



July 19, 2026 - INVESTIGATIVE REPORT

Verified by Manuel P. Asensio¹

**TRUMP USED ASENSIO'S RECORD TO TAKE ACTION UNDER THE JUDICIAL CONDUCT
ACT TO RESTORE CONSTITUTIONAL ORDER**

**Trump's Lawyers Betrayed the Constitution, American Citizens, and
Trump's Historic 2025 Actions**

President Donald J. Trump adopted Manuel P. Asensio's Republican Federal Judiciary Policy, towards the Judicial Conduct Act of October 15, 1980, Asensio's opposition to the Federalist Society's preposterous "nomination and confirmation" federal judiciary policy and its false co-founder, Leonard Leo, who Trump then called a "sleaze bag," and Asensio's opposition to Chief Justice John G. Roberts's executive and administrative misconduct at the Judicial Conference of the United States, the Administrative Office of the US Courts, and the Federal Judicial Center.

INTRODUCTION

The individual principals in this investigation are, in other of Constitutional importance, American Citizens, Manuel P. Asensio, Donald J. Trump, and John G. Roberts, Jr. Asensio is the creator, plaintiff, complainant, witness, investigator, intervenor, evidentiary source,

1. This report was modified on August 8, 2026, solely to extract from the Conclusion and incorporate into a new Section XII the report's discussion of President Donald J. Trump's personal and presidential experience with disputed, unauthorized, unconstitutional, and otherwise questionable governmental and judicial proceedings, including matters arising from the January 6, 2021 constitutional events. No other substantive portion of the report was changed by this modification. This August 8, 2026 version was served upon the candidates for Florida's Sixth Congressional District and upon the relevant officers of the Republican Party of Florida and Republican Executive Committees within the District.

warning voice, opponent of the narrowing of Trump's constitutional actions, and executive of the litigation record.

Trump is the two-time winning candidate of the MAGA political movement of the Republican Party for President of the United States, the winner of the 2016 Presidential Election, the executive of the opposition to the faithlessness to the Constitution of 2020 Presidential Election process, results, and post-election litigation, and its 2021 Congressional certification, and the winner of the 2024 Presidential Election.

Roberts is a lawyer-historian and lifelong government lawyer, the Chief Justice of the U. S. Supreme Court, Presiding Officer of the Judicial Conference of the U.S., Permanent Chairman of the Board of the Federal Judicial Center, and control person, in consultation with the members of the Judicial Conference, of the Administrative Office of the United States Courts.

The evidence developed in this report supports the conclusion that Roberts is not merely a neutral head of the Judicial Conference. Roberts directed the administration of compliance with the Judicial Conduct Act, the Rules Enabling Act and the Freedom of Information Act in all matters related to Asensio's and Trump's actions. That involvement is dispositive because it bears directly upon his role as a defendant, the relevance of the requested records in Trump's narrow litigation and the constitutional issues presented by Asensio's litigation.

This investigation demands debate among the candidates Congress in the Sixth on whether the federal judiciary has transformed administrative powers granted by statute into a system of centralized judicial government never granted by the Constitution. The question is whether that decisional independence has been extended into rulemaking, judicial discipline, ethics administration, control of judicial records, national policymaking, and institutional self-protection in ways that displace the unalienable rights, executive authority, and legislative authority and removes the federal judiciary from the constitutional restraints applicable to every other exercise of governmental power.

Further the evidence summarized here establishes that the failure of Trump's action was not confined to an adverse ruling or a defective pleading. The action was separated from the constitutional record necessary to sustain it, the responsibility of Roberts was never fully presented, McFadden's institutional relationship was not tested, Asensio's corrective intervention was excluded, and the lawyers controlling the case refused to proceed after those failures had been exposed. The constitutional action therefore survived neither through the litigation they filed nor through the remedies they declined to pursue. It survived because Asensio preserved the omitted record, incorporated the

abandoned action into his continuing proceedings, and maintained the constitutional controversy after Trump's representatives had ceased to defend it.

EXECUTIVE SUMMARY

This report examines President Donald J. Trump's historic actions against constitutional misconduct within the federal judiciary and the failure of the lawyers and political gatekeepers responsible for presenting and protecting those actions. It focuses on the lawsuit filed by America First Legal Foundation against Chief Justice John G. Roberts, the proceedings before United States District Judge Trevor N. McFadden, the failure to present the full constitutional case against Roberts, and the refusal to proceed after the action was dismissed.

The report also explains the relationship between those events and the constitutional investigation, litigation, and Judicial Conduct Act proceedings commenced years earlier by Manuel P. Asensio. Asensio had already developed the factual record and constitutional theory necessary to challenge Roberts's use of the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Judicial Center as instruments of unauthorized national policymaking and judicial administration. Trump's lawyers had access to that information. They knew Asensio was its source. nevertheless, filed a narrower action that omitted the constitutional structure necessary to explain Roberts's responsibility and the true nature of the controversy.

The failure did not occur in a single moment. It developed through a sequence of decisions and omissions. The America First Legal Foundation complaint named Roberts as a defendant but did not fully explain why his statutory and administrative control made him personally responsible for the conduct at issue. The case was then assigned to McFadden, a judge who serves Roberts within the same Judicial Conference administrative structure controlled by Roberts. McFadden disclosed facts bearing on that institutional relationship, but Trump's lawyers did not investigate the conflict or move for his recusal.

Before the court heard Roberts's Motion to Dismiss, Asensio attempted to intervene. His filing identified the omitted constitutional issues, explained his prior role in creating the factual and legal record, and sought to oppose dismissal on grounds the existing complaint had failed to present. McFadden did not permit the intervention to enter the public record as constitutional opposition to Roberts's dismissal request. Instead, he treated the filing as an electronic-access issue and directed the Clerk not to docket it.

The consequences became visible at the November 19 hearing. The senior lawyers and political figures responsible for the case did not appear. Two junior lawyers argued against Roberts's counsel. When McFadden asked why Roberts had been named as a defendant,

they could not give the court a meaningful answer. That failure exposed the central weakness in the complaint. Roberts had been named, but the constitutional theory establishing his responsibility had not been pleaded.

The case was dismissed. Trump's lawyers did not appeal, did not seek to reopen the action, did not join Asensio's proceedings, and did not use the record he had already created. After dismissal, Asensio spoke with Daniel Epstein and requested that he and his leadership proceed through the existing Judicial Conduct Act process. Epstein later stated that his leadership declined.

Asensio then acted to preserve what Trump's lawyers had abandoned. He filed a Consideration in the Judicial Conference incorporating, but not merging, the failed America First Legal Foundation action into his ongoing Demand for Consideration and Reporting entered in the Judicial Conference and the United States District Court for the Southern District of New York on June 25, 2021. By doing so, he placed the dismissal, the McFadden proceedings, the excluded intervention, and the lawyers' refusal to proceed into an existing constitutional and statutory record that remained active.

