

House Republicans Want to Impeach Judges. Here's How the Process Would Work.

Judges have rarely been removed from the federal bench, and only for criminal acts. But House Republicans are intensifying efforts to oust them for decisions against President Trump.

By Carl Hulse
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[President Trump](#), [Elon Musk](#) and a handful of House Republicans have intensified their calls to impeach federal judges who have made rulings unfavorable to the Trump administration. But taking such a step over a court finding would break new ground in the relationship between the legislative and judicial branches, and draw condemnation as [a violation](#) of the separation of powers.

No federal judge has been impeached strictly for the outcome of a case. But the House does have broad power to act against federal judges.

House Republicans, facing demands from Mr. Trump, could press the Judiciary Committee to at least explore the idea. But Democrats and some Republicans are certain to resist. And even if the House were to summon the necessary majority to impeach a judge, persuading the required 67 senators to convict and remove a judge over a ruling would be highly unlikely.

Here is how the process works, and a sense of how the politics of the issue could play out.

What power does the House have to impeach a federal judge?

The Constitution says that “civil officers” of the United States can be impeached for “treason, bribery or other high crimes and misdemeanors,” some of which federal judges have previously been removed over.

But it is the more subjective high crimes and misdemeanors clause that impeachment advocates are pointing to as the basis for trying to remove James E. Boasberg, a veteran judge in the District of Columbia who temporarily blocked Mr. Trump’s plan for deportations under a rarely invoked 18th-century wartime law.

After Mr. Trump urged Judge Boasberg’s ouster, Representative Brandon Gill, a hard-right first-term Republican from Texas, filed articles of impeachment. Mr. Gill said the

judge had used his position “to advance political gain while interfering with the president’s constitutional prerogatives and enforcement of the rule of law.”

Three other federal judges have also had articles of impeachment filed against them by House Republicans.

What would be the next steps in the House?

The Judiciary Committee would need to decide if articles of impeachment merited review by the panel. Representative Jim Jordan, the Ohio Republican who leads the panel, did not reject the idea of impeachment hearings in a recent appearance on CNN, saying “all options are on the table” with Judge Boasberg.

Mr. Jordan said the panel would take initial steps by convening hearings examining the breadth of judicial resistance to Mr. Trump’s actions in office so far. The impeachment of a federal judge would traditionally require an in-depth investigation and a hearing with an array of witnesses. Impeaching a judge would be decided by a majority vote on the House floor.

Would the Senate be required to act if the House impeached a judge?

Yes, the Senate would have to act on the articles of impeachment in some way. It could simply dismiss them, a move that would most likely infuriate the White House and House conservatives.

Unlike presidential impeachments, for which the full Senate conducts a trial, lawmakers can organize a smaller panel to hold the proceeding and make a recommendation to the full body. A conviction would require 67 votes, or two-thirds of the Senate.

With Republicans holding only 53 seats in the Senate, it would be difficult to convict a judge over what Democrats would see as a legal dispute and an abuse of the impeachment process.

What is the Senate’s view of the push for judicial impeachment?

Senior Republican senators have been much less enthusiastic than their House counterparts about pursuing impeachments over judicial rulings.

Two senior Republicans on the Senate Judiciary Committee, Lindsey Graham of South Carolina and John Cornyn of Texas, [told The New York Times](#) in interviews recently that they were opposed to the idea, and said that appeals were the proper way to challenge judicial rulings.

Senator Charles E. Grassley, an Iowa Republican who leads the panel, had been quiet on the issue, but said on Sunday on social media that the committee would be “taking action.” It was unclear what action he meant.

Senator Mike Lee, Republican of Utah and another member of the committee, has endorsed the possibility of impeachment.

But with conviction unlikely, Senate Republican leaders would not relish devoting much time to the issue, which would be a distraction from other legislative issues. It would also cause a difficult political vote for Senate Republicans who don't view impeachment as warranted.

If the removal of a judge is so unlikely, why are Republicans making it an issue?

Mr. Trump and others around him have a long history of assailing judges who rule against his interests. Many legal observers say that the current impeachment campaign is an attempt to cow judges and discourage them from taking on the administration while they face [heightened security threats](#).

The push to impeach also keeps the public's focus on the Trump administration's efforts to deliver on the president's campaign promises, such as mass deportations. It shows that Mr. Trump is forging ahead despite resistance from the judicial branch.

How many federal judges have been impeached?

Fifteen federal judges have been impeached, the first in 1803. Eight have been convicted and removed, mainly for serious criminal acts such as bribery and conflicts of interest.

As Chief Justice John G. Roberts Jr. suggested in an unusual rebuke of Mr. Trump and others calling for impeachments, there has been an accepted view in the United States for two centuries that disagreement over decisions is not grounds for impeachment.

The last judicial impeachment was of Judge G. Thomas Porteous Jr. of Louisiana in 2010, on charges of bribery and perjury. He was convicted and removed. One impeached and convicted federal judge, Alcee L. Hastings of Florida, was [later elected](#) to the House of Representatives.

If the removal of judges targeted for impeachment is unlikely, could other legislative approaches arise from the debate?

Yes. In his CNN interview, Mr. Jordan noted that other legislative remedies could emerge. He noted that his panel recently approved legislation that would prevent district court judges from issuing orders that extend beyond their jurisdiction. Mr. Jordan said that he hoped for a floor vote on the bill.

Others have pushed for restricting the ability of those going to court from so-called judge shopping, or the practice of steering cases to sympathetic judges in friendly jurisdictions. And some lawmakers have suggested that because Congress established the federal courts below the Supreme Court, it could abolish some districts.

Democrats and some Republicans would see those acts as gross violations of the constitutional separation of powers. Any legislation restricting the courts would have to clear a filibuster in the Senate, where Democrats could block it.