Roberts's Dangerous Opportunity as Presiding Officer of the Judicial Conference. Fabricated a Federal Unitary Executive and Political Power.

The position of the presiding officer of the US Judicial Conference provides Roberts with undemocratic control of all the laws and process that govern the conduct of the federal judges and his own, and the conduct of the members of the Judicial Conference [**Note i]**.

Defects in the five laws that govern Roberts's conduct provide him with the opportunity to engage in criminal conduct, and treachery. Roberts has the opportunity to authorize the federal judges to act fraudulently and to protect them. This is self-evident that Roberts has acted with criminal intent in the DRE matter to protect his policy making scheme.

Roberts, as the presiding officer of the Judicial Conference, controls the executive administration of five laws. He fabricated the DRE and is authorizing its use in the 93 federal districts and 13 appeal courts, and the Judicial Conference and the 13 US Judicial Councils.

Roberts is using executive actions to fabricate unitary federal power and political power for himself.

Using his control of the Conduct Act and the Conference and Council Act, Roberts has a converted his administrative power given to him for strictly for "housekeeping" [budgeting] purposes only **[Note ii]** into an entirely illegal executive power. Roberts is using this "housekeeping" power to protect the DRE at the district court (the trial level), by authorizing fraudulent federal judicial conduct, so that the DRE can be protected at US Court of Appeals nationwide, with are controlled by members of the Conference, and the US Supreme Court.

The Conduct Act, and the Conference and Council Act, and Rules Act and the FRCP, are intended to be an effective safeguard preventing Chief Justice Roberts from acting as an executive to affect Americans' freedom and legal rights at the US Judicial Conference, without consultation, notice or legal authority and outside of court. However, legal experts have shown that this idea as "absurd" and as "political nonsense." **[Note iii]** The federal judges' self-congratulatory descriptions of Judicial Conference is an example of the absurd political nonsense. The DRE is proof that Chief Justice Roberts is using supposedly innocuous "housekeeping" authority to eviscerate the rule of law **[Note iv]** through exercising "decisions, interred by antipathy" and through deliberately allowing federal judges to "tread on contested fact issues." **[Note v]**

Roberts has fabricated an absolute control over federal judicial misconduct, including his own, through his control of the Conduct, Council and Rule Acts and the FRCP. Historically, this control is described as absolutely corrupt power **[Note vi]**.

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i. "As the presiding judge of the US Judicial Conference, Chief Justice Roberts controls the administration of the Conduct Act and Council Act, and the "Rules Enabling Act of 1934" (US Code [USC] Title 28 §§2071 to §2077 [**Rules Act**]) and Federal Rules of Civil Procedure (**FRCP**)." This provides Chief Justice Roberts with the opportunity to engage in lawbreaking of law that govern his conduct.

"By allowing states to interfere with unassailable liberties and freedoms, and denying Americans the right to access federal justice to defend themselves against the states and *any form of questioning or enquiry whatsoever*,

Chief Justice Roberts is *eliminating basic human rights* in America. These are rights dating back to the Assize of Clarendon Act of 1166 and the Magna Carta of 1215. The spirit of the Assize of Clarendon Act and the Magna Carta is incorporated into America's laws. . . . We hold here that the right to a speedy trial is as fundamental as any of the rights secured by the Sixth Amendment. That right has its roots at the very foundation of our English law heritage. Its first articulation in modern jurisprudence appears to have been made in **Magna Carta** (1215), wherein it was written, 'We will sell to no man, we will not deny or defer to any man either justice or right'; but evidence of recognition of the right to speedy justice in even earlier times is found in the **Assize of Clarendon** (1166)." *Klopfer v. State of N.C.,* 386 U.S. 213, 223, 87 S.Ct. 988, 993, 18 L.Ed. 2d 1 (1967)."

"It was Sir John Emerich Edward Dalberg-Alton, (January 10, 1834–June 19, 1902), who in 1887 wrote that **"power corrupts, and absolute power corrupts absolutely."** He also wrote that "there is no worse heresy than that the office sanctifies the holder of it." He was referring to the medieval popes that instituted a special tribunal with special functionaries, elaborating special laws that were developed, applied, and protected by sanction, both spiritual and temporal. They used this system to inflict penalties of death and damnation on everybody who resisted."

ii. https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference - **The chief justice of the United States is the presiding officer of the Judicial Conference**.