This report follows that chronology. It identifies what Trump's lawyers knew, what they failed to plead, what opportunities they failed to use, what occurred in McFadden's courtroom, and what Asensio did afterward to preserve the constitutional claims. The conclusion arises from those facts: Trump's actions were weakened from the beginning, exposed at the hearing, abandoned after dismissal, and preserved only because Asensio incorporated the failed action into the process his investigation had already created.

I. THE PURPOSE AND SCOPE OF THIS REPORT

President Trump's actions against Roberts and other federal judges marked a departure from the Republican Party's traditional response to judicial misconduct. For decades, Republican legal policy concentrated on nominations, confirmations, and the selection of judges thought likely to exercise restraint. That policy treated federal judges as largely unaccountable after confirmation and left the internal administration of the judiciary to the judges themselves.

Trump's actions in 2025 moved beyond that policy. Two actions were brought under the Judicial Conduct Act against federal trial judges. A third was brought through America First Legal Foundation against Roberts and institutions operating under his authority. Taken together, those actions raised a more fundamental question: whether federal judges and judicial administrators may use statutory offices created by Congress to control political

controversies, manage allegations involving judges, create national policy, and shield their own conduct from constitutional and statutory accountability.

That question had been central to Asensio's work for years. His investigation began long before the filing of the America First Legal Foundation action. He examined the use of judicial administration, court-created doctrines, Judicial Conference committees, the Administrative Office, and the Federal Judicial Center to make and protect national policies outside ordinary legislative and executive processes. He commenced litigation against Roberts and other judicial officials, invoked the Judicial Conduct Act, and created a record intended to require consideration and reporting by the Judicial Conference.

This report does not attempt to reproduce that entire investigation. It uses the earlier record only where necessary to explain the later failure. The central subject is the handling of Trump's constitutional action against Roberts. The relevant questions are direct. Why was the case reduced to a narrow Freedom of Information Act dispute? Why did the complaint fail to present Roberts's full constitutional and administrative responsibility? Why did counsel fail to address McFadden's institutional conflict? Why was Asensio's intervention kept out of the record? Why could counsel not explain Roberts's presence in the case? Why was the action abandoned after dismissal? And why did Asensio have to preserve the claims through a separate Judicial Conference proceeding?

The report is therefore organized around events rather than general political arguments. It begins with the filing of the America First Legal Foundation action. It then follows the assignment of McFadden, the appearance of the recusal issue, Asensio's attempted intervention, the November 19 hearing, the dismissal, the post-dismissal communications, and the later incorporation of the failed action into Asensio's June 25, 2021 Demand for Consideration and Reporting.

The older history appears only when it explains one of those events. It establishes Asensio's priority, Roberts's institutional role and possible motive, the constitutional case the complaint omitted, and the knowledge available to the lawyers who controlled Trump's action.

II. THE AMERICA FIRST LEGAL FOUNDATION ACTION AND FEDERALISM

America First Legal Foundation filed Civil Action No. 1:25-cv-01232 in the United States District Court for the District of Columbia. The complaint named Roberts without directly accusing him of orchestrating the refusal of the Judicial Conference and its related administrative arms to produce records. Trump's lawyers presented the case as a Freedom of Information Act controversy. That framing was too abstract and narrow. It failed to

describe the lawless conduct that the action purportedly sought to expose. The requested records concerned the operation of administrative agencies directly under Roberts's authority and their handling of allegations involving Justices Clarence Thomas and Samuel Alito.

The controversy was not merely whether documents should be disclosed. It was whether Roberts and the Judicial Conference had exercised authority they did not possess, whether they had inserted administrators into matters Congress had assigned elsewhere, whether they shielded those actions by claiming the institutions involved were outside the reach of statutory accountability, and whether Roberts had used his executive authority over the record to retaliate against other Justices who vacated *Roe v. Wade* over his fierce objections. He called their decision to vacate *Roe* a serious jolt to the legal system and unnecessary. Roberts wrote they displayed a relentless freedom from doubt and that they should not have vacated *Roe*. These accusations were in the draft copy of the decision that was leaked to the press.

These surrounding facts constitute substantial circumstantial evidence supporting the investigative conclusions presented in this report. They do not stand alone. They are reinforced by Roberts's lifelong political record as an advocate of Federalist judicial ideology, his role as a government attorney during President Ronald Reagan's Administration in the formation of the Federalist Society to prevent Regan from using the Judicial Conduct Act vacate *Roe v. Wade* as serious violation to the Constitution, his later conduct as Chief Justice and Presiding Officer of the Judicial Conference to promulgate Judicial Conduct Act rules without the reporting required by Congress under the Rules Enabling Act and that reversed Congress' s intention. His personal control of the investigation into the leak of Justice Alito's draft opinion vacating *Roe v. Wade*, an investigation that failed to identify the source of the leak.

These facts are not isolated. Taken together with Roberts's repeated public praise of Chief Justice John Marshall as a "genius," his repeated assertion that judicial independence represents the Constitution's only true contribution to political science, and his public insistence that impeachment is not an appropriate constitutional response to disagreement with judicial decisions are also substantial circumstantial evidence supporting the conclusions of this investigation. They reveal a consistent judicial philosophy extending across Roberts's professional career, one that is reflected not only in his public speeches but also in his administration of the federal judiciary.

According to this investigation, Marshall's constitutional legacy has been wrongfully sanitized, glorified, and transformed into the principal justification for the expansion of federal judicial power beyond its lawful limits. Thus, Roberts's lifelong public identification

with Marshall is not an isolated historical preference but a continuing affirmation of the Federalist's concept of judicial authority that this report concludes has remained fundamentally inconsistent with the constitutional structure established by the Bill of Rights and the statutes enacted by Congress to restrain the federal judiciary.

The complaint did not fully present that structure. It did not explain Roberts's role as presiding officer of the Judicial Conference in a manner sufficient to establish why he was the central defendant. It did not develop the relationship among Roberts, the Judicial Conference, the Administrative Office, the Federal Judicial Center, the Judicial Conduct Act, the Ethics in Government Act, and the Rules Enabling Act. It did not place before the court the broader constitutional charge that judicial administrators were using administrative authority as a substitute for legislative and executive power.

That omission mattered from the beginning. A complaint against Roberts required more than making Roberts a defendant. It required a clear statement of the acts attributable to him, the authority he exercised, the statutory limits on that authority, and the constitutional injury caused by his use of the judicial administrative structure. Without that explanation, the court could treat Roberts as a remote or symbolic defendant rather than the officer responsible for the machinery being challenged.

The narrow pleading also separated the action from the work that had preceded it. Asensio's earlier proceedings had already identified Roberts's control of the Judicial Conference structure as the central constitutional problem. Those proceedings treated the Administrative Office, the Federal Judicial Center, the conduct process, and federal judicial rulemaking as parts of a coordinated administrative system. They charged that the system was being used to alter rights, control political disputes, and protect judicial policies from review.

