 2252 (relating to sexual exploitation of children),".

Pub. L. 100-690, Sec. 7054, inserted ", section 1029 (relative to fraud and related activity in connection with access devices)" and ", section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251-2252 (relating to sexual exploitation of children)".

Pub. L. 100-690, Sec. 7032, substituted "section 2321" for "section 2320".

Pub. L. 100-690, Sec. 7013, made technical amendment to directory language of Pub. L. 99-646. See 1986 Amendment note below.

Par. (10). Pub. L. 100-690, Sec. 7020(c), inserted "the Associate Attorney General of the United States," after "Deputy Attorney General of the United States,".

1986 - Par. (1)(B). Pub. L. 99-646, as amended by Pub. L. 100-690, Sec. 7013, inserted "section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant)," after "section 1511 (relating to the obstruction of State or local law enforcement),".

Pub. L. 99-570 inserted "section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity),".

1984 - Par. (1)(A). Pub. L. 98-473, Sec. 1020(1), inserted "dealing in obscene matter," after "extortion,".

Par. (1)(B). Pub. L. 98-547 inserted "sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles)," and "section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts),".

Pub. L. 98-473, Sec. 1020(2), inserted "sections 1461-1465 (relating to obscene matter),".

Par. (1)(E). Pub. L. 98-473, Sec. 901(g), added cl. (E).

1978 - Par. (1)(B). Pub. L. 95-575 inserted "sections 2341-2346 (relating to trafficking in contraband cigarettes),".

Par. (1)(D). Pub. L. 95-598 substituted "fraud connected with a case under title 11" for "bankruptcy fraud".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, Sec. 4005(f)(1), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(f)(1) is effective Oct. 26, 2001.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(6) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Amendment by Pub. L. 95-575 effective Nov. 2, 1978, see section 4

of Pub. L. 95-575, set out as an Effective Date note under section 2341 of this title.

SHORT TITLE OF 1984 AMENDMENT

Section 301 of chapter III (Secs. 301-322) of title II of Pub. L. 98-473 provided that: "This title [probably means this chapter, enacting sections 1589, 1600, 1613a, and 1616 of Title 19, Customs Duties and sections 853, 854, and 970 of Title 21, Food and Drugs, amending section 1963 of this title and sections 1602, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1618, 1619, and 1644 of Title 19, sections 824, 848, and 881 of Title 21, and section 524 of Title 28, Judiciary and Judicial Procedure, and repealing section 7607 of Title 26, Internal Revenue Code] may be cited as the 'Comprehensive Forfeiture Act of 1984'."

SHORT TITLE

Section 1 of Pub. L. 91-452 provided in part: "That this Act [enacting this section, sections 841 to 848, 1511, 1623, 1955, 1962 to 1968, 3331 to 3334, 3503, 3504, 3575 to 3578, and 6001 to 6005 of this title, and section 1826 of Title 28, Judiciary and Judicial Procedure, amending sections 835, 1073, 1505, 1954, 2424, 2516, 2517, 3148, 3486, and 3500 of this title, sections 15, 87f, 135c, 499m, and 2115 of Title 7, Agriculture, section 25 of Title 11, Bankruptcy, section 1820 of Title 12, Banks and Banking, sections 49, 77v, 78u, 79r, 80a-41, 80b-9, 155, 717m, 1271, and 1714 of Title 15, Commerce and Trade, section 825f of Title 16, Conservation, section 1333 of Title 19, Customs Duties, section 373 of Title 21, Food and Drugs, section 161 of Title 29, Labor, section 506 of Title 33, Navigation and Navigable Waters, sections 405 and 2201 of Title 42, The Public Health and Welfare, sections 157 and 362 of Title 45, Railroads, section 1124 of former Title 46, Shipping, section 409 of Title 47, Telegraphs, Telephones, and Radio telegraphs, sections 9, 43, 46, 916, 1017, and 1484 of former Title 49, Transportation, section 792 of Title 50, War and National Defense, and sections 643a, 1152, 2026, and former section 2155 of Title 50, Appendix, repealing sections 837, 895, 1406, and 2514 of this title, sections 32 and 33 of Title 15; sections 4874 and 7493

of Title 26, Internal Revenue Code, section 827 of former Title 46, sections 47 and 48 of former Title 49, and sections 121 to 144 of Title 50, enacting provisions set out as notes under this section and sections 841, 1511, 1955, preceding 3331, preceding 3481, 3504, and 6001 of this title, and repealing provisions set out as a note under section 2510 of this title] may be cited as the 'Organized Crime Control Act of 1970'."

