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(Original Signature of Member)

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. RES.** \_\_\_\_\_

Impeaching U.S. District Court Judge of the District of  
Columbia Beryl Howell, for Misdeeds as then Chief Judge  
Violating the Constitutional Duty of “Good Behavior” as  
Defined Pursuant to 28 U.S. Code §§ 2071, 455, 331, and  
358 in The Code of Conduct for United States Judges

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. \_\_\_\_\_ of \_\_\_\_\_ (for himself, Mr.  
\_\_\_\_\_, and [see ATTACHED LIST of cosponsors]) submitted  
the following resolution; which was referred to the Committee  
on the Judiciary.

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**RESOLUTION**

Impeaching U.S. District Court Judge of the District of  
Columbia Beryl Howell, for Misdeeds as then Chief Judge  
Violating the Constitutional Duty of “Good Behavior” as  
Defined Pursuant to 28 U.S. Code §§ 2071, 455, 331, and  
358 in The Code of Conduct for United States Judges.

1       **Whereas**, the rule of law necessary to maintain a safe and  
2 civilized society requires that members of the society believe in  
3 fairness, impartiality, logical coherence, and devotion to facts and  
4 evidence (rather than assumptions or popularized opinions) governing  
5 the legal system. The Legislative Branch’s efforts lose their  
6 importance if laws Congress passed are not applied and enforced as  
7 written. Congress must engage in oversight that the laws it passes are  
8 taken seriously and not twisted and altered in implementation.

9       **Whereas**, U.S. District Court Judge Beryl Alaine Howell was  
10 confirmed to the U.S. District Court for the District of Columbia on  
11 December 22, 2010, and became Chief Judge on March 17, 2016,  
12 through March 17, 2023. Howell has announced she will take “Senior  
13 Judge” status on February 1, 2024, but such status will mean that she  
14 will continue to preside over and decide cases, including as the  
15 Department of Justice has swamped the District Court with over a  
16 thousand January 6, 2021, cases on top of its normal case load.

17       **Whereas**, Howell came to the bench with extensive legal  
18 experience, publication of legal articles including one on the legal  
19 ethics of accuracy in “discovery” of electronic information and two  
20 critiquing the Foreign Intelligence Surveillance Act as used in federal

1 criminal cases, and two on the USA Patriot Act. Unlike some judicial  
2 appointees, Howell clerked for a Federal judge and she also practiced  
3 law in private practice. A 2015 analysis by Ravel Law found Howell  
4 to be the second most-cited district court judge appointed in the  
5 previous five years. Howell, therefore, is well aware of her  
6 responsibilities, duties, and limitations as a District Court Judge.

7 **Whereas**, as Chief Judge, Howell set the tone and leadership for  
8 the District on the legal procedures and approach of many criminal  
9 cases including those relating to events of January 6, 2021, including  
10 explicitly creating new rules and law to be followed in defiance of  
11 existing statutes, rules, precedents, and law already covering the same  
12 topic. Howell created the framework in the U.S. District Court for  
13 the District of Columbia for applying different and unique laws, rules,  
14 procedures, and principles for prosecutions involving January 6, 2021,  
15 than for all normal cases.

16 ***For the reasons stated here an in the accompanying***  
17 ***Supporting Memorandum, therefore, the U.S. House of***  
18 ***Representatives hereby convenes and authorizes all necessary***  
19 ***inquiries by the U.S. House of Representatives Judiciary***  
20 ***Committee and other Committees having subject-matter***

1 *relevance, and votes for the impeachment of Judge Beryl*

2 *Howell:*

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## ARTICLES OF IMPEACHMENT

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### Article 1

6

Beryl Howell, then serving as Chief Judge of the District

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Court, violated multiple Canons by deciding cases with bias, prejudice,

8

and discriminatory treatment based on partisan politics.

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Specifically, Howell over-ruled at least fourteen (14)

10 Magistrate Judges (identified so far) from around the country who

11 made decisions to release Defendants in prosecutions related to

12 events on January 6, 2021, from detention while awaiting trial.

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Although the U.S. Attorney's Office for the District of

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Columbia sought reversal, Howell could have given deference and let

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those Magistrate's decisions stand.

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Pre-conviction bail is not to be punishment nor a means of

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moral condemnation. Federal Judges cannot keep charged persons

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incarcerated out of dislike or disapproval. *See, e.g.*, 18 U.S.C. § 3142(j)

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("Nothing in this section shall be construed as modifying or limiting

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the presumption of innocence."). Bail is limited to ensuring that a

1 Defendant will appear for trial and while awaiting trial will not be a  
2 danger to himself or the community. Congress requires Judges to  
3 consider any arrangements or circumstances that can be devised to  
4 minimize risks and deny bail only if no reasonable condition can  
5 achieve the requirements for release on bail.

6 Yet Chief Judge Howell over-turned at least fourteen  
7 Magistrate Judges from different parts of the nation who had decided  
8 that individual Defendants should be released on bail pending trial,  
9 particularly under the presumption of innocence ahead of trial. Other  
10 Magistrates have also explained to Defendants that they would have  
11 released them on bail, but they considered it futile to do so because  
12 Chief Judge Howell would simply over-rule them and order detention  
13 without bail. One Defendant offered to surround his house, where he  
14 would be in home detention, with surveillance cameras controlled by  
15 Pre-Trial Services or the like and be deprived of use of phone or  
16 computer except with his attorney preparing for trial. He was denied.

