



FILED VIA CERTIFIED U.S. MAIL

United States Court of Appeals for the District of Columbia Circuit
Attn: Spencer Hallett, Circuit Executive
Room 5509
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, NW
Washington, D.C. 20001

RE: Complaint of Judicial Misconduct - Chief Judge James E. Boasberg

Dear Mr. Hallett,

This complaint addresses probable judicial misconduct by Chief Judge James E. Boasberg due to the recent reports that he consulted with members of the Biden Department of Justice (DOJ) in strategizing on how to prosecute President Trump and other members of his administration, specifically the Arctic Frost investigation and prosecutions.

I. Who We Are

The Center to Advance Security in America (CASA) is a nonpartisan organization dedicated to improving the safety and security of the American people. CASA educates and informs the American people about the actions of their government and its officials that impact their safety; peace and security; democracy, civil rights, and civil liberties; and privacy.

II. Background

Chief Judge James E. Boasberg is a District Court Judge for the District of Columbia. He has been a district court judge since his appointment in 2011 during the Obama administration, and became the Chief Judge on March 17, 2023, during the Biden administration.¹

Prior to the events upon which this Complaint is focused, to provide context, Judge Boasberg was in the news for telling judicial colleagues that President Trump’s “Administration would disregard rulings of federal courts leading to a constitutional crisis,” planting into the minds of other judges that President Trump would act unlawfully during his administration.² His statement that Trump would create a “constitutional crisis” provides color to the actions that he had taken years earlier. As it turns out, it is Boasberg who has created a constitutional crisis, as

¹ United States District Court-District of Columbia, “Chief Judge James E. Boasberg,” [dcd.uscourts.gov](https://www.dcd.uscourts.gov/content/chief-judge-james-e-boasberg), accessed April 6, 2026, <https://www.dcd.uscourts.gov/content/chief-judge-james-e-boasberg>.

² Margot Cleveland, “Exclusive: Memo Reveals D.C. Judges Are Predisposed Against Trump Administration,” *The Federalist*, July 16, 2025, <https://thefederalist.com/2025/07/16/exclusive-memo-reveals-d-c-judges-are-predisposed-against-trump-administration/>.



he has virtually ignored the separation of powers doctrine to pursue his biases against President Trump.

During the Biden administration, his FBI and DOJ quietly put together a ploy that they called “Arctic Frost.” It was designed to probe and pry into President Trump, former members of his administration, and anyone else who spoke in support of his “alternate electors” strategy or questioned the 2020 election. As Senator Chuck Grassley put it, “the facts show the investigation was a sweeping partisan fishing expedition to take down political foes.”³ As it turns out, this conspiracy extended past just the Biden administration. It also included the very judges who were eventually tasked to oversee the matters when they reached the courts in Washington, D.C.

During an Attorney General briefing in 2023, it was placed into the meeting notes that the members of the DOJ had met with Judge Beryl Howell (former Chief Judge) and Judge Boasberg (current Chief Judge), both of the District Court of the District of Columbia.⁴ Relevant portions are redacted, but we know that Judge Howell was briefed on the “pace over the last month” and that “She liked our approach of pursuing the executive privilege litigation in an omnibus fashion.”⁵ We know that Boasberg was somehow involved in this meeting or a related meeting because under the section titled “Chief Judge Howell Meeting,” the notes state “Judge Boasberg = March 18,” implying that Boasberg would be met with the day after he was set to take over Howell’s role as Chief Judge.⁶

Also within the meeting notes, it is stated that “Chief Judge Howell issued a favorable opinion granting us access to all but a small set of documents that [Representative Scott] Perry tried to withhold as privileged under the Speech of [sic] Debate Clause.”⁷ Howell also denied stay pending appeal. She then went on to sign nondisclosure orders, preventing Perry from becoming aware of his privacy and constitutionally protected information being violated during the investigation.⁸

³ Senator Chuck Grassley, “Q&A: Arctic Frost With U.S. Senator Chuck Grassley,” News Release, October 17, 2025, <https://www.grassley.senate.gov/news/news-releases/qanda-arctic-frost>.

⁴ United States Senate -Committee on the Judiciary, “Grassley Releases New Arctic Frost Records, Raising Additional Questions about Jack Smith’s Conduct and Candor,” News Release, March 24, 2026, (document attached to press release), 2, https://www.grassley.senate.gov/imo/media/doc/arctic_frost_-_ag_briefing_doj_emails_kp_subpoenas_ndos.pdf.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid 4.

⁸ Ibid. 24; Senator Chuck Grassley, “New: Jack Smith Subpoenaed Records for over 400 Republican Targets as Part of ‘Arctic Frost.’” News Release, October 29, 2025, <https://www.grassley.senate.gov/news/news-releases/new-jack-smith-subpoenaed-records-for-over-400-republican-targets-as-part-of-arctic-frost>.