The America First Legal Foundation action used the surface of that controversy but not its constitutional foundation. It challenged the refusal to disclose records without fully pleading, without saying plainly, why those records concerned unlawful administrative conduct by Roberts. It attacked the shield without adequately describing the power concealed behind it.

This defect later became visible in open court. When McFadden asked why Roberts had been named, the lawyers appearing for America First Legal Foundation were unable to state the constitutional answer. That failure was not created at the hearing. It originated in the complaint. The lawyers could not explain orally what the pleading had never clearly established.

III. WHY THE PLEADING FAILURE MATTERED

The failure to plead the full constitutional structure affected more than the theory of liability. It shaped the court's view of the case, limited the available response to Roberts's Motion to Dismiss, and weakened every later effort to preserve the controversy.

If the case was only a dispute over access to documents, Roberts could argue that he was not a proper defendant, that the judicial institutions involved were not subject to the Freedom of Information Act, and that the court had no basis to examine the wider conduct of the Judicial Conference. The court could then dispose of the action without addressing the constitutional administration of the judiciary.

If, however, the case concerned Roberts's use of statutory administrative offices to interfere with legal processes, control allegations involving judges, and prevent required referrals or disclosures, the court would have faced a different controversy. It would have had to examine Roberts's authority, the statutory duties of the institutions involved, the limits placed on judicial administration by Congress, and the constitutional consequences of allowing judicial officers to decide for themselves whether their administrative conduct was reviewable.

The complaint did not force the court to confront those issues. It allowed Roberts's lawyers to define the case as a narrow statutory dispute and permitted the constitutional controversy to remain outside the pleadings.

That failure also increased the importance of Asensio's attempted intervention. By the time he sought leave to intervene, the original complaint had already omitted the broader theory. His filing was intended to place that theory before the court before the dismissal hearing and to explain why Roberts, McFadden, and the Judicial Conference structure were inseparable from the controversy. When McFadden prevented the filing from entering the record as an intervention, the only developed constitutional opposition to dismissal was kept outside the case.

The weakness of the complaint, the failure to seek recusal, and the exclusion of the intervention were therefore not unrelated events. Each made the next more consequential. Because the complaint was narrow, the institutional conflict surrounding McFadden became more important. Because counsel did not act on that conflict, Asensio's intervention became more important. Because the intervention was kept out of the record, the November 19 hearing proceeded without the constitutional explanation necessary to answer the court's central question.

The case did not collapse because of one bad sentence or one missed argument. It was weakened through a connected sequence of omissions. The first was the failure to plead the real constitutional case against Roberts.

IV. THE ASSIGNMENT OF THE CASE TO JUDGE TREVOR N. MCFADDEN

The filing of the America First Legal Foundation complaint established the issues the court would be asked to decide, but it did not determine how those issues would be presented or resolved. The next significant event occurred when the case was assigned to United States District Judge Trevor N. McFadden. On its face, the assignment appeared entirely routine. Every civil action filed in the United States District Court for the District of Columbia is assigned to a district judge through ordinary court procedures. Nothing in the assignment itself suggested that this case would follow a different course.

The assignment became significant because the litigation did not concern an ordinary dispute between private parties. Roberts had been named as a defendant because of actions allegedly taken through institutions operating under his statutory authority. Those institutions included the Judicial Conference of the United States, the Administrative Office of the United States Courts, and the Federal Judicial Center. The lawsuit therefore challenged the administration of the federal judiciary itself. Any institutional relationship between the assigned judge and the administrative structure whose conduct was being challenged necessarily required careful examination.

Shortly after receiving the case, McFadden entered a minute order disclosing information concerning his prior service within the Judicial Conference structure. The order was brief. It did not decide any issue presented by the complaint, and it did not suggest that McFadden believed himself unable to continue presiding over the litigation. Nevertheless, the information disclosed in the order immediately distinguished this case from ordinary civil litigation.

The significance of the disclosure did not lie in its length. It lay in what it revealed. The judge assigned to determine Roberts's Motion to Dismiss acknowledged a relationship with the very administrative structure whose conduct formed the basis of the controversy. Whether that relationship ultimately required recusal was a legal question. Before that legal question could even be answered, however, counsel had an obligation to determine precisely what the disclosed relationship meant, how extensive it had been, whether it bore upon the issues presented by the complaint, and whether it affected the appearance or reality of impartial adjudication.

Those questions were especially important because Roberts was not sued merely as an individual public official. He was sued because of actions allegedly taken through institutions that Congress had created to administer the federal judiciary. If the assigned judge had participated within that same administrative structure, counsel could not responsibly ignore the relationship. The issue was not whether McFadden had acted

improperly. The issue was whether a reasonable litigant challenging the administration of those institutions could expect the assigned judge to determine that challenge while simultaneously possessing institutional ties to the structure under examination.

Ordinarily, such questions are investigated immediately. Lawyers obtain the relevant administrative records, review committee assignments, determine the scope of prior service, and evaluate whether recusal should be requested. They do so before substantive motions are decided because recusal is intended to protect both the fairness of the proceeding and public confidence in the administration of justice. Once a dispositive motion has been decided, the opportunity to avoid the appearance of institutional conflict has largely passed.

This report concludes that Trump's lawyers did not undertake that examination. The record contains no motion requesting additional disclosure. It contains no motion seeking recusal. It contains no request for discovery concerning McFadden's administrative role. It contains no effort to determine whether his participation within the Judicial Conference structure bore directly upon the controversy presented by the complaint.

That omission cannot be evaluated in isolation. It must be understood in light of the theory of the case that had already been adopted. Because the complaint presented the controversy principally as a Freedom of Information Act dispute, the institutional relationship disclosed by McFadden appeared less significant than it would have appeared had the complaint fully alleged Roberts's administration of the Judicial Conference and related institutions as the constitutional issue before the court. A narrow pleading made the institutional conflict appear narrow as well.

The omission in the complaint therefore magnified the omission that followed. If Roberts's administrative authority had been fully pleaded, McFadden's disclosed relationship would naturally have become one of the first issues requiring investigation. Instead, both the complaint and the response to the minute order reflected the same underlying assumption: that the case could proceed without confronting the constitutional implications of the Judicial Conference structure itself.

For Manuel P. Asensio, the minute order had a very different significance. By the time it was entered, he had spent years investigating Roberts's use of judicial administration and had already concluded that the Judicial Conference, the Administrative Office, and the Federal Judicial Center operated as parts of a coordinated administrative system exercising powers far beyond those authorized by Congress. The disclosure therefore confirmed that the judge assigned to hear Roberts's Motion to Dismiss possessed an institutional relationship directly relevant to the constitutional questions Trump had attempted to raise.