17 Over-turning fourteen Magistrates outside of Washington,  
18 D.C. reveals Howell's bias and prejudgment steeped in the society and  
19 politics of D.C., and vindictiveness toward those disliked.

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Article 2

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Judge Howell violated multiple Canons and the Constitutional architecture of the Federal Government’s three Branches of Government by publicly campaigning for the prosecutors of the U.S. Department of Justice to change their approach in indictments of and handling of prosecutions related to January 6, 2021.

Howell repeatedly and very publicly attempted to change public perceptions of January 6, 2021, and to direct and dictate the prosecution decisions of the U.S. Department of Justice. Howell both seeking to define the terms of prosecutions brought before the Judiciary and also presiding over the resulting criminal court cases has violated her role as a Federal judge as a neutral arbiter required by Due Process.

For example, on February 17, 2022:

Dealing another Jan. 6 defendant a brief stint in the slammer, the chief judge of the key D.C. district hearing criminal prosecutions of the attack on the U.S. Capitol held the Justice Department’s feet to the fire on Thursday, asking them to consider whether *their routine charging of petty offenses helped some view the siege as “legitimate political discourse.”*

1 The judge’s use of the phrase had obvious and  
2 pointed echoes. Official GOP leadership stoked outrage  
3 earlier this month when they apparently used it to  
4 characterize the attack on the Capitol, when they censured  
5 two Congress members of their party for investigating it:  
6 Rep. Adam Kinzinger of Illinois and Rep. Liz Cheney of  
7 Wyoming.

8 \* \* \*

9 At Stenz’s sentencing hearing Thursday, Chief U.S.  
10 District Judge Beryl Howell indicated that prosecutors may  
11 be sending the wrong message by accepting so many pleas  
12 to the relatively light misdemeanor charge.

13  
14 “Does the government accept some responsibility in  
15 its charging and plea offer decisions in all these cases  
16 arising out of Jan. 6 for ***helping to foster some confusion***  
17 ***about whether what occurred on Jan. 6 was a ‘protest’***  
18 ***or ‘legitimate political discourse?’*** Howell asked shortly  
19 after the sentencing hearing started.

20  
21 Howell was clearly referring to a recent statement by  
22 the Republican National Committee describe *[sic]* the mob  
23 attack on the Capitol on Jan. 6 as nothing more than  
24 “legitimate political discourse.”

25 \* \* \*

26 Howell’s question Thursday wasn’t rhetorical. She  
27 wanted to know why prosecutors didn’t pursue  
28 misdemeanor charges that, as she described, “wouldn’t  
29 have fostered this confusion,” such as willfully engaging in  
30 disorderly conduct.

31 \* \* \*

32 Prosecutor Grace Albinson told Howell that such  
33 “policy decisions” were made by DOJ management, and  
34 that while she understood Howell’s frustrations, she wasn’t  
35 the right person to address the judge’s questions.

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37 Howell then turned to *[veteran]* prosecutor James  
38 Pearce, who has been at the forefront of the Justice  
39 Department’s push for so-called “split sentences” in  
40 misdemeanor Jan. 6 cases.

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“I don’t mean to put you in an uncomfortable position either,” Howell said. “I am very curious, particularly *as in the public discourse there continues to be a theme that what happened on Jan. 6 was a protest gone wrong by some people*. So I want to give the government an opportunity to explain its choice. I’m not second-guessing it. I’m questioning and wondering whether there’s an acknowledgment that that choice has helped confuse the issue.”

Pearce reiterated what Albinson said—that such decisions are a “policy-level determination—*and said that it’s not the government’s role to be “engaged with the political conversation”* about *the political significance* of Jan. 6.

“What we are doing is ensuring criminal responsibility for what happened on Jan. 6,” Pearce said, adding that, as in other prosecutions not related to the Capitol attack, *the government pursues charges it thinks it can prove beyond a reasonable doubt*.

Howell said that a parading and picketing conviction is more like a “ticket” given to people who interrupt meetings.

\* \* \*

Marissa Sarnoff, "**Chief D.C. Judge Sternly Suggests Prosecutors Have Contributed to Notion That Jan. 6 Was Merely ‘Legitimate Political Discourse,’** Law and Crime, February 17th, 2022, (*emphases added*), <https://lawandcrime.com/u-s-capitol-breach/chief-d-c-judge-excoriates-prosecutors-for-contributing-to-notion-that-jan-6-was-merely-legitimate-political-discourse/>

Thus, conceded by her own words, then Chief Judge Howell sought to control, manipulate, and direct the political aspects of January 6 prosecutions and the public perception. And she sought to



1 erase distinctions between different Defendants and their diverse  
2 circumstances as individuals, ignoring the difference between  
3 Defendants against whom there was very little evidence and those  
4 facing reliable evidence and available witnesses of serious crimes.

5 Howell abused her authority by seeking to manipulate public  
6 perception and – while pretending to be just suggesting despite the  
7 heavy, weighty hand of a Federal judge – directing prosecutors from a  
8 different Branch of the U.S. Government to alter their charging  
9 decisions and sentencing recommendations to her liking.

10 Howell abused her office not merely to decide cases over  
11 which she presided consistent with Due Process but to attempt to  
12 change how January 6, 2021, was viewed politically and publicly far  
13 beyond the E. Barrett Prettyman Federal Courthouse.

