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## Establishing a Legal Standard for Prosecutorial Misconduct

### ABSTRACT

The Steve Myhre Act establishes a stringent legal framework to address and deter prosecutorial misconduct, particularly the willful withholding of exculpatory evidence, also known as *Brady violations*. The Act introduces a "Two-Strike Standard" for federal prosecutors, mandating specific consequences for confirmed violations. A first offense results in suspension, mandatory retraining, and public reporting, while a second offense leads to disbarment, termination of employment, and potential criminal charges.

To ensure accountability, the Act creates the Federal Prosecutorial Oversight Commission (FPOC), an independent body tasked with investigating allegations, enforcing sanctions, and protecting whistleblowers. Transparency provisions mandate public disclosure of misconduct findings and annual reporting to Congress. Additionally, the Act strengthens criminal and civil remedies, allowing defendants to seek redress for constitutional violations and holding prosecutors personally accountable under federal law.

By addressing systemic deficiencies in oversight and enforcement, the Steve Myhre Act seeks to restore public trust in the justice system, protect constitutional rights, and deter the abuse of prosecutorial power.

# The Steve Myhre Act

## To Establish a Legal Standard for Prosecutorial Misconduct

### Preamble:

To restore public trust in the justice system, protect constitutional rights, and ensure accountability for prosecutorial misconduct, this Act mandates a strict standard and consequences for willful violations of Brady obligations and other prosecutorial abuses.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:**

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### Section 1: Short Title

This Act may be cited as the "Steve Myhre Act."

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### Section 2: Findings

Congress finds the following:

1. The Constitution guarantees due process and the right to a fair trial, which includes prosecutors' obligation under *Brady v. Maryland* to disclose exculpatory evidence.
  2. Willful prosecutorial misconduct, including withholding exculpatory evidence, undermines the integrity of the justice system, erodes public trust, and violates constitutional rights.
  3. Existing oversight mechanisms, including the Department of Justice's Office of Professional Responsibility (OPR), have failed to hold prosecutors adequately accountable for such misconduct.
  4. A systemic standard is required to ensure accountability and deter misconduct among federal prosecutors.
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### Section 3: Definitions

For purposes of this Act:

1. **Willful Brady Violation:** Intentional withholding or suppression of evidence favorable to the defense that is material to guilt or punishment.
  2. **Prosecutor:** Any federal attorney acting on behalf of the United States Government in criminal proceedings.
  3. **Exculpatory Evidence:** Any evidence that may exonerate or reduce the culpability of the defendant.
  4. **Strike:** A documented finding of willful prosecutorial misconduct, confirmed by judicial or independent review.
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## **Section 4: Establishment of the Two-Strike Standard**

1. **First Strike:**
    - a. Upon a finding of a willful Brady violation:
      - i. The prosecutor shall be immediately suspended from all prosecutorial duties for a minimum of 180 days.
      - ii. The prosecutor shall complete mandatory retraining on constitutional obligations, ethics, and evidentiary disclosure requirements.
      - iii. A public report of the violation shall be issued by an independent oversight body.
      - b. If the first violation results in harm to the defendant, the oversight body may recommend civil penalties or referral for criminal investigation.
  2. **Second Strike:**
    - a. Upon a second documented finding of a willful Brady violation by the same prosecutor:
      - i. The prosecutor shall be permanently disbarred from practicing law.
      - ii. Employment with the Department of Justice shall be terminated.
      - iii. The violation shall be referred for criminal investigation, with potential charges including obstruction of justice and deprivation of constitutional rights.
      - iv. Qualified Immunity is forfeited.
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## **Section 5: Independent Oversight Body**

1. **Creation of the Federal Prosecutorial Oversight Commission (FPOC):**
    - a. An independent oversight body shall be established to investigate, review, and adjudicate allegations of prosecutorial misconduct.
    - b. The FPOC shall have the authority to recommend sanctions, refer cases for criminal investigation, and ensure public transparency.
  2. **Mandatory Reporting:**
    - a. All findings of prosecutorial misconduct shall be reported to Congress annually.
    - b. Whistleblowers, such as investigators and staff, shall be protected under federal whistleblower laws.
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## **Section 6: Transparency in Oversight**