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (Sec. 151 et seq.), chapter 96 (Sec. 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

SEPARABILITY

Section 1301 of Pub. L. 91-452 provided that: "If the provisions of any part of this Act [see Short Title note set out above] or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby."

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

Section 1 of Pub. L. 91-452 provided in part that:

"The Congress finds that

- (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption;
- (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other

dangerous drugs, and other forms of social exploitation;

(3) this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes;

(4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and

(5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

"It is the purpose of this Act [see Short Title note above] to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime."

LIBERAL CONSTRUCTION OF PROVISIONS; SUPERSEDURE OF FEDERAL OR STATE LAWS; AUTHORITY OF ATTORNEYS REPRESENTING UNITED STATES

Section 904 of title IX of Pub. L. 91-452 provided that:

"(a) The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes.

"(b) Nothing in this title shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this title.

"(c) Nothing contained in this title shall impair the authority of any attorney representing the United States to -

"(1) lay before any grand jury impaneled by any district court of the United States any evidence concerning any alleged racketeering violation of law;

"(2) invoke the power of any such court to compel the production of any evidence before any such grand jury; or

"(3) institute any proceeding to enforce any order or process issued in execution of such power or to punish disobedience of any such order or process by any person."

PRESIDENT'S COMMISSION ON ORGANIZED CRIME; TAKING OF TESTIMONY AND RECEIPT OF EVIDENCE

Pub. L. 98-368, July 17, 1984, 98 Stat. 490, provided for the Commission established by Ex. Ord. No. 12435, formerly set out below, authority relating to taking of testimony, receipt of evidence, subpoena power, testimony of persons in custody, immunity, service of process, witness fees, access to other records and information, Federal protection for members and staff, closure of meetings, rules, and procedures, for the period of July 17, 1984, until the earlier of 2 years or the expiration of the Commission.

-EXEC-

EXECUTIVE ORDER NO. 12435

Ex. Ord. No. 12435, July 28, 1983, 48 F.R. 34723, as amended Ex. Ord. No. 12507, Mar. 22, 1985, 50 F.R. 11835, which established and provided for the administration of the President's Commission on

Organized Crime, was revoked by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 924, 1956, 1959 of this title; title 7 section 12a.

-FOOTNOTE-

(!1) So in original.

-End-

-CITE-

18 USC Sec. 1962

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1962. Prohibited activities

-STATUTE-

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or

invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 942; amended Pub. L. 100-690, title VII, Sec. 7033, Nov. 18, 1988, 102 Stat. 4398.)

-MISC1-

AMENDMENTS

1988 - Subsec. (d). Pub. L. 100-690 substituted "subsection" for "subsections".

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1963, 1964, 3554 of this title; title 7 section 12a; title 8 section 1101.

-End-

-CITE-

18 USC Sec. 1963

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1963. Criminal penalties

-STATUTE-

(a) Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law -

(1) any interest the person has acquired or maintained in violation of section 1962;

(2) any -
(A) interest in;
(B) security of;
(C) claim against; or
(D) property or contractual right of any kind affording a source of influence over;
any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

(b) Property subject to criminal forfeiture under this section includes -

(1) real property, including things growing on, affixed to, and found in land; and

(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture

and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (l) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(d)(1) Upon application of the United States, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section -

(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that

-

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or

opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

(e) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

(f) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of

the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

(g) With respect to property ordered forfeited under this section, the Attorney General is authorized to -

(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

(2) compromise claims arising under this section;

(3) award compensation to persons providing information resulting in a forfeiture under this section;

(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other

commercially feasible means, making due provision for the rights of innocent persons; and

(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

(h) The Attorney General may promulgate regulations with respect to -

(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

(2) granting petitions for remission or mitigation of forfeiture;

(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with

respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

(i) Except as provided in subsection (l), no party claiming an interest in property subject to forfeiture under this section may -

(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

(j) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

(k) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

(l)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent

practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(2) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

(6) If, after the hearing, the court determines that the

petitioner has established by a preponderance of the evidence that

-

(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(m) If any of the property described in subsection (a), as a result of any act or omission of the defendant -

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be

divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-473, title II, Secs. 302, 2301(a)-(c), Oct. 12, 1984, 98 Stat. 2040, 2192; Pub. L. 99-570, title I, Sec. 1153(a), Oct. 27, 1986, 100 Stat. 3207-13; Pub. L. 99-646, Sec. 23, Nov. 10, 1986, 100 Stat. 3597; Pub. L. 100-690, title VII, Secs. 7034, 7058(d), Nov. 18, 1988, 102 Stat. 4398, 4403; Pub. L. 101-647, title XXXV, Sec. 3561, Nov. 29, 1990, 104 Stat. 4927.)

