

**Legislative Bulletin.....March 11, 2010**

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**H.Res. 1031**– Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors

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**H.Res. 1031— Impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors (*Conyers, D-MI*)**

**Order of Business:** The privileged resolution is scheduled to be considered on Thursday, March 11, 2010. The House is also expected to consider, by unanimous consent, a resolution appointing and authorizing managers for the impeachment of Judge Porteous.

**Summary:** H.Res. 1031 sets forth four Articles of Impeachment against Judge G. Thomas Porteous. The resolution calls for the impeachment of Judge Porteous, a U.S. District Court judge for the Eastern District of Louisiana, for high crimes and misdemeanors.

The Articles of Impeachment (the allegations) are as follows:

- Judge Porteous had a corrupt financial relationship with a law firm which represented a client that had a case in front of the judge. Judge Porteous accepted cash and other things of value from these lawyers and did not recuse himself from the case;
- Judge Porteous engaged in a corrupt relationship with bail bondsmen in which he accepted things of value in exchange for setting bonds at profitable levels for the bondsmen. He also helped these bondsmen form similar relationships with other judges;
- From 2001-2004, Judge Porteous made repeated material false statements and representations related to his personal bankruptcy filings; and
- Judge Porteous knowingly made false statements in his FBI background check in connection with his 1994 nomination to be a U.S. District Court judge.

If the House impeaches Judge Porteous, the Senate will then try him. Impeachment requires a majority of the House. Convictions requires a two-thirds vote in the Senate.

**Background:** In August 1994, Judge Porteous was nominated by President Clinton to be U.S. District Court Judge for the Eastern District of Louisiana. He was confirmed by the Senate on October 7, 1994 and sworn in on October 28<sup>th</sup> of the same year.

The following actions took place to investigate the actions of Judge Porteous:

- The Department of Justice and the FBI completed a criminal investigation of Judge Porteous in May 2007. The findings stated that "...his decade-long course of conduct in soliciting and accepting a stream of payments and gifts from litigants and lawyers with matters before him, and his repeated failures to disclose those dealings to interested parties and the Court all render him unfit as an Article III judge."
- The Fifth Circuit investigated Judge Porteous through hearings in a Special Investigatory Committee. Due to their findings, the Fifth Circuit suspended him for two years, or until Congress acts on his impeachment.
- The House Judiciary Committee conducted hearings and investigations through the Task Force on Judicial Impeachment . They interviewed over 65 people, deposed approximately 25 witnesses under oath, and obtained relevant documents to the case. According to the House Judiciary Committee, the Task Force held four hearings in late 2009 on four different allegations related to: misconduct; false and misleading statements, including the concealment of debts; his solicitation of things of value from bail bondsmen in return for doing things from the bench that benefited the bail bondsmen; and whether his conduct makes him unfit to hold office and provides basis for impeachment.

Judge Porteous was given the opportunity to testify but he declined. He was also given the opportunity to call his own witness, which he declined.

On January 21, 2010, the Task Force on Impeachment voted unanimously to recommend four Articles of Impeachment for consideration by the House Judiciary Committee.

**Committee Action:** The resolution was introduced on January 21, 2010. It was referred to the Committee on the Judiciary, which passed each Article unanimously, and then reported the resolution out of committee by a vote of 24-0.

**Administration Position:** No Statement of Administration Policy is provided.

**Cost to Taxpayers:** No CBO report is available. However, the resolution does not have a cost associated with it.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Constitutional Authority:** According to the committee report, the following are the pertinent provisions in the United States Constitution that relate to impeachment:

- “Article I, Section 2, Clause 5: The House of Representatives . . . shall have the sole Power of Impeachment;
- Article I, Section 3, Clauses 6 and 7: The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the Concurrence of two-thirds of the Members present. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law;
- Article II, Section 2, Clause 1: The President . . . shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment;
- Article II, Section 4: The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** The resolution contains no earmarks.

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