Asensio did not view the minute order as a procedural footnote. He viewed it as an event that fundamentally altered the course of the litigation. If Trump's lawyers recognized the significance of the disclosure, they could seek recusal before Roberts's Motion to Dismiss was heard and ensure that the constitutional challenge would be decided by a judge free from any comparable institutional relationship. If they failed to act, the litigation would proceed before a judge whose disclosed association with the Judicial Conference structure would remain unresolved.

Time therefore became an important factor. Roberts had not yet obtained dismissal. The constitutional issues had not yet been foreclosed. The opportunity to raise the recusal question still existed. Whether that opportunity would be used depended entirely upon the lawyers responsible for protecting President Trump's action.

Asensio concluded that they should act immediately. He expected that counsel would recognize the importance of the minute order, investigate the disclosed relationship, and determine whether recusal was required before any further substantive proceedings occurred. Those expectations were not based upon hindsight. They arose at the time the minute order was entered, while corrective action remained available.

The expected response never came. Trump's lawyers allowed the case to continue without raising the issue. They neither challenged McFadden's participation nor attempted to develop a record concerning the scope of his relationship to the Judicial Conference structure. As the litigation moved forward, the opportunity presented by the minute order steadily diminished.

It was at that point that Asensio reached an important conclusion. If the lawyers responsible for President Trump's constitutional action would not place the omitted constitutional issues before the court, and if they would not address the institutional conflict disclosed by the minute order, someone else would have to preserve those issues before the case was decided. That realization led directly to the preparation of Asensio's Motion for Leave to Intervene, the next major event in the chronology of this report.

V. ASENSIO'S MOTION FOR LEAVE TO INTERVENE

The failure of Trump's lawyers to respond to McFadden's minute order marked a turning point in the litigation. Until that point, the deficiencies in the case remained potentially correctable. Roberts's Motion to Dismiss had not yet been decided. The constitutional issues omitted from the complaint could still be presented. The institutional conflict disclosed by McFadden could still be examined. The record, while incomplete, had not yet been closed.

For Asensio, those circumstances created both a legal necessity and a constitutional obligation. He had already spent years investigating Roberts's use of the Judicial Conference, the Administrative Office of the United States Courts, and the Federal Judicial Center as an integrated administrative system. He had previously filed civil-rights litigation, commenced proceedings under the Judicial Conduct Act, and placed before the Judicial Conference extensive factual material concerning Roberts's exercise of administrative authority. Much of the constitutional foundation absent from the America First Legal Foundation complaint had already been developed in those earlier proceedings.

When Trump's lawyers failed to address the deficiencies revealed by the minute order, Asensio concluded that the only remaining opportunity to preserve the omitted constitutional issues was through intervention.

The purpose of the proposed intervention was frequently misunderstood. It was not an effort to take over President Trump's litigation. Nor was it an attempt to present an entirely separate controversy. The proposed intervention sought to accomplish a much narrower objective. It was intended to place before the court the constitutional record that had already been created, explain why Roberts had properly been named as a defendant, identify the significance of McFadden's institutional relationship to the controversy, and oppose dismissal on grounds not presented in the existing complaint.

The motion therefore complemented rather than contradicted the pending action. It accepted that Roberts had properly been named as a defendant but explained why the existing complaint had failed to establish the constitutional basis for that conclusion. It accepted that the litigation challenged conduct within the federal judiciary but explained why the controversy extended far beyond access to documents under the Freedom of Information Act. Most importantly, it informed the court that the constitutional record did not begin with the filing of the America First Legal Foundation complaint. It had been developing through years of litigation, statutory proceedings, investigations, and filings already served upon Roberts and the Judicial Conference.

The motion also identified Asensio's relationship to the controversy. He did not present himself as an interested observer or a political supporter seeking to participate in a high-profile lawsuit. He advised the court that he was the original complainant who had initiated the first formal challenge to the misuse of judicial administrative authority within the Judicial Conference structure. His intervention was therefore based upon priority of investigation and the existence of an already-developed constitutional record rather than upon political affiliation or generalized public interest.

That distinction was significant. Asensio's intervention did not ask the court to consider entirely new issues unrelated to the pending litigation. It asserted that the pending litigation rested upon constitutional issues already identified and investigated by the proposed intervenor. The purpose of intervention was to prevent those issues from disappearing because they had not been fully presented by the existing parties.

Asensio's motion explained that denial of intervention would have consequences extending beyond the immediate litigation. If the constitutional record remained outside the case, Roberts's Motion to Dismiss would be decided without the court ever considering the broader administrative structure through which Roberts allegedly exercised the authority being challenged. The resulting dismissal would then appear to resolve only a narrow Freedom of Information Act dispute, leaving the larger constitutional controversy untouched.

The intervention therefore sought to preserve more than individual legal claims. It sought to preserve the constitutional context within which those claims arose.

The timing of Asensio's motion reflected the urgency of the situation. Roberts had already moved to dismiss the complaint. McFadden had disclosed his institutional relationship to the Judicial Conference structure. Trump's lawyers had not sought recusal or otherwise addressed that relationship. Every significant event pointed toward an impending decision that would dispose of the litigation before the omitted constitutional issues reached the court.

Under those circumstances, waiting until after dismissal would have defeated the principal purpose of intervention. The constitutional issues needed to be presented before the court ruled, not afterward. Asensio therefore acted while the litigation remained pending and while meaningful corrective action was still possible.

Asensio's motion also addressed the significance of McFadden's institutional position. It explained that the controversy involved more than the conduct of a single defendant. It involved an administrative system in which Article III judges simultaneously exercised judicial authority and participated in policymaking and administrative functions within the Judicial Conference.

Asensio's motion asserted that this dual role created constitutional questions directly relevant to the pending litigation because the judge assigned to rule on Roberts's Motion to Dismiss had himself served within the administrative structure whose authority was being challenged.

That motion did not accuse McFadden of personal misconduct. Instead, it identified the constitutional implications of asking an Article III judge to determine the legality of

administrative conduct undertaken within an institutional structure of which he had been a participant. That issue had not been developed by the parties already before the court. The intervention sought to ensure that it would at least be presented before dismissal occurred.

The motion further explained that Roberts occupied a unique statutory position within that structure. As presiding officer of the Judicial Conference, Roberts exercised administrative authority different in character from his judicial responsibilities as Chief Justice of the United States. The controversy therefore concerned not the review of judicial decisions but the review of administrative conduct undertaken pursuant to congressional statutes governing the administration of the federal judiciary.

That distinction remained central to Asensio's constitutional theory. Judicial independence protects judges in the exercise of judicial decision-making. It does not automatically immunize administrative conduct undertaken pursuant to statutory authority created by Congress. The intervention sought to preserve that distinction because the existing complaint had largely collapsed those separate roles into a single Freedom of Information Act controversy.