-REFTEXT-

REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (d)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

-MISC1-

AMENDMENTS

1990 - Subsec. (a). Pub. L. 101-647 substituted "or both" for "or both." in introductory provisions.

1988 - Subsec. (a). Pub. L. 100-690, Sec. 7058(d), substituted "shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both." for "shall be fined not more than \$25,000 or imprisoned not more than twenty years, or both".

Subsecs. (m), (n). Pub. L. 100-690, Sec. 7034, redesignated former subsec. (n) as (m) and substituted "act or omission" for "act of omission".

1986 - Subsecs. (c) to (m). Pub. L. 99-646 substituted "(l)" for "(m)" in subsec. (c), redesignated subsecs. (e) to (m) as (d) to (l), respectively, and substituted "(l)" for "(m)" in subsec. (i) as redesignated.

Subsec. (n). Pub. L. 99-570 added subsec. (n).

1984 - Subsec. (a). Pub. L. 98-473, Sec. 2301(a), inserted "In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds." following par. (3).

Pub. L. 98-473, Sec. 302, amended subsec. (a) generally, designating existing provisions as pars. (1) and (2), inserting par. (3), and provisions following par. (3) relating to power of the court to order forfeiture to the United States.

Subsec. (b). Pub. L. 98-473, Sec. 302, amended subsec. (b) generally, substituting provisions relating to property subject to forfeiture, for provisions relating to jurisdiction of the district courts of the United States.

Subsec. (c). Pub. L. 98-473, Sec. 302, amended subsec. (c) generally, substituting provisions relating to transfer of rights, etc., in property to the United States, or to other transferees, for provisions relating to seizure and transfer of property to the United States and procedures related thereto.

Subsec. (d). Pub. L. 98-473, Sec. 2301(b), struck out subsec. (d) which provided: "If any of the property described in subsection (a): (1) cannot be located; (2) has been transferred to, sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the court; (4) has been substantially diminished in value by any act or omission of the defendant; or (5) has been commingled with other property which cannot be divided without difficulty; the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5)."

Pub. L. 98-473, Sec. 302, added subsec. (d).
Subsecs. (e) to (m). Pub. L. 98-473, Sec. 302, added subsecs. (d)
to (m).
Subsec. (m)(1). Pub. L. 98-473, Sec. 2301(c), struck out "for at
least seven successive court days" after "dispose of the property".

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of
the United States Customs Service of the Department of the
Treasury, including functions of the Secretary of the Treasury
relating thereto, to the Secretary of Homeland Security, and for
treatment of related references, see sections 203(1), 551(d),
552(d), and 557 of Title 6, Domestic Security, and the Department
of Homeland Security Reorganization Plan of November 25, 2002, as
modified, set out as a note under section 542 of Title 6.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2516, 3293, 3554 of this
title; title 7 section 12a; title 50 App. section 2410.

-End-

-CITE-

18 USC Sec. 1964

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1964. Civil remedies

-STATUTE-

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final.

(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the

essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-620, title IV, Sec. 402(24)(A), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-67, title I, Sec. 107, Dec. 22, 1995, 109 Stat. 758.)

-MISC1-

AMENDMENTS

1995 - Subsec. (c). Pub. L. 104-67 inserted before period at end ", except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final".

1984 - Subsec. (b). Pub. L. 98-620 struck out provision that in any action brought by the United States under this section, the court had to proceed as soon as practicable to the hearing and determination thereof.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-67 not to affect or apply to any private action arising under title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.), commenced before and pending on Dec. 22, 1995, see section 108 of Pub. L. 104-67, set out as a note under section 771 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an

Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CONSTRUCTION OF 1995 AMENDMENT

Nothing in amendment by Pub. L. 104-67 to be deemed to create or ratify any implied right of action, or to prevent Securities and Exchange Commission, by rule or regulation, from restricting or otherwise regulating private actions under Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), see section 203 of Pub. L. 104-67, set out as a Construction note under section 78j-1 of Title 15, Commerce and Trade.

-SECREP-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1965 of this title.

-End-

-CITE-

18 USC Sec. 1965

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1965. Venue and process

-STATUTE-

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an

agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

(c) In any civil or criminal action or proceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 944.)

-End-

-CITE-

18 USC Sec. 1966

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1966. Expedition of actions

-STATUTE-

In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 944; amended Pub. L. 98-620, title IV, Sec. 402(24)(B), Nov. 8, 1984, 98 Stat. 3359.)

-MISC1-

AMENDMENTS

1984 - Pub. L. 98-620 struck out provision that the judge so designated had to assign such action for hearing as soon as practicable, participate in the hearings and determination thereof, and cause such action to be expedited in every way.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an

Effective Date note under section 1657 of Title 28, Judiciary and
Judicial Procedure.

