

Judge Finds Probable Cause to Hold Trump Administration in Criminal Contempt

James Boasberg says Trump officials willfully defied court order

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A federal judge said Wednesday he had found probable cause to hold Trump officials in criminal contempt for willfully disregarding an order barring the removal of Venezuelan migrants from the country.

[U.S. District Judge James Boasberg](#) in Washington [said in an order](#) that the government must act quickly to avoid possible prosecution, including potentially seeking custody of the migrants sent to a notorious prison in El Salvador. The order [escalated a clash](#) about how much power the courts have to rein in White House policies, as Trump's swift deportation drive has put the administration on increasingly precarious legal terrain.

[The dispute](#) centers on an emergency hearing Boasberg convened March 15 in a case challenging the administration's use of a wartime law to deport dozens of alleged members of Tren de Aragua, a violent Venezuelan gang.

President Trump signed the proclamation invoking the Alien Enemies Act on a Friday and deportations began that Saturday morning. Lawyers for a group of immigrants bringing the challenge had asked Boasberg to halt the deportation flights immediately. During the March 15 hearing, Boasberg said that planes that had taken off or were in the air should be returned to the U.S. immediately. About 30 minutes later, he formalized his restraining order in writing—but didn't explicitly mention turning around flights. The flights landed in El Salvador later that evening.

Trump administration lawyers have argued the written order supersedes Boasberg's oral order and dispute claims they deliberately disobeyed him.

The Supreme Court later dissolved Boasberg's order in a narrow ruling, finding the challenges should have been brought in the judicial districts where the deportees had been held—not wholesale in Washington. The justices' later ruling didn't absolve the administration from answering questions about whether it defied the initial order, Boasberg found.

"The Constitution does not tolerate willful disobedience of judicial orders—especially by officials of a coordinate branch who have sworn an oath to uphold it," Boasberg wrote in Wednesday's order.

“The administration has not been willing to take the steps to satisfy the courts,” said Gregory Sisk, a University of St. Thomas law professor. “It makes it hard for a district judge not to go forward with this. It’s a question of who blinks.”

The administration has appealed the decision. “The Supreme Court ruled that Judge Boasberg has no right to seize control of the President’s authority to conduct foreign policy,” a Justice Department spokesman said. “His underhanded attempt to maintain power over this case is a judicial power grab that the Department of Justice will fight by all means necessary.”

Boasberg ordered the government by next week to either show him an attempt to remedy the violation or provide information from administration officials—under oath—about the decision, including potentially hearings with live testimony. The judge has repeatedly pressed government lawyers for details on who made decisions about the deportations without many answers.

“The Government knew as of that morning that the Court would hold a hearing on whether anyone in its custody could, consistent with the law, be removed pursuant to the Act—and yet it nonetheless rushed to load people onto planes and get them airborne,” he wrote in his order Wednesday.

The Trump administration has pushed back against judges’ efforts to restrict its ability to carry out swift deportations of people in the country illegally, saying they interfere with the president’s power to control foreign policy. The Supreme Court also recently advised a federal court in a similar case to give “due regard for the deference owed to the Executive Branch in the conduct of foreign affairs.”

Criminal contempt prosecutions against government officials or agencies are rare but not unprecedented, with convictions requiring the most stringent standard of proof. But they can lead to sanctions as serious as individual fines or imprisonment. The penalties, however, could be overturned by higher courts and might also depend on the president to enforce them. Lawyers representing the executive branch in past judicial clashes with federal officials have asserted immunity from punishment.

Judges can cite government officials for civil contempt themselves. But criminal contempt cases involve a formal criminal charge and the potential for a jury trial, while also affording the accused more procedural protections.

A Maryland federal judge is [considering holding contempt proceedings](#) against the Trump administration in a separate lawsuit over the administration’s mistaken deportation of Kilmar Abrego Garcia to a Salvadoran maximum-security prison, despite an immigration court order protecting him from being returned to his home country.

The government on Wednesday afternoon filed a new appeal against an order demanding that it facilitate Garcia’s immediate return and update the court on its efforts to do so.

On Wednesday, White House Press Secretary Karoline Leavitt held a briefing with Patty Morin, whose 37-year-old daughter Rachel Morin was murdered. Victor Martinez Hernandez was convicted Monday in the killing. The case is separate from Garcia's. The White House nevertheless has connected the two, because the murder happened in Maryland—the same state in which Garcia lived—and both Garcia and Hernandez were alleged to be gang members with no legal status in the country.

Sen. Chris Van Hollen (D., Md.) went to El Salvador on Wednesday to meet with authorities there about Garcia. He said Garcia was illegally abducted by the Trump administration, and “he shouldn’t have to spend another second away from his family.”