The filing was served before the scheduled hearing on Roberts's Motion to Dismiss. The court therefore possessed both the opportunity and the procedural ability to consider the proposed intervention before ruling on dismissal. Had the intervention been accepted for filing, the court would have had before it a developed explanation of Roberts's statutory role, McFadden's institutional relationship to the controversy, the prior constitutional record, and the reasons the existing complaint failed to present the full constitutional case.

That did not occur.

Instead of treating the submission as a motion seeking intervention in pending litigation, McFadden responded through another minute order. Rather than addressing the constitutional substance of the filing or determining whether intervention should be granted, the order characterized the submission as an issue involving electronic filing procedures and directed that it not be docketed as the intervention it plainly ought to be recorded by McFadden.

That procedural decision had consequences extending well beyond court administration. By preventing the filing from entering the record as a motion for intervention, the court also prevented the constitutional issues contained in that motion from becoming part of the record before Roberts's Motion to Dismiss was decided. The omission that had begun with the complaint now continued through the procedural handling of the intervention itself.

Asensio viewed the second-minute order as more significant than the first. The first disclosed an institutional relationship requiring examination. The second determined

whether the constitutional response to that relationship would become part of the official record before dismissal. In practical effect, the opportunity to place the omitted constitutional theory before the court was eliminated without the court ever addressing its substance.

The litigation now approached the November 19 hearing under circumstances materially different from those existing when the complaint was first filed. The complaint remained narrow. No recusal motion had been filed. The proposed intervention had not entered the record. Roberts's Motion to Dismiss remained pending. The constitutional explanation for naming Roberts had never been formally presented to the court.

Those developments set the stage for the hearing that followed. When the parties appeared before McFadden on November 19, the omissions identified throughout this report were no longer merely procedural concerns. They would become visible in open court.

VI. THE NOVEMBER 19 HEARING

The November 19 hearing became the point at which the omissions identified throughout this report could no longer remain hidden within pleadings, minute orders, or procedural filings. Until then, the weaknesses in the case existed primarily in written documents. The complaint had omitted the broader constitutional structure. The recusal issue disclosed by McFadden's minute order had not been pursued. Asensio's Motion for Leave to Intervene had been kept from entering the record as a constitutional response to Roberts's Motion to Dismiss. Each omission had narrowed the issues before the court. At the hearing, those omissions were tested in open court.

The hearing presented the first opportunity for the lawyers representing America First Legal Foundation to explain directly to the court why Roberts had been named as a defendant and why the controversy extended beyond a dispute over records maintained by judicial institutions. If the constitutional theory omitted from the complaint nevertheless formed part of counsel's understanding of the case, the hearing provided the opportunity to present it. Oral argument often clarifies issues that pleadings leave imperfectly expressed. That opportunity existed on November 19.

The hearing also revealed an important difference between the public significance of the litigation and the way it was presented. Although the case challenged the conduct of the presiding officer of the Judicial Conference of the United States and raised issues concerning the administration of the federal judiciary, the senior lawyers and political figures publicly associated with the litigation did not appear to argue the motion. The responsibility for responding to Roberts's Motion to Dismiss fell instead to junior counsel.

The significance of that circumstance should not be overstated. Experienced junior lawyers frequently present motions in federal court. The issue is not seniority alone. The issue is whether counsel appearing before the court possessed a complete understanding of the constitutional theory upon which the action depended. According to this report, the hearing demonstrated that they did not.

During the proceedings, McFadden asked what would have been one of the simplest questions in the case: why was Roberts named as a defendant?

That question went to the heart of the litigation. If Roberts occupied the central position alleged in the complaint, counsel should have been prepared to explain the statutory authority he exercised, the administrative conduct attributed to him, and the constitutional basis upon which relief was sought. The answer did not require speculation. It should have flowed naturally from the complaint itself.

According to the record examined in this report, that did not occur.

Counsel was unable to provide a clear constitutional explanation for Roberts's presence in the litigation. The discussion remained confined to the narrower statutory issues already reflected in the pleadings. The broader constitutional relationship among Roberts, the Judicial Conference, the Administrative Office, the Federal Judicial Center, and the statutory system governing judicial administration was not presented to the court.

That exchange was more significant than any individual legal argument advanced during the hearing. It demonstrated that the central weakness identified in this report was not simply a drafting deficiency. The constitutional theory had not merely been omitted from the complaint; it had not been developed as the foundation of the litigation. When the court asked the question that required that theory, counsel had no fully developed answer.

From Asensio's perspective, the exchange confirmed the concern that had led him to seek intervention. His proposed filing had been intended to answer precisely that question. It explained why Roberts had been named, identified the statutory offices through which Roberts exercised the authority being challenged, and connected the litigation to the constitutional record already developed through years of investigation and Judicial Conduct Act proceedings. Because that filing had not become part of the record, the court never received the constitutional explanation it was now requesting in open court.

The hearing therefore represented more than a missed opportunity. It exposed the cumulative effect of the earlier decisions made throughout the litigation. The complaint had narrowed the controversy. The recusal issue had not been pursued. The intervention had not been considered. By the time oral argument began, the constitutional structure underlying the case had effectively disappeared from the proceedings.

This report does not suggest that every omitted argument would necessarily have altered the outcome. Federal judges reject arguments advanced by skilled counsel every day. The significance of the hearing lies elsewhere. Before the court could reject the constitutional theory, that theory first had to be presented. According to the chronology developed in this report, it never was.

The hearing also marked the last realistic opportunity for Trump's lawyers to redirect the litigation before judgment was entered. Had counsel requested leave to supplement the record, sought reconsideration of the procedural handling of the intervention, or otherwise attempted to present the omitted constitutional issues before dismissal, the course of the litigation might have changed. No such effort was undertaken before the court ruled.

The hearing concluded with Roberts's Motion to Dismiss under submission. At that moment, the litigation stood in a fundamentally different position from the one envisioned when the complaint had first been filed. A case that began as an unprecedented challenge to the administrative authority exercised by the presiding officer of the Judicial Conference had become, in practical effect, a narrow dispute over statutory access to records. The constitutional controversy remained largely outside the pleadings, outside the intervention, and outside the oral argument.

The dismissal that followed therefore did not occur in isolation. It was the product of the procedural history that preceded it. Each omitted step narrowed the issues available for decision until the court was left with a controversy substantially smaller than the one President Trump's constitutional initiative had originally suggested.

VII. THE DISMISSAL AND ITS IMMEDIATE CONSEQUENCES

McFadden subsequently granted Roberts's Motion to Dismiss. The dismissal ended the America First Legal Foundation action at the district court level without reaching the broader constitutional questions examined throughout this report. Whatever remained unresolved concerning Roberts's administrative authority, the Judicial Conference, the Administrative Office, or the Federal Judicial Center remained outside the judgment because those issues had never been fully placed before the court.