14 Howell’s concern that ***“there continues to be a theme that***  
15 ***what happened on Jan. 6 was a protest gone wrong by some***  
16 ***people.”*** is a violation and abuse of her judicial role. It is not a  
17 Judge’s role to manage public relations, nor cure a “theme” in public  
18 discussion, particularly when the U.S. House of Representatives’  
19 Select Committee to Investigate the Attack on the U.S. Capitol was  
20 already busily spinning the topic with many hearings on national

1 television. Howell did not have the authority nor was there any need  
2 for a Federal judge to tell the public and elected officials what to think  
3 beyond her courtroom, particularly months or years before any  
4 reliable evidence was admitted into an actual trial.

5 Furthermore, Howell's concern that **“there continues to be**  
6 **a theme that what happened on Jan. 6 was a protest gone wrong**  
7 **by some people”** depends upon the unconstitutional concept that  
8 everyone in the vicinity shares collectivist guilt. Only by Howell  
9 judging Defendants as a collective, not individually, could Howell  
10 claim a “theme.” And no evidence had yet been presented in any trial.  
11 Howell voiced a purely political opinion based on pre-judgment.

12 Howell chastised the DOJ for not charging all Defendants  
13 more severely, uniformly, while long-term, veteran prosecutor James  
14 Pearce, with decades of experience with politically charged cases, tried  
15 to explain to Howell that **“the Government pursues charges it can**  
16 **prove beyond a reasonable doubt.”** What if some Defendants  
17 clearly engaged in serious misconduct, while there isn't proof  
18 regarding others? Howell demanded that the DoJ charge everyone  
19 much more severely across the board, regardless of the evidence,  
20 quality of evidence, and circumstances in each individual case.

1           The idea of “guilt by association” implies some association.  
2 Here, there is none. Howell’s framework renders people guilty for  
3 merely wandering past and looking to see what is happening or  
4 showing up to a demonstration for which the USCP issued permits.

5           Howell applies different standards from the attack on the  
6 White House in May to June 2020, at which apparently more police  
7 officers were injured than on January 6, 2021, and the left-wing attack  
8 on the Hart Senate Office Building in which every floor (according to  
9 its organizers) was completely occupied and taken over by their rioters  
10 and the U.S. Senate Judiciary Committee constantly interrupted from  
11 confirmation proceedings of Brett Kavanaugh to the U.S. Supreme  
12 Court, and the January 14-21, 2017, riots, arson, and violence by  
13 protestors who openly and proudly admitted their goals of preventing  
14 President-Elect Trump from taking office as President (in contrast to  
15 January 6 Defendants who deny the motivations assigned to them).

16                       Last Friday afternoon, the U.S. Attorney’s Office  
17 for the District of Columbia dismissed charges against the  
18 39 remaining J20 Inauguration Day protesters under  
19 indictment, bringing a close to a year-and-a-half-long saga  
20 marked by police aggression, prosecutorial overreach, and  
21 heartening displays of solidarity by the defendants and their  
22 supporters.

23                                       \* \* \*

24                       While the U.S. government may be finished with  
25 the J20 prosecutions, however, J20 defendants are not

1 done with the prosecutors. Amid the celebrations, the  
2 defendants and advocates are turning to a new task:  
3 holding prosecutors accountable for their conduct at trial  
4 — and for the unnecessary anxiety and ambient trauma  
5 suffered by the defendants.

6 \* \* \*

7 “This isn’t over,” said Sam Menefee-Libey of the  
8 D.C. Legal Posse, which has coordinated support for the  
9 defendants. “We want to make sure Jennifer Kerkhoff,  
10 the MPD, and the whole D.C. U.S. Attorney’s Office face  
11 consequences.”

12 \* \* \*

13 “The dismissal of these charges is long overdue,”  
14 said Scott Michelman, senior staff attorney at the ACLU  
15 of D.C., who is litigating the case against the police  
16 department. “The prosecutor should have known she was  
17 proceeding on *a flimsy and constitutionally*  
18 *impermissible theory of guilt by association.*  
19 Hopefully, the U.S. government will learn *an important*  
20 *lesson about the limits of their ability to prosecute*  
21 *protesters in the first place.*”

22  
23 Sam Adler-Bell, **"With Last Charges Against J20 Protesters**  
24 **Dropped, Defendants Seek Accountability For Prosecutors:**  
25 **Federal prosecutors sought to imprison hundreds for the J20**  
26 **protests, but won no jury convictions. Now defendants are**  
27 **seeking accountability,"** The Intercept, July 13 2018, (*emphases*  
28 *added*), [https://theintercept.com/2018/07/13/j20-charges-dropped-](https://theintercept.com/2018/07/13/j20-charges-dropped-prosecutorial-misconduct/)  
29 [prosecutorial-misconduct/](https://theintercept.com/2018/07/13/j20-charges-dropped-prosecutorial-misconduct/)

30  
31 That is, not only did Howell abuse her office to attempt to  
32 reshape public discussion and public perception of January 6 far  
33 beyond her courtroom and to change another Branch’s prosecutorial  
34 decisions, Howell did so only in one political direction, excusing left-  
35 wing rioters but bristling at conservative demonstrators not being

1 viewed by the public harshly enough.