-End-

-CITE-

18 USC Sec. 1967

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1967. Evidence

-STATUTE-

In any proceeding ancillary to or in any civil action instituted
by the United States under this chapter the proceedings may be open
or closed to the public at the discretion of the court after
consideration of the rights of affected persons.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84
Stat. 944.)

-End-

-CITE-

18 USC Sec. 1968

01/19/04

-EXPCITE-

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE
PART I - CRIMES
CHAPTER 96 - RACKETEER INFLUENCED AND CORRUPT
ORGANIZATIONS

-HEAD-

Sec. 1968. Civil investigative demand

-STATUTE-

(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

(b) Each such demand shall -

(1) state the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto;

(2) describe the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be made available.

(c) No such demand shall -

(1) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation; or

(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

(d) Service of any such demand or any petition filed under this section may be made upon a person by -

(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

(2) delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

(3) depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

(e) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(f)(1) The Attorney General shall designate a racketeering investigator to serve as racketeer document custodian, and such additional racketeering investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

(2) Any person upon whom any demand issued under this section has

been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person, or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct, pursuant to this section on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

(3) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to this chapter. The custodian may cause the preparation of such copies of such documentary material as may be required for official use under regulations which shall be promulgated by the Attorney General. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

(4) Whenever any attorney has been designated to appear on behalf of the United States before any court or grand jury in any case or proceeding involving any alleged violation of this chapter, the custodian may deliver to such attorney such documentary material in the possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court or grand jury through the introduction thereof into the record of such case or proceeding.

(5) Upon the completion of -

(i) the racketeering investigation for which any documentary material was produced under this chapter, and

(ii) any case or proceeding arising from such investigation, the custodian shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this subsection which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

(6) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this subsection so produced by such person.

(7) In the event of the death, disability, or separation from service of the custodian of any documentary material produced under any demand issued under this section or the official relief of such custodian from responsibility for the custody and control of such material, the Attorney General shall promptly -

(i) designate another racketeering investigator to serve as custodian thereof, and

(ii) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated.

Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this section upon his predecessor in office with regard thereto, except that he

shall not be held responsible for any default or dereliction which occurred before his designation as custodian.

(g) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve

upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section.

-SOURCE-

(Added Pub. L. 91-452, title IX, Sec. 901(a), Oct. 15, 1970, 84 Stat. 944.)

-SECRETF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1833a.

-End-

Federal judges have no grant of immunity from the Constitution

In a system of “equal justice under law” they must be liable to prosecution as defendants in a class action like anybody else

The judicial power of the United States is established by Article III of the U.S. Constitution. That article does not immunize judges for their judicial actions from prosecution under the laws of the United States, or those of any state for that matter. The sole protection that it affords judges is found in section 1, which provides that they “during their Continuance in Office shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished”. (Authorities Cited:U.S. Constitution; all references are found at Judicial-Discipline-Reform.org) Neither the Legislative nor the Executive Branches can retaliate against judges by diminishing their salary; otherwise, Article III leaves judges as exposed to other sanctions for their official and personal acts as any government officer or private person is.

Indeed, that same Article III, section 1 specifically states that “The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour”. To be meaningful, this necessarily implies that they ‘can no longer hold their Offices’ if they engage in ‘bad Behaviour’. Given the fundamental principle of our democracy that government is by the rule of law, judges engage in ‘bad Behaviour’ when they, as members of the Third Branch of Government, violate such law.

As a matter of fact, Article II, section 4, of the Constitution sets forth types of ‘Behaviour’ that when engaged in by judges results in the obligation, not merely the possibility, that they “shall be removed from Office”. They include not only “Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes”, but also “Misdemeanors”. This means that the offense need not threaten national security, involve corruption, or manifest itself outrageous evil or harmful to warrant removal from office, but rather it may entail such a relatively small deviation from legally accepted conduct as to be classified as a misdemeanor and still give cause for removal.

Removal from office is not the only consequence that judges risk for ‘Bad Behaviour’. This follows also from Article II, section 4, for it provides the same consequence for “The President, the Vice President, and all civil Officers of the United States”. Never has it been affirmed even by a reasonable judge, let alone by Congress or any top member of the Executive Branch, that citizens that are elected or nominated and confirmed, not to mention merely hired, as “civil Officers of the United States”, receive a grant of immunity providing that if they, whether in their official or personal capacity, commit any act of “Treason, Bribery, or other high Crimes and Misdemeanors”, no sanction shall be visited upon them graver than removal from office and no compensation shall be demanded of them for the benefit of those that they harmed. Hence, judges, like “all civil Officers”, may not do whatever they want, however unlawfully injurious to the life, liberty, and property of others, and if they are caught, they simply move on to a different job.