"The Judicial Conference of the United States is the national policy-making body for the federal courts . . . **The Chief Justice has sole authority to make committee appointments.** The Director of the Administrative Office and the US Judicial Conference Secretariat Officer collate the expressed interests of judges and the recommendations of others who may be considered for appointments, and the Director forwards the suggestions to the Chief Justice."

"Judicial Conference committees derive their jurisdiction and legal basis for existence **from the Conference itself and the Chief Justice as presiding officer**. The committees and their chairs have no independent authority or charge apart from those conferred upon them by the Conference or its Executive Committee."

"The statute requires the **chief justice to summon the Judicial Conference into session** annually at such time and place in the United States as he may designate. Traditionally, the chief justice has called the annual meeting in September and a semiannual session in March. The members are required to attend each session unless excused by the chief justice, who will designate a replacement. The Judicial Conference generally meets at the Supreme Court building in Washington, D.C."

https://www.fjc.gov/history/administration/administrative-agencies-judicial-conference-united-states-1948-present - "First established in 1922 as the Conference of Senior Circuit Judges, this group of judges from the federal appellate courts throughout the nation constituted the first national organization of federal judges. With the chief justice presiding, the senior judges (now known as chief judges) of each circuit court of appeals gathered to report on the judicial business of the federal courts and to advise Congress on possible improvements in judicial administration."

"Although its role was largely advisory until the Administrative Office was established in 1939, the Conference became an important means of communicating the needs of the judiciary to the Congress and the members of the executive branch involved in the administration of the courts."

"The Judicial Code of 1948 changed the name of the Conference to the Judicial Conference of the United States, and other laws expanded membership to include district judges and the chief judge of the US Court of International Trade. The Judicial Conference currently serves as the national policy-making body for the federal courts."

https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference - "The Executive Committee of the Judicial Conference serves as the senior executive arm of the

Conference, acting on its behalf between sessions on matters requiring emergency action as authorized by the chief justice; the Executive Committee is not otherwise a policy-making committee of the Judicial Conference."

"Membership is comprised of the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each regional judicial circuit. A circuit chief judge's term on the Conference is concurrent with his or her term as chief judge of the circuit. Section 45 of Title 28, United States Code, provides that, with limited exceptions, the chief judge of a circuit may serve for seven years or until attaining the age of 70 years, whichever comes first. Similar provisions apply to the chief judge of the Court of International Trade. See USC 258. District judge representatives are elected for terms of not less than three nor more than five successive years, as established by majority vote of all circuit and district judges of the circuit (28 USC §331)."

iii. "[T]he notion that by confining the Rules to matters of 'procedure,' as the Rules Enabling Act of 1934 directed, one could somehow prevent them from having important and controversial socio-economic and political consequences outside the courtroom is **absurd . . .** it is perhaps unreasonable anachronistically to superimpose on the Congressional drafters a sophisticated understanding of how procedural choices may impact substantive policies." [Emphasis added by author.] See 356 U.S. 525, 549 (1958) (Whittaker, J., concurring in part and dissenting in part.) ("The words 'substantive' and 'procedural' are mere conceptual labels and in no sense talismanic.") and 304 U.S. 64, 91–92 (1938) (Reed, J., concurring) ("The line between procedural and substantive law is hazy …").

The Rules Enabling Act is intended to preserve Congress' legislative power. In *The Supreme Court, The Rules Enabling Act, and the Politicization of the Federal Rules: Constitutional and Statutory Implications*, 90 MINN. L. REV. 1303, 1307–08, 1326 (2006), author Martin H. Redish wrote: "The reasoning appears to have been that where the Court merely promulgates rules of 'procedure,' it is not overstepping its constitutionally limited bounds because procedure is, by definition, internal to the operation of the judiciary; it has no impact outside the four walls of the courthouse. We now know—and probably should have known at the time of the Act's passage—that this is **political nonsense**. In numerous instances, procedural choices inevitably—and often **intentionally—impact the scope of substantive political choices**. This recognition should logically raise a concern that the Act unconstitutionally vests in the Supreme Court power that is reserved, in a constitutional democracy, for those who are representative of and accountable to the electorate."