2 Indeed, on October 16, 2023, pro-Palestinian demonstrators  
3 physically blocked all entrances to the White House openly  
4 proclaiming their intent to disrupt the business there. Then on  
5 October 18, 2023, the demonstrators disrupted Senate hearings again  
6 and occupied the Canon House Office Building. What the January 6  
7 Defendants deny, these demonstrators boasted. Howell sought severe  
8 and harsh retribution only against demonstrators whose message she  
9 personally disliked.

10

11 **Article 3**

12 Judge Howell violated multiple Canons, the Bail Reform Act,  
13 and the Sentencing Reform Act of 1984 and also exceeded the  
14 authority of her office by concocting an entirely new set of rules  
15 applicable only to January 6 prosecutions, bail hearings, and  
16 sentencing proceedings, starting with her decisions in the “Chrestman  
17 Six” case. Howell introduced a new system of rules, writing (*emphasis*  
18 *added*):

19 ***1. Considerations Relevant to the Nature and***  
20 ***Circumstances of Offenses Committed at the U.S.***  
21 ***Capitol on January 6, 2021***  
22

1 In the course of this Court's consideration of motions for  
2 the pretrial release or detention of a number of defendants  
3 charged in relation to the events of January 6, **several**  
4 **offense characteristics have emerged as guideposts in**  
5 **assessing**, under § 3142(g)(1), the comparative culpability  
6 of a given defendant in relation to fellow rioters.

7  
8 See Mem. Op., *United States v. Chrestman*, 525 F. Supp. 3d 14  
9 (D.D.C. 2021) (Case No. 1:21-cr-00160) (D.D.C. Feb. 26, 2021)  
10 (reversing Magistrate’s decision to release Chrestman on bail). Howell  
11 then presents in details spread over many pages these entirely  
12 different criteria for bail, later reflected also in sentencing criteria for  
13 January 6 Defendants as well. Whether or not Howell’s new  
14 approach is as good or better, it simply does not comply with either  
15 existing law or the rules of evidence.

16 For example, Howell relies on mind-reading by counting  
17 against bail “First, any indication that a defendant engaged in prior  
18 planning before arriving at the Capitol, for example, by obtaining  
19 weapons or tactical gear, *[which]* **suggests** that he was not just caught  
20 up in the frenzy of the crowd, but instead came to Washington, D.C.  
21 with the intention of causing mayhem and disrupting the democratic  
22 process....” (*emphasis added*).

23 But months before trial, with no admissible evidence yet in  
24 front of the Court, Howell’s “any indication” can have no basis in fact

1 or reality. Not only is “tactical gear” an undefinable term subject  
2 entirely to the subjective view of the beholder, but Howell overlooked  
3 as Chief Judge the likelihood that Defendants obtained weapons or  
4 tactical gear for defensive purposes only. Howell’s criteria in the  
5 hands of prosecutors dedicated to coloring outside the lines do not  
6 require that these items were actually brought to Washington, D.C.  
7 instead of simply being left at home.

8 Chief Judge Howell created a false and misleading appearance  
9 of reasons for keeping Defendants incarcerated and for harsh  
10 sentences based upon unfounded pretexts. This is a violation of her  
11 duties under the Canons and the Due Process rights of Defendants.

12 To create a pretext for bail or sentencing decisions is an act of  
13 dishonesty.

14 On the other hand, there is evidence of some Defendants  
15 clearly committing damage breaking in to the Capitol and battling  
16 with police officers. Howell, however, treats all the same.

17 Howell similarly contaminated the small jury pool of  
18 Washington, D.C., with the idea that people who dress in hunting gear  
19 or casual dress typical of different regions of the country are  
20 necessarily guilty, because they allegedly wore “tactical gear.”

1           Almost none of the January 6 Defendants brought weapons  
2 to the Capitol so as to suggest intent or planning. No Defendant who  
3 brought anything conceivably like a weapon to the Capitol actually  
4 used it.

5           On the contrary, some clearly-violent thugs among the crowd  
6 who undeniably rioted on Capitol Hill did spontaneously pick up  
7 construction materials or tools or flag poles and attacked officers with  
8 those. These should be and are being prosecuted for what they  
9 actually did on sound proof. But a District Court may not apply guilt  
10 by association especially involving those where there is no evidence of  
11 guilt.

12           Howell created a new framework that treats innocent people  
13 as guilty, by mere geographic proximity to others who in fact did  
14 commit crimes. The requirement of the presumption of innocence  
15 applies at every stage of a criminal prosecution and to every detail.

16           Second, a Judge must seek to minimize disparities in  
17 sentencing, while considering all factors such as past criminal history.  
18 But, instead, Howell set in place the illegal practice of comparing  
19 January 6 Defendants only to other January 6 Defendants, rather than  
20 to the typical sentences for the same crime charged against anyone.



1 Third, Howell's new framework for sentencing includes new  
2 factors such as how long a Defendant was inside the U.S. Capitol, if at  
3 all. But for many Defendants, Capitol CCTV shows many  
4 Defendants spending mere seconds, a few minutes, or typically  
5 around 20 minutes inside the Capitol, wandering around aimlessly,  
6 and exiting often through different doors from which they entered.  
7 An unarmed crowd spending only a few minutes inside the Capitol,  
8 before leaving voluntarily, cannot "suggest" intent to riot or  
9 overthrow the Government.

10 Howell created a framework different from Congressional  
11 statutes and established law, which is based on unsupported  
12 speculation, unreliable information, and raw assumptions about  
13 Defendant's intentions, and enshrining a new fundamental  
14 transformation of U.S. law to a collectivist form of guilt.