1. **Mandatory Disclosure:**
  - a. All allegations of prosecutorial misconduct reviewed by the FPOC shall be made public, including findings and outcomes, except where redaction is necessary to protect personal privacy or sensitive information.
2. **Whistleblower Protections:**
  - a. Federal employees who report prosecutorial misconduct shall be protected from retaliation under existing whistleblower protection statutes.

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## **Section 7: Criminal and Civil Accountability**

### **1. Criminal Liability:**

a. Federal prosecutors found to have willfully engaged in misconduct resulting in harm to the defendant shall be subject to criminal penalties, including fines and imprisonment, in accordance with Title 18 of the U.S. Code.

### **2. Civil Remedies:**

a. Defendants whose rights were violated due to prosecutorial misconduct shall have the right to pursue civil claims against the prosecutor and the Department of Justice under 42 U.S.C. § 1983 or other applicable laws.

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## **Section 8: Implementation and Funding**

1. In coordination with the House and Senate Judicial Committees, the Department of Justice shall allocate adequate human, financial, and time resources necessary for the establishment and robust operation of the Federal Prosecutorial Oversight Commission.
  2. The Department shall ensure all federal prosecutors receive training on the requirements of this Act within 12 months of its enactment.
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## **Section 9: Severability**

If any provision of this Act or its application to any person or circumstance is held to be invalid, the remainder of the Act and the application of its provisions to other persons or circumstances shall not be affected.

## CONCLUSION

The **Steve Myhre Act** represents a vital step toward restoring fairness and integrity in the U.S. justice system by addressing the systemic issue of prosecutorial misconduct. Through its "Two-Strike Standard," the Act ensures that federal prosecutors are held accountable for willfully withholding exculpatory evidence, safeguarding the constitutional rights of defendants. By creating the **Federal Prosecutorial Oversight Commission (FPOC)**, the Act strengthens independent oversight and enhances transparency, ensuring public trust in the enforcement of prosecutorial ethics.

Moreover, the Act provides robust protections for whistleblowers and establishes meaningful consequences for misconduct, including disbarment, termination, and criminal penalties for repeat offenders. By empowering victims to pursue civil remedies and mandating comprehensive training for federal prosecutors, the Steve Myhre Act creates a framework that deters misconduct and upholds justice for all Americans.

This legislation addresses the erosion of public confidence in the justice system and reinforces the principles of accountability, transparency, and fairness—essential components of a healthy democracy.

## AUTHOR BIO – ERIC PARKER



**Eric Parker**, a resident of Idaho, is a prominent advocate for constitutional rights and a vocal critic of governmental overreach. He gained national attention for his involvement in the 2014 Bundy Ranch standoff, a high-profile event that highlighted tensions between federal authorities and private citizens over land use and property rights. Parker, often referred to as the “Bundy Ranch Sniper,” became widely recognized after a photograph captured him on an overpass, armed, during the standoff—a symbol of resistance to perceived government overreach.

Parker has since dedicated himself to raising awareness about individual liberties, accountability in government, and the preservation of constitutional rights. As a speaker and writer, Parker has actively addressed issues such as prosecutorial misconduct, federal militarization, and the erosion of due process. His writings and public appearances frequently focus on systemic failures within the justice system, particularly as they relate to high-profile cases like the Bundy Ranch incident.

Through his advocacy, Parker has emphasized the need for legal reforms, including greater accountability for government officials and protection of citizens' rights against abuses of power. He is an advocate for grassroots activism and believes in empowering individuals to understand and assert their rights under the Constitution. Parker resides in Idaho with his family and continues to engage with communities across the country, sharing his experiences and promoting a message of liberty and justice.