Far from it, when judges engage in ‘bad Behaviour’, they expose themselves to any other punishment that the law imposes on any other lawbreaking person. This follows from the other fundamental principle that is the corollary to the one mentioned above, namely, nobody is above that law. This principle is expressed on the frieze below the pediment of the Supreme Court building by the inscription “Equal Justice Under Law”. Consequently, judges that violate the law are liable to third parties as much as all the other “civil Officers” are. Stamping the label ‘judicial act’ on any of their unlawful actions neither limits their loss to that of their offices nor deprives any third party of any compensation for the harm inflicted upon them by such actions.

Since neither the Constitution nor Congress endows a federal judgeship with a blanket exemption from liability for lawbreaking, judges cannot fashion one from the bench for the benefit of their peers. That would in itself constitute a violation of the law, which provides at 28 U.S.C. §453 that “before performing the duties of office, [they shall] solemnly swear (or affirm) that [they] will **administer justice without respect to persons**, and **do equal right** to the poor and to the rich, and that [they] will faithfully and **impartially** discharge and perform all the duties incumbent upon [them] under the Constitution and the laws of the United States”. (emphasis added)

Therefore, when judges are sued in court, whether by the district attorney or private persons, the sitting judges cannot simply dismiss their complaints in order to insulate their peers from any further legal action, just as during the proceedings before them they must not show bias in their favor by issuing rulings or decisions that are either unwarranted under the law or even motivated by the desire of securing a positive outcome for the defendant judges. By doing so, they would both breach their oath to administer equal justice “without respect to persons”, abuse the power of their offices, and deny the plaintiffs due process under law. Nor are judges entitled to hold the prejudice that members of their judicial class ‘can do no wrong’ and thus, cannot be held accountable to anybody for what their actions, for that assumption contradicts the explicit statement of Article II, section 4, of the Constitution that judges, just like all other “civil Officers”, are liable to “Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”.

“Crimes and Misdemeanors” are offenses against the people that the government prosecutes on their behalf. Yet, an indictment by the government does not prevent those individual members of the people proximately injured by the criminally accused from becoming plaintiffs in civil actions and bringing them directly against the accused named as defendants. What is more, neither filing their complaints nor litigating their causes of action depends on the government having secured a conviction. Indeed, the government’s failure to establish the guilt of the accused upon application of the highest standard of legal responsibility of “guilty beyond a reasonable doubt”, has no bearing on the plaintiffs’ ability to obtain a judgment against the defendants upon application of the lower standard of ‘clear and convincing proof’, let alone the lowest standard applied in most civil actions, namely, ‘by a preponderance of the evidence’.

When those individual members of the people “(1)...are so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to [them and], (3) the claims or defenses of the representative parties are typical of [their] claims or defenses” (FRCP 23(a)), they may be certified as a class to maintain a class action. Rule 23 and the Class Action Fairness Act of 2005 (Pub.L. 109-2, Feb. 18, 2005, 119 Stat. 4; cf. 28 U.S.C. §1711 et seq.), do not prevent a group of people from forming a class to take legal action against a group of judges. Their provisions can neither constitutionally exclude nor as a matter of fact exclude judges from becoming a defendant class while exposing any other group of people to become such a class, for that would constitute unequal treatment under the law. The Racketeer Influenced and Corrupt Organizations Act (RICO, 18 U.S.C. §1961 et seq.), does not exclude judges from its scope either.

Whether a judge or panel of judges will apply the law “without respect to persons” or disregard it in order to take care of their own and themselves remains to be seen. One can only hope that, as in other groups of people, there are judges who value their personal integrity and that of their office enough to do, not what is expedient and predetermined to immunize their peers, but rather what is right and appears to be right, namely, to administer “equal justice under law”.

as of January 31, 2007

**The Supreme Court Justices and the Chief Judges
Semi-annually Receive Official Information
About the Self-immunizing Systematic Dismissal
of Judicial Conduct Complaints, But Tolerate It With
Disregard for the Consequent Abuse of Power and Corruption**
by
Dr. Richard Cordero, Esq.