15

16 **Article 4**

17 Judge Howell violated Constitutional Due Process by  
18 destroying the essential attorney-client privilege. As but one example  
19 of many such instances by the Chief Judge and other District Judges,  
20 of late, Howell shocked the legal and political world on March 17,

1 2023, by ordering Donald Trump’s attorney Evan Corcoran to testify  
2 against Corcoran’s client Trump before a Grand Jury concerning Jack  
3 Smith’s investigation into classified documents allegedly locked in  
4 storage at Mar-a-Lago.

5           Calling Trump’s attorney before the Grand Jury is the worst  
6 possible intrusion because only the prosecution speaks to or provides  
7 evidence to the Grand Jury and targets are not present and do not  
8 have their counsel in the room with them and are unable to object.  
9 (Corcoran being called as a witness would change his status from  
10 being able to act as attorney, requiring a different attorney to object.)

11           CNN concluded from interviewing legal scholars that this was  
12 “a monumental ruling” and explained that “The department argued  
13 to the judge he should not be able to avoid answering, because his  
14 **discussions** with the former president **may have been** part of **an**  
15 **attempt to plan** a crime.” Kaitlan Collins, Devan Cole and Katelyn  
16 Polantz, “Trump attorney ordered to testify before grand jury  
17 investigating former president,” CNN, March 18, 2023, (*emphasis*  
18 *added*), [https://www.cnn.com/2023/03/17/politics/evan-corcoran-](https://www.cnn.com/2023/03/17/politics/evan-corcoran-testimony-trump-lawyer)  
19 [testimony-trump-lawyer](https://www.cnn.com/2023/03/17/politics/evan-corcoran-testimony-trump-lawyer)

20           Recently judges and prosecutors have suddenly brought the

1 attorney-client privilege under attack, often under the pretext of the  
2 “crime/fraud exception.” The “crime/fraud exception” applies only  
3 where the attorney is involved in an on-going or future crime or  
4 fraud. There can never be any breach of the privilege concerning the  
5 client discussing with his attorney what happened in the past. Only  
6 when an attorney is helping a client plan or commit a crime – in the  
7 future (near or far) – can the privilege be breached.

8         The privilege cannot be breached in a fishing expedition that  
9 confidential *discussions* between attorney and client “*may have*  
10 *been* part of *an attempt* to *plan* a crime.” Courts cannot breach  
11 the privilege to look for a reason to breach the privilege. An attorney  
12 no longer acting as an attorney but as a crime participant must be  
13 independently established before the privilege is breached. A creative  
14 sales pitch as to why maybe there might be some evidence of a crime  
15 within privileged information turns the privilege on its head.

16         Furthermore, only those privileged materials closely related to  
17 planning or implementing a future or on-going crime can be  
18 examined. The exception does not allow widespread examination of  
19 all communications or documents, only those tightly related to a  
20 crime or fraud in which the attorney abandons his role as an attorney.

1 Where the “crime/fraud exception” is established, only information  
2 tightly focused on those circumstances can be examined.

3 Howell’s ruling shreds the protections of the Fourth  
4 Amendment and Due Process, because it allows prosecutors to go  
5 looking for something to justify after the fact their decision to go  
6 looking in privileged communications and documents. And then  
7 Howell allows that excuse to be used for a widespread, free-wheeling  
8 fishing expedition into privileged information and conversations.

9

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**Article 5**

11 Judge Howell violated multiple Canons by judging on the  
12 basis of personal knowledge having been personally affected by events  
13 of January 6, 2021.

14 While specifically referring to seeing National Guardsmen at  
15 the Capitol after the fact from the window of her Chambers office,  
16 this means that she could see also the entire events at the Capitol  
17 from her courthouse office window on January 6, 2021. If she could  
18 see the National Guard on Capitol Hill the day after, she could see the  
19 entire events all of January 6, 2021, including upon returning to her  
20 chambers from the courtroom for any lunch or break or at the end of

1 the day. (If the courthouse were closed, this begs the question what  
2 caused its closure decided before that day? And if it were closed, then  
3 Howell was personally and directly affected by events of January 6.)

4 Howell is therefore ineligible to sit as a judge on cases for  
5 which she is a witness, even if not called to testify. See: Tierney  
6 Sneed, "**US Capitol riot judges step up as the conscience of**  
7 **democracy while lawmakers squabble,**" CNN, August 13, 2021,  
8 [https://www.cnn.com/2021/08/13/politics/judges-riot-court-](https://www.cnn.com/2021/08/13/politics/judges-riot-court-describe-january-6-chilling-disgrace-tyranny/index.html)  
9 [describe-january-6-chilling-disgrace-tyranny/index.html](https://www.cnn.com/2021/08/13/politics/judges-riot-court-describe-january-6-chilling-disgrace-tyranny/index.html)

10 The judges don't just have a symbolic viewpoint on  
11 the insurrection. Their courthouse sits only a half  
12 mile from the Capitol complex and is on the route  
13 that the rioters took from the rally in front of the  
14 White House. Howell has said that from her chamber  
15 window she could see the National Guard stationed  
16 at the Capitol in the wake of the attack.

17 *Id.*

18 "Later, in a riot defendant's proceeding that the public was  
19 able to listen to by calling in on a phone line, Howell spoke  
20 furiously about how she could see armed guards from her  
21 chambers' window overlooking the National Mall."