Karen Nelson Moore, *The Supreme Court's Role in Interpreting the Federal Rules of Civil Procedure*, 44 HASTINGS L.J. 1039, 1043 (1993) ("[C]ommentators have placed recent emphasis on the relationship between Congress and the Court in the rulemaking process as the source of the restriction against affecting substantive rights."); Martin H. Redish, *The Supreme Court, The Rules Enabling Act, and the Politicization of the Federal Rules: Constitutional and Statutory Implications*, 90 MINN. L. REV. 1303, 1307–08, 1326 (2006) **("arguing that current rulemaking oversteps constitutional bounds because the committee produces substantive rules and proposing that rules falling into a 'non-housekeeping' category of procedural rules or that 'are found to implicate significant economic, social, or political dispute(s)' should require Congressional and presidential approval")**; Stephen B. Burbank, *Ignorance and Procedural Law Reform: A Call for a Moratorium*, 59 BROOK. L. REV. 841, 841–42 (1993) ("arguing that the rulemaking process should rely more heavily on empiricism and called for a moratorium on rulemaking pending further study"); Linda S. Mullenix, *Hope Over Experience: Mandatory Informal Discovery and the Politics of Rulemaking*, 69 N.C. L. REV. 795 (1991) ("arguing that the discovery proposals lacked empirical foundation and calling for reform of the rulemaking process"); Laurens Walker, *A Comprehensive Reform for Federal Civil Rulemaking*, 61 GEO. WASH. L. REV. 455, 481 (1993) ("arguing for a limit on the Committee's discretion to be accomplished through a set of administrative agency-like guidelines"); Marc S. Galanter, *The Vanishing Trial: An Examination of Trials and Related Matters in Federal and State Courts*, 1 J. EMPIRICAL LEGAL STUD. 459, 491 (2004); Professor Richard L. Marcus has noted, we have a "litigation machine that often seems indifferent to the merits." Richard L. Marcus, Of Babies and Bathwater: The Prospects for Procedural Progress, 59 BROOK. L. REV. 761, 766 (1993).

Sarah Staszak, "The Administrative Role of the Chief Justice: Law, Politics, and Procedure in the Roberts Court Era." *Laws* (ISSN 2075-471X), a peer-reviewed journal of legal systems, theory, and institutions, published quarterly online by MDPI: "The Chief Justice of the Supreme Court plays a critical role in shaping national politics and public policy. While political scientists tend to focus on the ways in which the chief affects the Court's jurisprudence, **relatively little attention has been devoted to the unique administrative aspects of the position**

that allow for strategic influence over political and legal outcomes. This article examines the role of the chief justice as the head of the Judicial Conference, which is the primary policy making body for federal courts in the United States." https://www.mdpi.com/2075-471X/7/2/15/htm

Dawn M. Chutkow, "The Chief Justice as Executive: Judicial Conference Committee Appointments," *Journal of Law and Courts* 2, no. 2 (2014): 301–25. doi:10.1086/677172: "This article is the first comprehensive empirical study of chief justice appointments to the Judicial Conference committees of the US Courts, entities with influence over substantive public and legal policy. Using a newly created database of all judges appointed to serve on Judicial Conference committees between 1986 and 2012, the results indicate that a judge's partisan alignment with the chief justice matters, as do personal characteristics such as race, experience on the bench, and court level. **These results support claims that Judicial Conference committee selection, membership, and participation may present a vehicle for advancing the chief justice's individual political and policy interests."** https://www.jstor.org/stable/10.1086/677172?seq=1#page_scan_tab_contents

iv. The US Judicial Conference defines **the rule of law** as "legal predictability, continuity, and coherence; reasoned decisions made through publicly visible processes and based faithfully on the law." The Conference adds to this definition "adherence to the highest jurisprudential and administrative standards . . . based faithfully on the law." The US Judicial Conference defines **equal justice** as "fairness and impartiality in the administration of justice; accessibility of court processes; treatment of all with dignity and respect." As a matter of policy, the Judicial Commission finds that delays and expenses "may unduly pressure parties towards settlement." See US Courts, "Strategic Plan for the Federal Judiciary," https://www.uscourts.gov/statistics-reports/strategic-plan-federal-judiciary

