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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. RES. _____

Removing James E. Boasberg, Chief Judge of the United States District Court for the District of Columbia, for failure to remain in good behavior pursuant to section 1 of article III of the Constitution.

IN THE HOUSE OF REPRESENTATIVES

Mr. BIGGS of Arizona submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Removing James E. Boasberg, Chief Judge of the United States District Court for the District of Columbia, for failure to remain in good behavior pursuant to section 1 of article III of the Constitution.

1 *Resolved*, That James E. Boasberg, Chief Judge of
2 the United States District Court for the District of Colum-
3 bia, is removed for failing to maintain the standard of
4 good behavior required of judges under section 1 of article
5 III of the Constitution, and that the following article of
6 removal be exhibited to the United States Senate.

1 Article of removal exhibited by the House of Rep-
2 resentatives of the United States of America in the name
3 of itself and of the people of the United States of America,
4 against James E. Boasberg, Chief Judge, United States
5 District Court for the District of Columbia, in mainte-
6 nance and support of its removal of him for failing to re-
7 main in good behavior.

8 ARTICLE I: ABUSE OF POWER

9
10 Chief Judge Boasberg, in violation of his oath of of-
11 fice, did knowingly and willfully use his judicial position
12 to knowingly interfere with the President's constitutional
13 prerogatives and enforcement of the rule of law for polit-
14 ical gain.

15 The Constitution grants Congress the authority to
16 create, eliminate, and regulate all Federal courts inferior
17 to the Supreme Court. Section 1 of article III of the Con-
18 stitution provides that “[t]he Judges, both of the supreme
19 and inferior Courts, shall hold their Offices during good
20 Behavior,” thereby granting Congress the authority to re-
21 move a judge who fails to remain in good behavior while
22 in office.

23 The Constitution grants the President broad and ex-
24 pensive powers over the conduct of foreign policy and to
25 ensure national security against foreign threats. The Su-
26 preme Court has ruled that the power to conduct foreign

1 affairs is a political power which is largely beyond the
2 scope of judicial inquiry or decision. As such, outside ques-
3 tions of the constitutionality of a provision or action, the
4 Constitution places foreign policy decisions by the Presi-
5 dent and Congress beyond the scope of review by the
6 courts along with actions taken pursuant to those deci-
7 sions.

8 In 1798, Congress passed the Alien Enemies Act (50
9 U.S.C. 21–24), which authorizes the President to make
10 a public proclamation designating members of a foreign
11 nation or government liable for apprehension and removal
12 as alien enemies of the United States. The Act gives the
13 President sole authority to determine the manner of the
14 enemy aliens’ restraint and removal as well as to establish
15 any regulations which are necessary to ensure public safe-
16 ty.

17 On March 15, 2025, President Donald J. Trump
18 issued a proclamation declaring that all Venezuelan citi-
19 zens who are members of the organization known as Tren
20 de Aragua are liable to be apprehended and removed
21 under the Alien Enemies Act due to the threat the organi-
22 zation poses to the United States and its clear entangle-
23 ment with the government of Venezuela. Furthermore, due
24 to the severity of Tren de Aragua’s crimes against the
25 United States, the President declared that members of

1 Tren de Aragua are ineligible for the benefits of section
2 22 of the Act and are therefore liable to immediate appre-
3 hension and removal. Pursuant to this declaration, the
4 President directed the Attorney General and the Secretary
5 of Homeland Security to immediately take steps necessary
6 to begin the apprehension and removal of members of
7 Tren de Aragua who are present within the United States.

8 Despite the broad authority given by the Constitution
9 to the President when conducting matters of foreign af-
10 fairs and national security, and the clear authority given
11 to the President under the Alien Enemies Act, James E.
12 Boasberg knowingly interfered with the President's execu-
13 tion of foreign policy by ordering the return of members
14 of a designated foreign terrorist organization to the
15 United States. To justify his action, Boasberg cited ques-
16 tions concerning the interpretation of certain words and
17 phrases which are intimately tied to the President's for-
18 eign policy powers and therefore beyond the scope of re-
19 view of the courts. In doing so, James E. Boasberg know-
20 ingly extended beyond the bounds of power of his office
21 and unjustly interfered in the execution of foreign policy
22 and national security for partisan purposes of halting the
23 implementation of the President's foreign policy and for
24 political gain. Furthermore, James E. Boasberg has failed
25 to disclose payments received from non-federal sources

1 and abused his discretion during his term on the Foreign
2 Intelligence Surveillance Court.

3 Accordingly, under the good behavior clause of sec-
4 tion 1 of article III, these actions of James E. Boasberg
5 constitute misbehavior and render him liable for removal
6 from office.

7 Wherefore, James E. Boasberg, by his conduct has
8 failed to remain in good behavior should be removed from
9 office and no longer be considered a judge of the United
10 States.