

“Impeachment: Holding Rogue Judges Accountable”

**United States Senate
Committee on the Judiciary
Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights**

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Statement for the Record

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Chairman Cruz, Ranking Member Whitehouse, and members of the subcommittee, thank you for the opportunity to testify today.

On June 7, 2022, Nicholas Roske flew from his home in California into Washington Dulles Airport.¹ His suitcase contained a gun, knife, and other equipment that would help him in his plan to assassinate Supreme Court Justice Brett Kavanaugh.² After arriving at Dulles, he took a taxi directly to Justice Kavanaugh's home.³ Only upon noticing the presence of law enforcement did he realize that his plan was futile, and give up, calling 911 and allowing himself to be detained.⁴ Mr. Roske pled guilty, without a plea agreement, to violating 18 U.S.C. § 351(c) for attempting to assassinate a Supreme Court Justice.⁵

There was no dispute as to the proper application of the United States sentencing guidelines to this case. DOJ and Mr. Roske's attorneys agreed that the Guidelines sentencing range for Mr. Roske was 30 years to life.⁶ Yet, despite the reprehensible nature of Roske's conduct and the threat it posed to our republic, Judge Deborah Boardman sentenced Nicholas Roske to just 97 months in prison.⁷

At sentencing, Judge Boardman described herself as "heartened by how this terrible offense has drawn the Roske family closer and has helped them understand Ms. Roske's profound mental health struggles and accept her for who she is."⁸ She stated that when she weighed "how much additional incarceration is sufficient, but not greater than necessary to punish Ms. Roske," that she would "take into consideration . . . the fact that she, a transgender woman, will be sent to a male-only Bureau of Prisons facility."⁹ Apparently, Judge Boardman her role as family therapist, healing the wounds of the Roske family and protecting Nicholas Roske's claimed gender identity, rather than a federal judge responsible for imposing a just sentence on a would-be assassin.

Judge Boardman further stated that "in [her] estimation, no rational actor would choose to commit a crime like this if it will strip them of their freedom, ostracize them from society, and separate them from their family for ten years."¹⁰ This statement shows a bewildering lack of historical understanding. Political assassinations have been with us for thousands of years. Four

¹ See Attachment 1 to Government's Memorandum In Aid of Sentencing, *United States v. Roske*, No. 8:22-cr-00209-DLB-1, 10 (D. Md. Sept. 19, 2025).

² See Government's Memorandum In Aid of Sentencing, *United States v. Roske*, No. 8:22-cr-00209-DLB-1, 13 (D. Md. Sept. 19, 2025).

³ See *id.* at 12.

⁴ See *id.*

⁵ See Minute Order, *United States v. Roske*, No. 8:22-cr-00209-DLB-1 (D. Md. Apr. 8, 2025).

⁶ See Transcript of Sentencing Hearing, *United States v. Roske*, No. 8:22-cr-00209-DLB-1, 10 (D. Md. Oct. 3, 2025).

⁷ See Judgment in a Criminal Case, *United States v. Roske*, No. 8:22-cr-00209-DLB-1 (D. Md. Oct. 6, 2025)

⁸ Transcript of Sentencing Hearing, *United States v. Roske*, at 129.

⁹ *Id.* at 146.

¹⁰ *Id.* at 152.

sitting Presidents have been assassinated: Lincoln, Garfield, McKinley, and Kennedy. Gavrilo Princip's assassination of Archduke Franz Ferdinand was the catalyst for World War I.

President Trump was nearly assassinated twice last year. And, of course, my good friend, conservative activist Charlie Kirk was assassinated less than three months ago.

History tells us that evil, yet rational human beings will commit inhuman acts, sacrificing their lives or their liberty in the process, if they believe they can effectuate political change. Nicholas Roske was no different in this respect to Thomas Crooks, Ryan Routh, Tyler Robinson, Gavrilo Princip, or John Wilkes Booth. And Congress must have certainly understood this when it sought to impose the maximum penalty on assassination¹¹ which Judge Boardman blithely ignored when she declared that a sentence of roughly ten years was sufficient to deter would-be assassins.¹²

Impeachments of judges are relatively rare throughout our nation's history, to insulate the judicial process from politics and protect the rule of law. Judge Boardman's case, however, is the rare one where a judicial impeachment would vindicate the integrity of the judiciary and protect judges from improper influence. Nicholas Roske tried and failed to assassinate Justice Kavanaugh. The evidence presented at sentencing demonstrated that he did so because he wanted to change the Supreme Court's jurisprudence on abortion.¹³ Judge Boardman's slap on the wrist for Mr. Roske, if left to stand, will only encourage others upset with judicial decisions to try similar tactics.

The danger is not hypothetical. President Trump was an inch away from being murdered on live television. Charlie Kirk is dead. A number of prominent cabinet members and senior White House officials have been forced to move their families on to military bases to protect them from violent threats.¹⁴

Professor Frank Bowman has explained that "a single act of sufficient gravity that inflicts sufficient damage on constitutional order" can constitute an impeachable offense when it "subverts [the] separation of powers or undermines judicial independence."¹⁵ That is the best way to understand why Judge Boardman should be impeached. Nicholas Roske's crime was no ordinary attempted murder; it was the attempted assassination of a Supreme Court Justice of the United States. There can be no graver attack on our constitutional order or on the independence of federal judges. Judge Boardman's garden-variety sentence of just 97 months ratified Mr. Roske's conduct as a garden-variety federal crime. That one grave, destructive act is sufficient to justify her impeachment.

¹¹ See 18 U.S.C. § 351(c).

¹² See Transcript of Sentencing Hearing, *United States v. Roske*, at 152.

¹³ See Government's Memorandum In Aid of Sentencing, *United States v. Roske*, at 6-9.

¹⁴ See, e.g., John Ismay and Hamed Aleaziz, *Trump Officials Move Into Military Residences In D.C. Area*, N.Y. Times (Oct. 30, 2025), <https://www.nytimes.com/2025/10/30/us/politics/trump-officials-military-housing.html>.

¹⁵ Frank O. Bowman III, *High Crimes and Misdemeanors: A History of Impeachment for the Age of Trump* 98-99 (2019).