For decades since before the Judicial Conduct and Disability Act of 1980 (28 U.S.C. §351 et seq.)¹, the Supreme Court has known of the lack of an effective judicial impeachment mechanism (ToEC:60>Comment, C:1384):² In the 217 years since the U.S. Constitution of 1789, only 7 federal judges³ have been impeached and convicted. Since the Act's passage, they have know also of the break down of its self-discipline mechanism (ToEC:24>Comment, C:573). To know it, Late Chief Justice Rehnquist, who was also the presiding member of the Judicial Conference (28 U.S.C §331¶1), the body of last resort under the Act (id. §354(b)), need not read the Annual Reports on the Act produced by the Administrative Office of the U.S. Courts (id. §604(h)(2)) or the Conference's reports (C:1771). He knew that in the 24 years since the Act the Conference had issued under it only 15 orders! (C:1611) Yet he waited until May 2004 to charge Justice Stephen Breyer with chairing a committee to study it. (C:574-577) The Breyer Committee held no hearings (cf.ToEC:66§L) and took over 27 months only to issue a report that clears his lower peers of the systematic dismissal of complaints apparent from the official reports.

All the justices are also circuit justices of the circuits to which they have been allotted (28 U.S.C. §42, 45(b); C:149) so they may attend (C:980y-83; cf. 980z-10) their councils' meetings where misconduct complaints are discussed (C:980y-84, z-76) and can learn the nature and number of orders related thereto, which must be reported to the Administrative Office (28 U.S.C. §332(c-d, g); C:980y-87, z-79). Hence, they know that such complaints are systematically dismissed. Actually, the justices must be presumed to have realized from the cases that they deal with daily at the Supreme Court that 'power corrupts and in the absence of any control over its exercise, power becomes absolute and corrupts absolutely'. So they could not have reasonably believed that while wielding power over life, liberty, and property the 2,133 federal judges would remain immune to the type of "Culture of Corruption", in the words of House Minority Leader Nancy Pelosi, that has engulfed the 535 members of Congress. Did the justices or the circuit judges of the courts of appeals, who appoint bankruptcy judges to renewable 14-year terms (28 U.S.C. §152(a)(1)) believe for a moment that even in the absence of any supervision and discipline and without the deterrence of impeachment bankruptcy judges would resist the temptation to mishandle the \$billions that are at stake in bankruptcies and whose disposition they

¹ All the references to legal authority are found at:

http://judicial-discipline-reform.org/Authorities%20Cited.htm#VII.A.3._Table_of_Authorities.

² All the references with the format 'letter:#' are found at:

http://judicial-discipline-reform.org/Bank%20of%20Links.htm#Table_of_Exhibits.

³ Judges of the United States, Impeachments of Federal Judges, Federal Judicial Center, <http://www.fjc.gov/history/home/nsf>

determine? (D:458§V, Add:621§1) Since the justices and circuit judges cannot have ignored ongoing misconduct of judges abusing their uncontrolled power, why have they tolerated it?

A reasonable person is assumed to intend the normal consequences of his or her acts, just as they are assumed to engage in rational behavior in furtherance of what they conceive to be their interests. Consequently, it must be assumed that when the justices and circuit judges engaged or acquiesced in the systematic dismissal of misconduct complaints against judges they intended to allow their peers and themselves to wield uncontrol power and engage in its normal consequence of abuse of power and corruption. Since this in turn would normally give rise to complaints leading to prosecution, the dismissal of such complaints became necessary to immunize themselves from such prosecution. The facts do not allow the justices of the Supreme Court to deny that this was their intention.

Indeed, they know how litigious our society is, for the number of filings in the Supreme Court went from 7,924 in the 2001 Term to 8,255 in the 2002 Term⁴...for only the nine justices to take care of! Hence, they could not assume for a nanosecond that it was a natural occurrence that *for years in a row* not a single complaint, all denied by a circuit chief judge or dismissed by any of the 13 circuit councils, made it up as a petition for review to the Judicial Conference. The later is the highest administrative body of the federal judiciary, the Third Branch of Government, that must ensure the proper functioning and integrity of the courts and its judges. (C:1711)

It would be patently untenable to pretend that not even one of all the complainants to the circuit chief judges was so dissatisfied with a chief judge's final order concerning his complaint under 28 U.S.C. §351 as to petition the respective circuit council for review thereof under §352(c). It would be just as untenable to allege that not a single petitioner to any of the 13 councils was "aggrieved" under §357(a) by a council's action so as to be entitled to petition the Conference for review thereof. It would be equally untenable to suggest that of all the complaints filed during the course of years there has not been even one meritorious enough for any of the councils to refer under §354(b) to the Conference.

Consequently, it necessarily follows that the occurrence of "no pending petitions for review of judicial council action on misconduct orders"⁵ is the result of the non-coincidental, intentional, and coordinated determination of the judges of the 13 councils, with the conniving approval of those who are also members of the Conference, and its presiding member, the chief justice, both to prevent complaints, not to mention their own action on them, from being reviewed and to put an end to them at the earliest stage possible. The Supreme Court is responsible for ensuring respect for the rule of law through its application not only by, but also to, judges. Hence, it too is to blame for having allowed the entrenchment of the attitude of flagrant disregard by judges, chief judges, and their councils and Conference, of the legal duty imposed on them under §351 et seq. to handle effectively complaints against them and to discipline themselves as well as for having tolerated its deleterious effect on the integrity of judicial process: abuse of power and corruption. (Cf. A:1662§D; ToEC:>C:973 and Comment thereunder)

⁴ Supreme Court of the United States 2003 Year-end Report on the Federal Judiciary; www.supremecourtus.gov.

