



Written by [Bob Adelman](#) on December 8, 2010

## Judge Porteous Is History

Federal Judge Thomas Porteous is only the eighth federal judge to be impeached, convicted, and removed from office since the founding of the Republic. And for a while there, the decision appeared to be too close to call.

The four articles of impeachment passed the House unanimously earlier this year before the Senate considered the case. Each article, by itself, appeared to be weak, according to attorney [David O. Stewart](#). The first article accused the judge of “engaging in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge.” Stewart said that such behavior occurred before he was appointed by President Clinton in 1994 to the Louisiana bench and as such this “provides a weak basis for removing him for the federal judgeship.”



The second article accused him of “engaging in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court Judge.” Stewart explained that the Senate would have difficulty impeaching him under this article as it would expand the definition of “high crimes and misdemeanors” as provided under Article II, Section 4 of the Constitution.

The third article stated that the judge “knowingly and intentionally [made] false statements, under the penalty of perjury, related to his personal bankruptcy filing and violating a bankruptcy court order.” Stewart defended Porteous by questioning whether a “personal misstep warrants removal from office.” Stewart reminded his readers that the Senate failed to impeach President Clinton because “perjury about his intimate life was found [to be] not worthy of removal.”

The fourth article accused the judge of “knowingly [making] false statements about his past ... in order to obtain [the judgeship].” Stewart’s defense here claimed that this was simply a “catchall” article, which Stewart had defended against successfully in a 1989 case involving another judge.

But the Senate overrode these considerations by voting 96-0 for conviction on Article 1, 69-27 on Article 2, 88-8 on Article 3, and 90-6 on Article 4. Rep. Adam Schiff (D-Calif.), the lead House impeachment manager, said the Senate really had no choice to but impeach and convict on all four counts.

Everyone around the judge has fallen. The bail bondsmen have gone to jail, the other state judges he helped recruit have gone to jail, the lawyers who gave him the cash lost their law licenses and (have) given up their practices.

Removal is effective immediately, and Porteous forfeits his “lifetime” seat on the bench and his \$174,000 annual pension. Although these charges against him go back into the '70s and '80s, there is a



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saying that applies here: Justice may be slow, but it is sweet.

*Photo of Federal Judge Thomas Porteous: AP Images*



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