

Senate Strikes on Rogue Judges! Fake Orders, Illegal Warrants, and Judicial Tyranny

by Dr. Julio C. Spinelli

based on: <https://www.youtube.com/watch?v=EAH3va6zxDg>

A Republican-led Senate panel has opened hearings on what members describe as “rogue judges,” with particular attention on Judge James “Jeb” Boasberg of the U.S. District Court for the District of Columbia. In his recent YouTube commentary, attorney Andrew Branca criticizes Boasberg for refusing to appear before the Senate to answer questions about his decisions, especially on surveillance of GOP senators and his use of the Alien Enemies Act. Boasberg declined the invitation through the Administrative Office of the U.S. Courts, arguing that forcing judges to explain their deliberative processes would undermine judicial independence and the separation of powers. Branca contrasts this with Trump administration officials in the first term who were prosecuted and imprisoned for defying congressional subpoenas, and asks why the same standard is not applied to a federal judge.

Branca attacks the structure and culture of the D.C. District Court itself, calling it inherently political and noting that a significant share of its judges are foreign-born and in some cases hold dual citizenship, despite wielding lifetime power on the federal bench. He argues that this concentration of politically aligned judges in Washington, D.C., has produced a machine that systematically opposes Donald Trump and his administration, rather than acting as an impartial judicial body.

A central legal theme in Branca’s analysis is Article III’s language that federal judges “serve during good Behaviour.” He emphasizes that the Constitution does **not** literally guarantee lifetime tenure, but rather ties service to good behavior. Impeachment for “high Crimes and Misdemeanors,” he says, is analogous to a felony conviction requiring full

due process and a two-thirds Senate vote. But he argues that there is a separate, lesser standard: judges who violate the judiciary's own Code of Conduct or otherwise fail to exhibit "good behavior" could, in his view, be removed by a simple Senate majority, just as they were originally confirmed, without needing to prove criminal conduct.

Boasberg's critics, as Branca recounts, cite several controversies. One is his approval of secret FBI warrants and non-disclosure orders that allowed surveillance of Republican senators without notifying them, despite statutory notification requirements. Boasberg has claimed he did not realize the warrants targeted senators, but Branca questions whether a judge could sign such sensitive orders without understanding who was being surveilled, suggesting that either Boasberg was careless or is now minimizing what he knew.

The other major focus is Boasberg's role in an Alien Enemies Act case involving Venezuelan nationals alleged to be members of a violent gang. According to Branca's retelling, the detainees were held in Texas but their lawyers filed a habeas action in D.C., bypassing the usual rule that habeas petitions go to the district where a person is detained. Although Boasberg was supposedly on vacation, he was in his D.C. chambers at 1 a.m. when the case was filed, took it himself instead of it going to the emergency duty judge, and issued an oral directive that government planes already in the air transporting these detainees to El Salvador be turned around. About 40 minutes later, he issued a written temporary restraining order that did **not** include any explicit requirement to turn those flights back.

Branca stresses that the Trump administration complied exactly with the written order they received, which blocked future removals but said nothing about planes already en route. He notes that during the hearing Boasberg told the lawyers not to bother taking notes because everything would be captured in the written order, and that there was no transcript immediately available at the time the executive branch had to act. Yet Boasberg later treated his vague oral comments as binding and pursued criminal contempt on the theory that

administration officials had willfully disobeyed an “order” that never appeared in the written ruling. The Supreme Court eventually held that Boasberg lacked jurisdiction in the case because it belonged in Texas, but also reaffirmed the general rule that even defective orders must be obeyed until overturned—a rule Branca says works only if judges are acting in good faith, not when they knowingly exceed their authority.

Taken together, Branca argues, these episodes show Boasberg as part of a broader pattern of federal judges in D.C. using their positions to obstruct Trump’s Article II executive authority, reinterpret the Alien Enemies Act to shield foreign gang members, and shield their own conduct from scrutiny. He warns that allowing judges to issue sweeping orders, refuse to explain themselves, and ignore jurisdictional limits while facing no realistic consequences under the “good behavior” standard is indistinguishable from what ordinary Americans would recognize as judicial tyranny.

Summary based on commentary by Andrew Branca, Attorney.