The dismissal itself was an expected procedural outcome once the litigation had been reduced to the issues presented. Having accepted the case as principally a statutory dispute concerning access to records, the court resolved that dispute without undertaking the broader constitutional examination that Asensio believed the case required.

The more significant events occurred after dismissal.

The conclusion of the district court proceedings did not eliminate the possibility of further action. Counsel retained the ability to seek reconsideration where appropriate, pursue appellate review, coordinate with related proceedings, or develop alternative constitutional litigation incorporating the deficiencies exposed during the hearing. The dismissal therefore did not necessarily end President Trump's constitutional initiative. It created a decision point.

According to this report, that decision point became the second major failure in chronology.

Rather than using the experience gained during the litigation to strengthen the constitutional case, Trump's lawyers allowed the matter to end. The constitutional deficiencies identified before the hearing remained uncorrected after the hearing. The procedural opportunities that had been missed before dismissal were not revisited afterward. The intervention remained outside the record. The constitutional theory remained undeveloped. The broader administrative challenge remained unfiled.

For Asensio, the dismissal did not represent the end of the controversy. It represented confirmation that the responsibility for preserving the constitutional issues had shifted almost entirely to the record he had already created and to whatever further action he would undertake after the litigation concluded.

Chronology therefore enters its final phase. The issue was no longer what should have been done before dismissal. The issue became what occurred after Trump's lawyers were informed of the deficiencies and asked to proceed through the constitutional and statutory record that already existed. That sequence begins with Asensio's communications with Daniel Epstein and the leadership responsible for the litigation.

VIII. NOTICE TO TRUMP'S LAWYERS AND THEIR REFUSAL TO PROCEED

The dismissal of the America First Legal Foundation action did not end the constitutional controversy. It ended only the district court proceeding then pending before McFadden. The constitutional issues identified throughout this report remain unresolved, and the procedural defects that had weakened the litigation could have been addressed through further proceedings. Appellate review remained available. Additional constitutional claims could still be asserted. The record developed by Asensio over many years remained available to support those efforts. The dismissal therefore presented counsel with a choice rather than an unavoidable conclusion.

That distinction is critical to understanding the events that followed. That distinction is central to this record.

This report does not conclude that Trump's constitutional initiative failed because the district court dismissed the complaint. Federal courts dismiss complaints every day, and many are later revived through amendment, appeal, or different proceedings. The question presented here is different. It is whether the lawyers responsible for protecting President Trump's constitutional initiative acted after they became aware of the defects that had been exposed during the litigation.

According to the chronology established in this report, they did not.

Following the dismissal, Asensio had a series of telephone communication with Daniel Epstein. Those communications did not consist of generalized criticism or political disagreement. They focused upon the constitutional deficiencies that had become apparent during the litigation, the existence of a substantially broader constitutional record already developed through prior proceedings, and the continuing opportunity to pursue those issues through the Judicial Conduct Act and related constitutional litigation.

The discussions also addressed a point that had become increasingly apparent after the November 19 hearing. The failure of counsel to explain Roberts's presence in the litigation did not arise because Roberts had been improperly named. It arose because the complaint had never fully explained the statutory and constitutional basis for naming him. That deficiency could have been correct during the oral argument held in November 2019 by Asensio intervention. It can still be corrected in future proceedings if counsel were willing to incorporate the broader constitutional record already assembled by Asensio.

Asensio therefore urged that the matter be continued and not abandoned. He explained that years of investigation had already identified the constitutional framework omitted from the complaint. He further explained that his Judicial Conduct Act proceedings, including the Demand for Consideration and Reporting first entered on June 25, 2021, already provided an institutional vehicle through which the constitutional issues could continue to be presented.

Asensio also advised Dan Epstein that he had filed a judicial conduct complaint against McFadden and his constitutional supervisors, the chief justices of the US District and Appeals courts for the District of Columbia. Asensio also advised that a Consideration of the judicial conduct complaint would be filed and would be incorporated, not merged, with the June 25, 2021 Consideration.

Dan Epstein's response proved decisive.

According to Asensio's account, Daniel Epstein later advised that the decision had been made by his leadership not to proceed further. The private reasoning within Epstein's leadership is not independently documented in the litigation record. This report therefore does not claim direct knowledge of their undisclosed deliberations. It does, however,

evaluate their conduct, their institutional relationships, the interests protected by their decisions, and the reasonable conclusions that arising from the documented chronology. The lawyers responsible for President Trump's constitutional initiative declined to pursue the broader constitutional course after the deficiencies in the litigation had been identified and after the existing constitutional record had been made available to them.

That refusal completed the sequence that began with the filing of the complaint against Roberts and Asensio's filing to intervene. The constitutional theory had been narrowed in the pleading, the recusal issue had not been pursued, the intervention had not become part of the record, the constitutional basis for naming Roberts had not been explained at the hearing, the case had been dismissed, Trump's most senior private and official lawyers had made their decisions, and their reasoning and decision was not placed in the record.

These facts are verifiable in the record. The conversations between Asensio and Dan Epstein are new testimony that can be judged to be dispositive. This evidence exists in the December 31, 2025, Demand for Consideration that has been incorporated into the June 25, 2021 Demand for Consideration. The evidence developed in this report compels the conclusion that the Roberts reaches into trial and appeal courts to control purported rulings that are in fact based predetermined by the US Judicial Conference's prejudicial policy making.

IX. EVIDENCE SHOWING CONSTITUTIONAL BETRAYAL BY TRUMP'S LAWYERS

According to Asensio's testimony, Daniel Epstein advised him that his leadership, **Dave Warrington and Boris Epshteyn**, controlled his decision-making in the prosecution of the Alito-Thomas case involving allegations of constitutional misconduct against Roberts and the US Judicial Conference and his decision not to pursue the structural constitutional claims.

Asensio's testimony shows the Daniel Epstein declined to move to recuse McFadden, which would have exposed the direct connection between Roberts and the US Judicial Conference and a trial court judge. This line of question could have been used to challenge any other trial judge who was appointed to preside over the evidence in the Alito-Thomas case. Asensio's testimony also shows Daniel Epstein declined to file a judicial-conduct complaint against McFadden for ordering the Clerk to keep Asensio's intervention from appearing in the record.

At the time of that conversation, Asensio had already drafted an expansion of the June 21, 2021, Consideration to include structural claims arising out of the Alito-Thomas case. This filing incorporated Freedom of Information Act requests and a judicial-conduct complaint against McFadden into an existing Consideration before the Judicial Conference of the United States.

Further, Asensio's testimony is that Dan Epstein also declined to use Roberts's own March 2025 report concerning the proceedings of the first session of the Judicial Conference for 2025 in the Alito-Thomas case. This evidence establishes that Roberts directed matters relating to the handling of records concerning the allegations involving Justices Clarence Thomas and Samuel Alito. That disclosure is significant because the America First Legal Foundation's Freedom of Information Act request sought records concerning those very matters. If Roberts personally participated in the handling, review, or disposition of those records, his own disclosure establishes his direct involvement in the subject matter of the request.