⁵ Report of September 23, 2003, of the Proceedings of the Judicial Conference, and Reports of March and September 2003 and March 2004, of the Judicial Conference's Committee to Review Circuit Council Conduct and Disability Orders. (C:569-572)

Overview of the General Provisions of the Proposed Judicial Discipline and Auditing Commission Act

(first draft as of November 2006)

The proposed Judicial Discipline Commission Act would set up an independent judicial discipline commission constituted by persons unrelated to the judiciary who have been nominated by persons equally unrelated to it, and confirmed by lawmakers alone.

The Commission would be mandated to function with complete independence from the judiciary in the discharge of its duty to receive and act on judicial misconduct complaints. To that end, it would be required to conduct investigations and be endowed with subpoena power to order a judge –a term inclusive of any justice of the Supreme Court- or any other person to appear and be deposed at public hearings; produce documents, and comply with other forms of discovery. It would be enabled to impose any warranted administrative sanctions, including the suspension without pay for up to a year from conducting any judicial or administrative business of the courts; and/or recommend referral to the U.S. attorneys for a determination of, and prosecution for, any violation of a criminal law of the United States; and/or recommend referral of a judge to Congress for impeachment for failure to maintain good behavior.

Grounds for referral for impeachment by the Commission and for impeachment in Congress would be any violation of ethical rules; bias; abuse of power; failure to dispatch the business of the courts promptly or with due regard for the law, the rules, or the facts; display of temperament incompatible with the equanimity required for judicial decision making; conflict of interests; and use of judicial office for the pursuit of a personal or political agenda.

To the conduct the impeachment process, Congress would have power to issue subpoena to appear, testify, produce documents, and comply with other forms of discovery; hold a person in contempt; and make a finding of perjury; to sanction knowing and intentional failure to comply with a subpoena; conduct in contempt of Congress; and perjury with a fine of up to \$1 million and to order restitution of three times any amount of money or the fair market value of any benefit unduly acquired or received by the judge or one time any such amount or value attempted to be acquired or received.

Congress would hold all impeachment proceedings open to the public. Upon Congress finding by a majority of its quorum that the judge failed to maintain good behavior, it would remove such judge from office for life and, as appropriate, declare the judge's ineligibility to hold any other public office for a period of years or for life; and/or refer the case to the U.S. attorney for prosecution under any criminal law that may have been violated.

The Act would provide for judges to be liable for compensatory and punitive damages to those that they have injured through their bias, knowing and intentional disregard of the law, rules, and the facts in judicial decision making; failure to disqualify himself from a case as required by law; and coordinated wrongdoing in violation of ethical rules or any criminal law.

The Commission would also audit the use by the judiciary of public funds, for which it would have subpoena power; make recommendations for improvements in their use; remove any judge or other person from a position of financial responsibility; and refer for prosecution to the U.S. attorney any judge or other person believed to have violated any criminal law, whether financial or otherwise.

Blank

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208-1515
DrRCordero@Judicial-Discipline-Reform.org
tel. (718) 827-9521

October 30, 2006

How You Can Help to Take the First Concrete Step Toward the Implementation of the Programmatic Program Through the Formation of the Virtual Firm on the Internet of Investigative Journalists and Lawyers to Expose Judges Engaged in Coordinated Wrongdoing and Abuse of Power and Bring a Class Action against Them

by

Dr. Richard Cordero, Esq.

DrRCordero@Judicial-Discipline-Reform.org

Judicial-Discipline-Reform.org is an organization that aims to bring together all the entities and individuals that are separately working toward accomplishing what constitutes in fact a common mission, namely, to ensure integrity in our federal and state courts. By focusing their efforts and combining their resources they can pursue it much more effectively than up to now. To that end, JDR put forward the "Programmatic Proposal to Unite Entities and Individuals to Use Their Resources Effectively in Our Common Mission to Ensure the Integrity of Our Courts by Engaging in Specific Activities and Achieving Concrete Objectives". (http://judicial-discipline-reform.org/docs/Programmatic_Proposal.pdf)

The Programmatic Proposal intends to accomplish that mission by achieving three realistic and progressively attainable objectives through a program of specific, manageable activities. To begin with, it seeks to form a virtual firm on the Internet of investigative journalists and lawyers that will find evidence of coordinated wrongdoing by judges and expose it on the Internet and the traditional media. Having made both the public aware of such wrongdoing and the media cover it, a class action will be brought against judges engaged in it. A public outraged by the exposure in the media and through the class action should lead to the attainment of the second objective of causing the FBI, the Department of Justice, Congress, and their state counterparts to investigate coordinated wrongdoing in the judiciaries. Thirdly, an outraged public should force lawmakers to pass laws for the creation of bodies external to the judiciaries to take effective action on complaints against judges and make judges accountable for the use of public funds.