The US Judicial Conference strives to ensure that the federal judiciary is open and accessible to those who take part in the judicial process. See "Strategy 5.2" under "Issue 5: Enhancing Access to the Judicial Process," https://www.uscourts.gov/statistics-reports/issue-5-enhancing-access-judicial-process Specifically, the goal of 5.2(d) is to execute this strategy and to develop best practices for handling claims of pro se litigants in civil rights actions. See "Goal 5.2d" of "Strategy 5.2" under "Issue 5: Enhancing Access to the Judicial Process," https://www.uscourts.gov/statistics-reports/issue-5-enhancing-access-judicial-process

"The work of [district court and court of appeals] chief judges in managing each court's caseload is critical to the timely handling of cases, and these local efforts must be supported at the circuit and national level. Circuit judicial councils have the authority to issue necessary and appropriate orders for the effective and expeditious administration of justice, and the Judicial Conference is responsible for approving changes in policy for the administration of federal courts. Cooperative efforts with state courts have also proven helpful, including the sharing of information about related cases that are pending simultaneously in state and federal courts . . . this plan calls for a concerted and collaborative effort among courts, Judicial Conference committees, and circuit judicial councils to make measurable progress in reducing the number of cases." See "Strategy 1.1" under "Issue 1: Providing Justice," https://www.uscourts.gov/statistics-reports/issue-1-providing-justice

v. "extreme vigilance against **treading on contested fact issues or mixed questions of law and fact-even arguable ones-reserving them for evidentiary hearings** . . . [u]nless the parties settled, disputes regarding intent, state-of-mind, and credibility were virtually always tried, often before a jury."

Paul W. Mollica, Federal Summary Judgment at High Tide, 84 MARQ. L. REV. 141,147 (2000)

"A well-chronicled, decades-long effort ultimately led to the passage of the Rules Enabling Act of 1934 . . . The Federal Rules of Civil Procedure became law four years later. . . "the drafters of the Federal Rules wanted cases to be **resolved on the merits**" . . . those "core values of [federal] rules have **been eviscerated by judicial decisions, interred by antipathy, and eulogized** by none other than Wright and Miller" . . . "**Federal Rules were premised on the notion that, once the parties learned the relevant facts, cases would either settle or go to trial**."

Stephen N. Subrin & Thomas O. Main, The Fourth Era of American Civil Procedure, 162 U. PA. L. REV. 1839 (2014)

"In 1951, the median time from filing to disposition for tried cases was 12.2 months. In 1962, that number was sixteen months. Since 1990, the median time to disposition for all terminated cases is only seven to eight months.

But as of 2012, the median time from filing to disposition remains twenty-three months in those cases where there is a trial, which, of course, these days are only one percent of all cases."

Harold Hongju Koh, The Just, Speedy, and Inexpensive Determination of Every Action? Yale Law School Faculty Scholarship (2014)

vi. It was Sir John Emerich Edward Dalberg-Alton, (January 10, 1834–June 19, 1902), who in 1887 wrote that **"power corrupts, and absolute power corrupts absolutely."** He also wrote that "there is no worse heresy than that the office sanctifies the holder of it." He was referring to the medieval popes that instituted a special tribunal with special functionaries, elaborating special laws that were developed, applied, and protected by sanction, both spiritual and temporal. They used this system to inflict penalties of death and damnation on everybody who resisted.

It was in the "Letters to Bishop Mandell Creighton, the first Dixie Professorship of Ecclesiastical History of the University of Cambridge" where Sir Acton wrote about "the popes of the thirteenth and fourteenth centuries, from Innocent III down to the time of Hus. These men instituted a system of Persecution, with a special tribunal, special functionaries, special laws. They carefully elaborated, and developed, and applied it. They protected it with every sanction, spiritual and temporal. They inflicted, as far as they could, the penalties of death and damnation on everybody who resisted it. They constructed quite a new system of procedure, with unheard of cruelties, for its maintenance. They devoted to it a whole code of legislation, pursued for several generations."

In 1858, twenty-nine years before Sir Dalberg-Alton penned his most famous words, the US Supreme Court ruled that government must not "assume to regulate domestic relations of society." It spoke of this type of regulation as an "inquisitorial authority." The Court added that a state cannot give its judges any authority over its citizens' "morals and habits and affections or antipathies" without seeking the authority of the United States.

"Lord Acton was among the most illustrious historians of nineteenth-century England, a man of great learning with a deep devotion to individual liberty and a profound understanding of history."
https://www.libertyfund.org/people/acton-john-emerich-edward-dalberg