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(Original Signature of Member)

113th CONGRESS
2nd SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. _____ introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 28 United States Code, relating
to the appointment of judges.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE

4 This Act may be cited as the “Judicial Cronyism Act”.

5 SEC. 2. FINDINGS.

6 The Congress finds the following:

7 (1) On May 30th 2006, the President appointed his
8 assistant and staff secretary to sit on the Court of Appeals
9 for the District of Columbia Circuit.

10 (2) On April 22nd 2008, the former staff secretary
11 transferred a case to decriminalize safety features on trucks
12 (07-1327) to a lower court in violation of the Hobbs Act,
13 then denied its appeal (09-5280) in violation of 28 U.S.C.
14 § 47 (“No judge shall hear or determine an appeal from the
15 decision of a case or issue tried by him.”).

16 (3) On August 2nd 2013, the former assistant of a
17 governor who joined in denying the above appeal denied
18 standing to truckers in a case to prevent them from being
19 overworked (12-1092), reinstating a rule twice vacated on
20 grounds it may injure their health contrary to the principle
21 of res judicata.

22 (4) It is 99% certain that the judges were assigned
23 to these cases in a non random manner. Because it includes
24 four former DC Circuit judges rather than representing the
25 many Judicial Circuits equally, the Supreme Court failed to
1 uphold the right of all citizens to a day in court (09-1398 &
2 13-509) causing much loss of life.

3 (5) The former Motor Carrier Safety Administrator
4 alleged that “political people tell the appointed people what

5 they're going to do." Congress must therefore take steps to
6 guarantee Constitutional separation of powers by restricting
7 the President's ability to circumvent other branches of
8 government by stacking the bench.

9 SEC. 3. APPOINTMENTS TO THE SUPREME COURT.

10 Section 1 of title 28, United States Code, is amended
11 to read as follows:

12 "§1. Number of justices; quorum

13 The Supreme Court of the United States shall consist of
14 a Chief Justice of the United States and eight associate
15 justices, no more than one from each circuit, any six of
16 whom shall constitute a quorum."

17 SEC. 4. APPOINTMENTS TO THE CIRCUIT COURTS.

18 Section 44(c) of title 28, United States Code, is
19 amended to read as follows:

20 "(c) Each circuit judge shall be the judge of the district
21 court of the circuit for which appointed with the greatest
22 number of opinions upheld on appeal at the time of his or
23 her appointment, except that in each circuit (other than the
24 Federal judicial circuit) there shall be at least one circuit

25 judge in regular active service appointed from the residents
1 of each state in that circuit.”.

2 SEC. 5. ASSIGNMENTS OF JUDGES TO PANELS.

3 Section 46(b) of title 28, United States Code, is
4 amended to read as follows:

5 “(b) In each circuit the court may authorize the hearing and
6 determination of cases and controversies by separate
7 panels, each consisting of three judges, at least a majority
8 of whom shall be judges of that court, unless such judges
9 cannot sit because recused or disqualified, or unless the
10 chief judge of that court certifies that there is an emergency
11 including, but not limited to, the unavailability of a judge
12 of the court because of illness. Such panels shall sit at the
13 times and places and hear the cases and controversies
14 assigned as the court directs. The United States Court of
15 Appeals for the Federal Circuit shall determine by rule a
16 procedure for the random assignment of judges to panels to
17 ensure impartial justice and that all of the judges sit on a
18 representative cross section of the cases heard and,
19 notwithstanding the first sentence of this subsection, may

20 determine by rule the number of judges, not less than three,
21 who constitute a panel.”.

22 SEC. 5. BIAS OR PREJUDICE OF ANY JUDGE.

23 Section 144 of title 28, United States Code, is
24 amended to read as follows:

25 “§144. Bias or prejudice of judge

1 Whenever a party to any proceeding in any court makes
2 and files a timely and sufficient affidavit that any judge
3 before whom the matter is pending has a personal bias or
4 prejudice either against him or in favor of any adverse
5 party, such judge shall proceed no further therein, but
6 another judge shall be assigned to hear such proceeding.

7 The affidavit shall state the facts and the reasons for the
8 belief that bias or prejudice exists, and shall be filed not
9 less than ten days before the beginning of the term at which
10 the proceeding is to be heard, or good cause shall be shown
11 for failure to file it within such time. A party may file only
12 one such affidavit in any case. It shall be accompanied by
13 a certificate of counsel of record stating that it is made in
14 good faith.”.