Coordinated wrongdoing by judges, whether in the federal or the state jurisdiction, substantially impairs the integrity of the judiciaries. It may manifest itself in different areas of the law, including probate, taxation, partition of marital assets, child support and visitation rights, bankruptcy, etc. (cf. http://Judicial-Discipline-Reform.org/docs/Statement_of_Facts_Table_of_Cases.pdf) What is common to, and at the origin of, any form of such wrongdoing is that a judge that engages in wrongdoing in one area of the law and gets away with it because the other judges will not discipline him, will be more likely to do wrong in all areas of his work and in the process, set the example for other judges to follow. This triggers a trend that is likely to degenerate into coordinated wrongdoing until organized corruption festers. Judges can engage in it by immunizing themselves from prosecution through their [systematic dismissal of complaints](#) against their conduct. This explains how in the 217 years since the U.S. Constitution of 1789, [only 7 federal judges have been impeached and convicted](#).

The Proposal recognizes that for the entities and individuals to hold reasonably any expectation of eliminating coordinated judicial wrongdoing under those circumstances, public

support is indispensable. If the public is made aware of the judges' wrongdoing, it is likely to be offended by the fact that judges apply the law to all of us only to abuse their power in order to put themselves above that same law. People react to abuse and unfairness that can turn them into victims and make them feel disrespected and as persons of lesser value.

Thus, the first task of the virtual firm of investigative journalists and lawyers is to conduct a *Watergate-like Follow the money!* investigation from filed bankruptcy petitions, available through PACER (Public Access to Court Electronic Records <http://www.pacer.uscourts.gov/index.html>), through the judges' webs of personal and financial relationships, [up along the judicial hierarchy](#), to concealed assets; and expose the uncovered evidence. The latter cannot be excluded by judges pretending that it concerns judicial acts, for which judges are immune from prosecution; instead, acts of coordinated wrongdoing fall among crimes, which are not protected by judicial immunity.

However, since coordinated wrongdoing judges disregard the law, they could exclude even such evidence in order to dismiss a class action based on it...unless the evidence already exposed by the virtual firm caused the national media to provide extensive coverage of the judges having to decide whether to incriminate themselves by blatantly disregarding the law in order to exclude evidence of criminal conduct to protect themselves or incriminate themselves by being faithful to their oath to "administer justice without respect to persons" (28 U.S.C. §453) at the risk of judges being held civilly liable and left exposed to impeachment. Therein lies a strategy: to put judges in a damn if you do, damn if you don't situation.

To implement it, the firm of investigative journalists and lawyers needs to be formed. To that end, a concrete idea of how entities and individuals can start working together to form it is set forth in the [Table of Division of Labor for the Formation of the Virtual Firm](#) to expose the coordinated wrongdoing of judges and sue them in a class action of people injured by judges supporting or tolerating fraud schemes or systematically dismissing judicial conduct complaints.

You too can help in that work. You can forward this e-mail to entities and individuals that complain about judges that abuse their power and disregard the law or that are corrupt. Thereby you will let them know that they need not remain complaining in isolation while judges keep coordinating their wrongdoing, but rather they can unite in order to effectively expose such judges and also form the class to sue them in a class action. You can search the Internet for the e-mail addresses of those entities and individuals by using keywords such as judges, judicial, courts, corruption, abuse of power, law, legal, etc.

Likewise, you can forward this e-mail to bloggers, investigative journalists, reporters, and anchors at newspapers as well as radio and TV stations so that they may disseminate the story to an ever larger audience. Similarly, you can forward it to lawyers to invite them to participate in the discussion of judicial wrongdoing and consider joining the firm.

By so doing, you will be helping yourself, for judges wield immense power over our lives, liberty, and property, and when they decide a case, they set a precedent that affects you too. So it is in your interest that they be men and women of integrity that apply the law not just to us, but also to themselves. Do not let judges place themselves above you and the rest of us as they place themselves above the law.

For more information, visit <http://Judicial-Discipline-Reform.org>. Send your comments or inquiries to DrRCordero@Judicial-Discipline-Reform.org.