Dave Warrington and Boris Epshteyn were at the top of President Trump's most senior legal and political figures, exercising authority over decisions of this magnitude and maintaining direct personal access to the President. It is therefore imperative to determine what they communicated to Trump. The constitutional consequences of their decision to Trump's constitutional authority and the implication of their decision on a wide range constitutional questions demand this disclosure. The matter relates to election integrity, the MAGA policies, and Trump's personal litigation. What they told Trump, and whether Trump personally authorized the abandonment of these actions is substantially important to nation's constitutional security.

From these facts, Asensio concludes that Daniel Epstein, Boris Epshteyn, and Dave Warrington placed their loyalty to, and personal interests within, the federal judicial establishment above their duties to the nation, the Constitution, and President Trump's constitutional authority. Their conduct did not merely leave litigation unfinished. It protected the judicial institution being challenged, prevented the stronger constitutional record from reaching President Trump, and left Asensio to preserve the actions they abandoned.

X. ASENSIO 2026 GOP PRIMARY CAMPAIGN FOR CONGRESS IN FLORIDA'S 6TH CONGRESSIONAL DISTRICT

The constitutional record assembled in this report did not begin with the America First Legal Foundation action and did not end with its dismissal. It arose from Asensio's 2022 congressional campaign in Florida's 3rd Congressional District, his investigation of Roberts and the federal judicial establishment, his Judicial Conduct Act proceedings, and the World Intellectual Property (WIPO) litigation through which the Republican National Committee and the Republican Party of Florida attempted and failed to extinguish Asensio's political identity and organization created by that campaign. The WIPO victory established that Asensio could confront the national and state Republican establishments, defeat their claims, and continue presenting the constitutional case they sought to suppress.

The same institutional conflict now appears in a more consequential form. Trump publicly broke with the Federalist Society's first-term judicial policy and called Leonard Leo a real "sleazebag," accusing the organization of operating under Leo's control and giving him bad advice concerning judges. This narrow focus on "appointments and confirmation" of single judges is evidence that Trump's lawyers have refused to advise him on Asensio's structural case against Roberts and the US Judicial Conference.

Yet the Republican National Committee and the Republican Party of Florida remain bound to the legal and political establishment that developed, defended, and perpetuated individual judge policies. Their continuing institutional alignment places them in direct conflict with Trump's own repudiation of the Federalist Society network and with the constitutional actions later brought against Roberts, Boasberg, and Reyes.

Asensio's candidacy is therefore not a conventional campaign organized around an assortment of political issues. It is the political continuation of the constitutional investigation, litigation, statutory proceedings, WIPO victory, and evidentiary record described in this report. The courts refused to enforce that evidence. Trump's lawyers refused to carry the complete record to the President. The party state and county organizations remain entangled with the interests exposed by it. Legal preservation alone can no longer overcome the judicial, legal, and political gatekeepers who have obstructed constitutional action.

XI. PRESERVATION, ENFORCEMENT, AND POLITICAL SUPPRESSION OF PRESIDENT TRUMP'S CONSTITUTIONAL ACTIONS

The dismissal of the America First Legal Foundation action did not end President Trump's constitutional challenge to Roberts, the Judicial Conference, or the federal judiciary's administrative structure. The dismissal, Trump's lawyers' decision to abandon the broader constitutional issues, and their refusal to pursue the structural issues Asensio had attempted to preserve through his Motion for Leave to Intervene became one event in a continuing chronology documenting how constitutional challenges to Roberts's administrative authority had been handled, narrowed, abandoned, and ultimate betrayal.

The constitutional record, however, had already grown beyond that single lawsuit.

Asensio therefore incorporated, but did not merge, the dismissed action into his June 25, 2021, Demand for Consideration and Reporting before the Judicial Conference of the United States. That earlier proceeding had already challenged Roberts's administration of the Judicial Conduct Act, the Rules Enabling Act, and the Judicial Conference's assumption of powers never granted by Congress. The incorporation transformed the dismissed district court litigation into additional evidence supporting the continuing constitutional

proceeding. The complaint, the minute orders, the Motion for Leave to Intervene, the November 19, 2025, hearing, the dismissal, and the subsequent refusal of Trump's lawyers to proceed became part of a single constitutional record documenting how the structural issues had been presented, narrowed, weakened, abandoned and ultimately betrayed by Trump's lawyers.

Viewed in isolation, the Alito-Thomas litigation against Roberts appears to have ended with dismissal. Viewed as part of the continuing constitutional record, the dismissal itself became evidence. The conduct of Roberts, Judge McFadden, Daniel Epstein, Boris Epshteyn, David Warrington, and the institutional decisions surrounding the litigation are now part of the constitutional history the proceedings were intended to expose. What appeared to terminate the case instead strengthened the documentary record concerning the operation of the federal judicial establishment and the political and legal forces that prevented the complete constitutional issues from reaching President Trump.

Asensio understood that preservation within the Judicial Conference alone could not overcome the institutional and political barriers preventing the complete record from reaching President Trump. That conclusion produced a second act of preservation: the filing of *Asensio v. Evan Power* in the Circuit Court for St. Johns County, Florida. That action alleges that the Evan Power, the Chairman of the Republican Party of Florida, used party authority, influence, and institutional machinery to confuse and obstruct Republican voters from receiving the constitutional record, to protect Congressman Randy Fine from debating those issues, to prevent Republican leaders from confronting the Federalist Society's continuing influence over Republican judicial policy therefore harm comprehensive of the most fundamental issue in the Republican Party of Florida's 2026 Primary in Florida's 6th Congressional District.

The Power litigation expressly incorporates the same constitutional controversy described throughout this report. It alleges that the dispute extends beyond a single lawsuit or election. It concerns the concealment of Roberts's takeover of the Judicial Conduct Act, Rules Enabling Act, and the Ethics in Government Act and structuring of the Judicial Conference to violate the US Constitution; the transfer of Asensio's constitutional work into President Trump's legal orbit; and the subsequent refusal of Trump's senior legal advisers to pursue the structural constitutional issue.

The constitutional record has therefore followed an unbroken course. It survived the dismissal of Roberts' litigation through incorporation into the continuing Judicial Conference proceeding. It now continues through a jury-demanded civil action against the Chairman of the Republican Party of Florida, alleging that party authority has been used to suppress the constitutional issues, protect the existing judicial establishment, and prevent Republican

voters from deciding those issues with full knowledge of the evidence. Preservation has become political enforcement by the Republican electorate in Florida's 6th Congressional District.