22 Katelyn Polantz and Tierney Sneed, "**There's a new chief judge in**  
23 **DC who could help determine the fate of Donald Trump,**" CNN,  
24 March 17, 2023, [https://www.cnn.com/2023/03/16/politics/chief-](https://www.cnn.com/2023/03/16/politics/chief-judge-howell-boasberg/index.html)  
25 [judge-howell-boasberg/index.html](https://www.cnn.com/2023/03/16/politics/chief-judge-howell-boasberg/index.html)

26  
27 Furthermore, the Attorney General of the District of Columbia  
28 has sued purported leaders of demonstrations on January 6, 2021, on

1 behalf of the citizens and budget of the District of Columbia. Howell

2 appears to have declared that she resides in the District of Columbia.

3 “We’re still living here in Washington, DC, with the  
4 consequences of the violence that this defendant is alleged  
5 to have participated in,” she said at the hearing in 2021.

6 *Id.*

7

8 Howell, directly or indirectly and her law clerk staff are

9 personally interested in the outcome of D.C.’s lawsuit. The D.C.

10 Attorney General is legally alleging that the January 6, 2021,

11 demonstrators, some of whom Howell has presided over as a Judge,

12 harmed D.C. residents, commuters present in the city, taxpayers, and

13 consumers of City resources.

14

15 **Article 6**

16 Then Chief Judge Howell also used Grand Juries in the District

17 of Columbia to facilitate indictments and prosecution that under the

18 law must be brought in other Judicial Districts in other States.

19 Citizens of Washington, D.C. on the voter rolls (potential jurors) are

20 personally affected and interested in the outcome of these

21 prosecutions and are not qualified as objective. If a drunk pilot

22 crashed a Cessna into a neighborhood, residents of that neighborhood

23 could not be jurors because they are personally affected by the alleged

1 behavior (including determining whether or not the pilot was drunk  
2 or reckless rather than had an equipment failure). Jurors in D.C. are  
3 often witnesses and cannot serve. Voters (potential jurors) voted over  
4 90% for Donald Trump's opponent and are biased. Most jurors are  
5 directly or through their household dependent on government jobs.

6 Howell used Grand Juries in D.C. to concoct indictments in  
7 other Districts. Usurping the role of Judges in those other Districts  
8 allowed Howell to force her improper rulings such as ordering  
9 attorneys to testify against their own clients upon the process, which  
10 the Judge in the other District might not have allowed the Grand Jury  
11 to hear. Thus, this practice was not accidental but a clear plan to rig  
12 the outcome of the Grand Jury in bringing indictments elsewhere.

13

14

#### Article 7

15 Howell has denied Constitutional Due Process rights and  
16 other rights by judging and pre-judging a collective event rather than  
17 individual Defendants for their own individual conduct and personal  
18 guilt or innocence.

19 In all of these matters and Articles of Impeachment, Howell  
20 and other Judges have at various times both explicitly and implicitly

1 condemned as guilty persons who came to Capitol Hill merely as  
2 curious gawkers, those intending to just stand peaceful vigil in  
3 expression of their political beliefs, those who had very different  
4 expectations of what would happen at the Capitol than what they  
5 found on arriving.

6 That is, Howell in violation of judicial analysis and  
7 Constitutional Due Process has been unable or unwilling to separate  
8 those few thugs who committed violence, assaulted police, battled  
9 with police, and the like from the 95% of the demonstrators who  
10 gathered near or around Capitol Hill who did nothing of the kind.

11 This assumes that everyone is a mindless collective.

12 The lack of judicial analysis to distinguish those who are guilty  
13 from those who are innocent, or distinguish those guilty of minor  
14 offenses from those guilty of major, serious offenses, renders Judge  
15 Howell like others unsuited to the task of a Federal Judge.

16

17 **Article 8**

18 Howell has knowingly instructed and contaminated the  
19 potential jurors of the District of Columbia that all January 6, 2021,  
20 Defendants are – equally – guilty as a collective. She has abused the



1 office of the bench in rude, abusive, abrasive, and harassing  
2 statements to Defendants being prosecuted to publicly condemn and  
3 pronounce guilty all demonstrators who on January 6, 2021, attended  
4 a peaceful rally at the Ellipse a mile away from Capitol Hill without  
5 incident, whose political beliefs are different from hers, who  
6 peacefully approached Capitol Hill. Prospective jurors understood  
7 that all Defendants have been determined *to be guilty by the Chief Judge.*

8 That is, Howell routinely condemns and pronounces guilty all  
9 demonstrators as a category in broad terms so reckless, broad, and  
10 sweeping as to pronounce all January 6, 2021, demonstrators  
11 anywhere in the District of Columbia as guilty of crimes.

12 While all District Judges hearing cases related to January 6,  
13 2021, have violated multiple Canons by publicly declaring all January 6  
14 demonstrators guilty, Howell has combined her long-time practice  
15 reckless public comments with telling the jury pool of the District of  
16 Columbia that all demonstrators relating to events of January 6, 2021,  
17 are guilty in advance of trial and are monstrous traitors, in advance of  
18 any evidence against them admitted into court, basing her comments  
19 on out-of-court partisan and political hyperbole and in excess of any  
20 evidence supporting her hyperbolic proclamations.