Of course, it was established in 2025 that Boasberg would eventually take this baton from Howell. Senate Judiciary Committee Chairman Chuck Grassley made public 197 subpoenas that sought records from media companies, members of the legislative branch or U.S. government, communications with White House advisors, data and analytics relating to political donations and fundraising, and broad financial data relating to conservative individuals or entities.⁹ Some of these subpoenas were accompanied by nondisclosure orders signed by Judge Boasberg, again preventing the subjects from even knowing of the subpoenas' existence.¹⁰

III. Ethics Standards

- Canon 1 states, “A judge should uphold the integrity and independence of the judiciary.”¹¹
- Canon 2 says that a “judge should Avoid Impropriety and the Appearance of Impropriety in all Activities.” Canon 2(A), states “A judge should...act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”¹²
- Canon 3 states that “A Judge Should perform the Duties of the Office Fairly, Impartially, and Diligently.” Inclusive in the commentary within Canon 3, the rules state that “Except as set out below, a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers.”¹³

IV. Analysis

It is understood that judges may not be disciplined for wrong decisions or orders. This is communicated by statute.¹⁴ But the word choice of the statute demonstrates why this statute does not protect Judge Boasberg. The immunity for judges extends to the “merits” of a decision or procedural ruling. “Merit” communicates that the protection is to allow judges to get a case wrong. It is to prevent disciplinary actions for every judge who is incorrect on the law.

⁹ Ibid.

¹⁰ U.S. Congress, Senate, *Grand Jury Subpoenas*, published October 29, 2025, https://www.grassley.senate.gov/imo/media/doc/arctic_frost_197_subpoena_records_obtained_by_chairman_grassley.pdf.

¹¹ “Judicial Conference of the United States, *Code of Conduct for United States Judges*,” March 2019, <https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges#b>.

¹² Ibid.

¹³ Ibid.

¹⁴ 28 U.S.C. § 352(b)(1)(A)(ii).



This extends far beyond the merit of any decision. This complaint involves corruption at a deep level. There is no world in which the statutes were designed to protect a judge meeting with prospective litigants to strategize with them on how to win a case in front of them in the future. This is especially true when the meetings are designed for the government to determine ways to put its political opposition in jail, which is exactly what Arctic Frost was designed to do.¹⁵

Here, each of the Canons listed above were likely violated. First, Canon 1 requires that judges “uphold the integrity and independence of the judiciary.” Independence does not mean that federal judges get to meet with members of the executive branch to strategize on how to prevent President Trump from winning an election or to punish President Trump and his administration (along with members of Congress) for actions taken within the scope of their duties or election efforts. Boasberg’s actions violated presidential immunity principles along with the Speech and Debate Clause of the Constitution.

Canon 2 states a “judge should Avoid Impropriety and the Appearance of Impropriety in all Activities.” It also states that a judge is to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” How can the public maintain confidence in the judiciary if judges are permitted to meet, in secret, with members of the DOJ to strategize on how to put a former president in jail? How can the public maintain confidence in the judiciary if a judge can strategize with the DOJ so it can obtain phone and other electronic records of sitting members of Congress, especially when the judge signs orders to prevent Congress from even knowing? Boasberg’s actions sure seem to communicate to the public that the DOJ, which Boasberg appears to align with politically, can trample on the rights of President Trump and anyone who speaks in support of him. This is not what the statutes giving judges immunity were ever designed to protect.

Canon 3 states that judges are to “perform the Duties of the Office Fairly, Impartially, and Diligently.” Certainly, it is not “fair” to a potential criminal defendant for a judge to meet in private with the attorneys who will eventually investigate and prosecute them. It is not “fair” to preclude the subjects of the investigation of even knowing that their rights are being violated. It is not “fair” for a judge in the District of Columbia District Court to tell the DOJ how it might rule on a certain legal theory before the theory is ever presented to the judge. It is not “impartial” either. This is precisely why Canon 3 bans *ex parte* communication. It is not within ethical design for this to happen. It certainly is not related at all to the “merits” of a decision.

While the facts strongly suggest that Boasberg violated the canons of judicial ethics, an investigation should be promptly opened to confirm.

¹⁵ United States Attorney General, “Appointment of Special Counsel,” Press Release, November 18, 2022, <https://www.justice.gov/archives/opa/pr/appointment-special-counsel-0>.



V. Conclusion

For each of the reasons stated herein, Judge Boasberg should be investigated and, if found to have violated any of the above Canons, disciplined by the D.C. Circuit Court of Appeals.

Thank you for your attention to this matter.

Curtis Schube
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