XII. TRUMP'S PERSONAL LAWFARE AND THE STRUCTURAL CONSTITUTIONAL REMEDY HE HAS NOT USED

Donald Trump's personal experience demonstrates the practical importance of the constitutional structure examined in this report, but the constitutional issue does not depend upon Trump. It concerns whether federal judges and judicial administrators may convert political and governmental controversies into constitutional questions and then exercise centralized control over their resolution without effective congressional accountability.

Trump experienced that problem personally through criminal prosecutions, civil judgments, financial penalties, proceedings against his lawyers and advisers, the E. Jean Carroll litigation, the New York financial-fraud proceeding, the presidential-records litigation, the Stormy Daniels prosecution, and proceedings arising from his challenge to the 2020 presidential election. He therefore had direct knowledge of the consequences of governmental and judicial weaponization.

The Russia-collusion and Carter Page matters provide an especially important example. The Steele dossier was funded by Hillary Clinton's presidential campaign and the Democratic National Committee. The Carter Page surveillance applications contained significant inaccuracies and omissions. FBI attorney Kevin Clinesmith altered an email concerning Page's prior relationship with another United States government agency by adding the false words "not a source." The altered email was relied upon in the final Carter Page FISA renewal application.

Clinesmith pleaded guilty before Judge James E. Boasberg to making a false statement, an offense carrying a statutory maximum of five years' imprisonment. Boasberg imposed no incarceration. He sentenced Clinesmith to twelve months of probation and 400 hours of community service. At the time, Boasberg was the presiding judge of the Foreign Intelligence Surveillance Court—the same judicial institution before which the altered information had been used to continue surveillance of a former Trump campaign adviser.

Attorney General William P. Barr had already initiated the Durham investigation. That investigation continued for nearly four years and documented extensive institutional failures, yet the record summarized in this report identifies only one conviction arising from the matter: Clinesmith's guilty plea, which resulted in probation. The report further identifies

the absence of any examination of Roberts's appointment and oversight authority in that institutional response.

President Barack Obama was also not remote from the matter. The record reviewed in this report states that Obama was briefed concerning intelligence reporting that the Clinton campaign intended to promote a Trump-Russia narrative, ordered the post-election intelligence assessment concerning Russian interference, and participated in senior White House discussions concerning the investigation during the presidential transition. The unresolved questions concern what Obama and Roberts knew, authorized, directed, approved, or permitted and how that knowledge affected the subsequent surveillance, intelligence, investigative, and judicial processes.

These facts make Trump's present position difficult to explain. He publicly recognized systemic governmental weaponization, personally suffered its consequences, and challenged individual judges such as Boasberg. Yet his lawyers reduced the Roberts litigation to a narrow action that did not place the complete constitutional structure before the court, did not test Roberts's administrative authority, did not obtain the underlying evidence, and was abandoned after dismissal. Asensio had already created a broader mechanism directed not at one judge or one ruling, but at the Judicial Conference structure itself.

The unresolved Trump question is therefore factual and direct: What did Trump know about Asensio's constitutional record, what did his lawyers and advisers tell him, what did they withhold from him, and why has Trump continued to pursue individual judicial controversies instead of using the structural mechanism Asensio had already created to demand consideration, resolution, and reporting concerning the federal judiciary as a whole?

CONCLUSION

The constitutional issue examined in this report does not depend upon Donald Trump, any political party, or any individual controversy. It concerns the structure of constitutional government itself: whether federal judges and judicial administrators may exercise powers beyond the adjudication of cases and controversies, administer national judicial policy, regulate their own conduct, control the processes by which complaints against judges are considered, and protect those activities from meaningful congressional and public accountability.

The evidence developed in this investigation supports the conclusion that Chief Justice John G. Roberts Jr. occupies the central administrative position within that structure. As Chief Justice, Presiding Officer of the Judicial Conference of the United States, Permanent Chairman of the Board of the Federal Judicial Center, and the officer who appoints and may

remove the Director and Deputy Director of the Administrative Office of the United States Courts after consultation with the Judicial Conference, Roberts exercises authority extending far beyond the adjudication of individual Supreme Court cases. The constitutional question is whether those statutory administrative powers have been transformed into centralized judicial government inconsistent with the separation of powers and the limitations Congress placed upon the federal judiciary.

Asensio's constitutional record was created to force consideration of that structural question. It does not depend upon overturning one judicial decision, removing one judge, winning one lawsuit, or prevailing in one political dispute. It demands consideration, resolution, and reporting concerning the Judicial Conference itself; its administration of the Judicial Conduct Act; its rulemaking and reporting practices; the Administrative Office; the Federal Judicial Center; judicial discipline; judicial ethics; access to judicial records; and the constitutional relationship between those institutions and Congress.

The America First Legal Foundation action demonstrated the consequences of failing to present that structure. Roberts was named, but his complete constitutional and administrative responsibility was not pleaded. McFadden's institutional relationship to the Judicial Conference structure was disclosed but not tested. Asensio attempted to supply the omitted constitutional record before dismissal. His intervention was kept from becoming part of the case. After dismissal, the lawyers responsible for the action declined to pursue the broader constitutional course despite the existence of Asensio's continuing record and proposed corrective actions.

The dismissal therefore did not terminate the constitutional controversy. It became additional evidence within it. Asensio incorporated, but did not merge, the failed action into his continuing Demand for Consideration and Reporting. The constitutional record now also continues through his Florida state-court action and his federal action in the United States District Court for the Middle District of Florida. What was narrowed and abandoned in one proceeding has been preserved within a larger and continuing constitutional record.

The dispositive issue is consequently no longer whether one court will voluntarily examine the structure that administers the federal judiciary. The issue is whether Congress and the American people will require that examination. Judicial independence protects the decisional function of judges. It cannot mean independence from the Constitution, independence from statutes enacted by Congress, independence from lawful reporting obligations, or independence from accountability for the exercise of administrative governmental power.

The political judgment now belongs to the Republican voters of Florida's Sixth Congressional District. Their decision is not merely which candidate will occupy a seat in Congress. It is whether the complete constitutional record will reach Congress and be subjected to the consideration, investigation, resolution, and reporting that the existing judicial and political institutions have failed to provide.

Asensio's investigation therefore concludes that preservation of the record is no longer sufficient. The constitutional evidence must now be carried from litigation and judicial administration into Congress, where the legislative branch can determine whether powers it created by statute have been exercised consistently with the Constitution and whether the restraints, reporting requirements, and accountability that Congress abandoned or failed to enforce must now be restored.

VERIFICATION

I, Manuel P. Asensio, do so of my own free will swear and verify that I am the investigator, evidentiary source, and author responsible for this report; that I have reviewed its contents; that the factual statements based upon my personal knowledge are true; that the statements based upon documents, records, communications, and identified sources accurately reflect those materials to the best of my knowledge and belief; and that the judgments and conclusions stated in this report are my good-faith conclusions drawn from the evidence presented.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 19th day of July, 2026, in St. Johns County, Florida.



Manuel P. Asensio