1           On February 26, 2021, only a month and a half after the  
2 event, long before trial, during Chrestman’s bail hearing, with  
3 hundreds of other cases facing trial hopefully before unbiased jury  
4 pools, Howell proclaimed that Chrestman and others “enthusiastically  
5 participated in the storming of the U.S. Capitol on January 6, 2021,  
6 with videoclips showing him brandishing an axe handle and donning  
7 tactical gear to confront, threaten, and impede the police and to  
8 encourage the mob in its assault on the constitutional ritual of  
9 confirming the results of the 2020 Presidential Election.”

10           Howell of course (a) could not know any of that to be true  
11 during a bail hearing overturning the Magistrate Judge only six weeks  
12 from the event, (b) knew that her outlandish descriptions would  
13 prejudice Chrestman before the D.C. jury pool, and (c) announced  
14 that she had pre-judged the case in advance of the evidence to be  
15 presented at trial.

16           Later in the Opinion, Howell describes too late what  
17 Chrestman is charged with. But the Opinion starts out stating  
18 Chrestman’s guilt as unqualified fact.

19           In effect, Howell sought to “try the case in the media.”

20           CNN held up Howell and other intemperate District Judges

1 as the conscience of the country relating to January 6, implicitly  
2 reporting and amplifying the impact on the jury pool. They condemn  
3 everyone and anyone through guilt despite a lack of any association:

4 A “disgrace to our country.” “The tyranny we  
5 rejected.” “An embarrassment to every American.”  
6 In presiding over the cases of hundreds of people  
7 accused of breaching the US Capitol on January 6 in  
8 support of then-President Donald Trump, federal  
9 judges have not held back when describing the  
10 unprecedented nature of the events of that day.

11 *Id.*

12 The willingness to opine on the broader  
13 circumstances varies from judge to judge, Michael  
14 McConnell, a professor at Stanford Law School and  
15 a former federal appellate judge, told CNN.  
16 “The sentencing is a public event and when the  
17 underlying justice has been challenged, even  
18 indirectly, I think many judges consider it part of  
19 their civic responsibility *to speak to the public*,” he  
20 said. “They’re talking to the defendants nominally,  
21 *but they’re really speaking to the public* – to  
22 restore and protect the rule of law.”

23 *Id.*

24 A mere 22 days after January 6, 2021, before any cases had  
25 gone to trial, Howell pre-judged the events and guilt or innocence of  
26 individual Defendants in violation of the Canons and Due Process:

27 The chief judge of the federal court in Washington  
28 scorched Capitol riot suspects during a hearing on  
29 Thursday, calling their actions an assault on  
30 American democracy and ruling that a man who had  
31 bragged about putting his feet on a desk in House

1 Speaker Nancy Pelosi’s office should stay in jail as  
2 he awaits trial.

3  
4 “This was not a peaceful protest. Hundreds of  
5 people came to Washington, DC, to disrupt the  
6 peaceful transfer of power,” Chief Judge Beryl  
7 Howell of the DC District Court said in the  
8 hourlong hearing for Capitol riot defendant Richard  
9 Barnett on Thursday.

10  
11 Howell’s remarks are some of the first from a  
12 federal district judge over the more than 150  
13 criminal cases that resulted from the siege.

14  
15 \* \* \*

16 Howell made clear she believes the crowd was trying  
17 to thwart the federal legislative branch from carrying  
18 out its duties.

19 \* \* \*

20 Katelyn Polantz, "**Chief federal judge in DC scorches Capitol riot**  
21 **suspects and keeps man who was in Pelosi’s office in jail,**" CNN,  
22 January 28, 2021,  
23 [https://www.cnn.com/2021/01/28/politics/capitol-beryl-howell-](https://www.cnn.com/2021/01/28/politics/capitol-beryl-howell-richard-barnett-pelosi/index.html)  
24 [richard-barnett-pelosi/index.html](https://www.cnn.com/2021/01/28/politics/capitol-beryl-howell-richard-barnett-pelosi/index.html)

25  
26 Of course, Howell had, has, and could not have any idea why  
27 exactly “hundreds of people came to Washington, D.C.” particularly  
28 when pre-determined years before those cases went to trial and any  
29 evidence was presented in these cases. Howell declared that she knew  
30 what was privately in the mind of “hundreds of people” only three  
31 weeks after the events.

32 Eight months later on October 28, 2021, then Chief Judge  
33 Howell was continuing her public condemnation of all January 6

1 demonstrators, including most of whom who had not yet approached

2 jury selection or trial:

3 Howell then made clear that she considered all participants  
4 in the Jan. 6 Capitol breach — which the Justice  
5 Department now estimates at 2,000 to 2,500 people —  
6 enablers of an assault against the republic.

7  
8 “The damage to the reputation of our democracy, which is  
9 usually held up around the world ... that reputation  
10 suffered because of Jan. 6,” Howell said, noting that the  
11 mob chased lawmakers and Vice President Mike Pence into  
12 hiding, and sent staffers ducking under their desks for  
13 cover.

14  
15 “The rioters attacking the Capitol on Jan. 6 were not mere  
16 trespassers engaging in protected First Amendment  
17 conduct or protests,” Howell added. “They were not  
18 merely disorderly, as countless videos show the mob that  
19 attacked the Capitol was violent. Everyone participating in  
20 the mob contributed to that violence.”

21  
22 Howell’s harsh words for the Justice Department came as  
23 she sentenced Jack Griffith of Tennessee to three years  
24 probation for breaching the Capitol for about 10 minutes  
25 on Jan. 6 amid the broader attack. Prosecutors had asked  
26 for a three-month jail term for Griffith, who faced a  
27 maximum of six months on the charge he pleaded guilty to,  
28 of “parading” or demonstrating inside the Capitol.

29  
30 \* \* \* She has taken a leading role in pressing prosecutors  
31 to consider the broader threat to democracy that the riot  
32 presented when considering charges and punishment for  
33 participants. And her words, as the chief of the District  
34 Court blocks from the Capitol, often carry more weight  
35 than those of her colleagues. She has consistently expressed  
36 alarm and skepticism about prosecutors’ ginger language  
37 and approach to some of the initial cases before her court  
38 — and she attributed public “confusion” about the

1 seriousness of the Capitol attack to the government's  
2 approach.

3  
4 "After all that scorching rhetoric ... the government goes  
5 on to describe the rioters who got through the police lines  
6 and got into the building as 'those who trespassed,'"  
7 Howell said. "This was no mere trespass."

8  
9 Kyle Cheney and Josh Gerstein, **"Almost schizophrenic': Judge  
10 rips DOJ approach to Jan. 6 prosecutions: Chief District Court  
11 Judge Beryl Howell criticized "petty offense" plea deals for  
12 defendants who she said tarnished America's reputation in the  
13 world," POLITICO**, October 28, 2021,  
14 [https://www.politico.com/news/2021/10/28/almost-](https://www.politico.com/news/2021/10/28/almost-schizophrenic-judge-rips-doj-approach-to-jan-6-prosecutions-517442)  
15 [schizophrenic-judge-rips-doj-approach-to-jan-6-prosecutions-517442](https://www.politico.com/news/2021/10/28/almost-schizophrenic-judge-rips-doj-approach-to-jan-6-prosecutions-517442)  
16

17 Oddly, Howell had no concern for the U.S.A.'s reputation in  
18 the world from seeing the White House, center of power of the  
19 U.S.A.'s worldwide military and foreign policy influence, under siege  
20 for weeks in May to June 2020, with hundreds of law enforcement  
21 officers injured and buildings set on fire by left-wing demonstrators.  
22 It seems that Howell is only focused on certain political beliefs and  
23 not others in terms of prosecutions. Calling January 6 unprecedented  
24 does not make it so after repeated attacks on the White House, the  
25 occupation of the Wisconsin State legislature, etc.

26 Having declared that she had already decided the cases years  
27 before trial, Howell violated the Constitution and Due Process,  
28 judicial Canons, and her judicial role.

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Article 9

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Howell also set a precedent that the rest of the District Court followed erroneously and illogically claiming that no official such as even then President Donald Trump can transform what is unlawful into what is lawful. Howell then established, followed, and spread as a precedent across the District Court that idea that few if any defenses will be heard by January 6 Defendants. Defendants were prevented from offering any defense in many cases.

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A third judge in the court, Beryl Howell, has already rejected the legal argument that a defendant could have been entrapped into crime because of Trump's words on January 6, prosecutors have noted. The President doesn't have the power to allow crime and waive laws at will, Howell wrote nearly a year ago when she decided to keep in jail a January 6 defendant awaiting trial. Holmes Lybrand, Andrew Millman and Katelyn Polantz, "Judge casts doubt on January 6 defense strategy of calling Trump to the stand Katelyn Polantz," CNN, January 26, 2022, <https://www.cnn.com/2022/01/26/politics/january-6-judge-unconvinced-donald-trump-testify/index.html>

25

26

27

All of the criminal charges that have been brought in relation to January 6, 2021, are dependent upon the Defendant's *intent, motives, and/or statement of mind*. Therefore, of course whether a Defendant believed he was being authorized to

1 do something, invited in to a location, or invited to do something  
2 can be critically out-come determinative of guilt or innocence. It  
3 is not conceivable that Howell honestly believed that evidence of  
4 a Defendant’s state of mind, intent, or motive would not be  
5 central to the Defendant’s guilt or innocence in a prosecution. 18  
6 U.S.C. 1752(a)(1), the most common charge relating to January 6  
7 prohibits “(a)Whoever— (1) knowingly enters or remains in any  
8 restricted building or grounds *without lawful authority to do*  
9 *so.*” (*Emphasis added.*) Who gives someone “lawful authority to  
10 do so?” Obviously an official can authorize a person to enter any  
11 “restricted building or grounds.” Obviously, an official can  
12 transform what would otherwise be unlawful into lawful.  
13 Howell’s rule for the District Court is simply untenable and  
14 irrational.

15 Yet Howell has deprived Defendants of their Due Process  
16 rights to put on a defense and call witnesses in their defense with  
17 a plainly irrational argument. Whether Howell knows that her  
18 new rule applying only to January 6 cases is valid or invalid,  
19 Howell is not suited to continue to serve as a Federal Judge.

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**Article 10**

As Chief Judge, Howell has resisted change of venue of cases after the public is widely convinced that the Federal courts of D.C. are biased and cannot (will not) give Defendants like those from January 6, 2021, events a fair trial. When there is no valid reason, despite a little inconvenience in service of Due Process and public confidence in the Judiciary, the intense resistance to a change of venue becomes perceived proof in the public's eye that the District Court is in fact biased. The more insistently Judges desperately cling to cases despite questions about perceived bias and partiality, the more strongly bias appears.

Wherefore, Beryl Howell by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Speaker of the House of Representatives.

Attest:

U S A