

A jury convicted a federal district court judge of bribery. When the judge subsequently refused to resign from his office, the House of Representatives adopted and presented to the Senate an article of impeachment that charged the judge with bribery. Pursuant to its rules for impeachment, the Senate authorized a committee of senators to hold closed-door hearings to take testimony and receive evidence related to the impeachment charge. At the conclusion of the hearings, the committee reported the facts and summarized the evidence to the full Senate. Based on the committee's report, the Senate voted to convict the judge and remove him from office.

The judge has filed suit in federal court to enjoin the Senate from removing him from office. The judge claims that the Senate violated Article I of the U.S. Constitution by prohibiting the full Senate from taking part in the hearings.

If the court dismisses the judge's action, what will be the most likely reason?

- A. The action involves a nonjusticiable political question.
- B. The action is moot.
- C. The judge lacks standing.
- D. The U.S. Supreme Court has original and exclusive jurisdiction over the action.

Explanation:

Nonjusticiable political questions

(issues incapable of judicial resolution)

- Recognition of foreign governments
- Reception of ambassadors
- Nature of wars/hostilities
- Partisan gerrymandering
- Guarantee of republican form of government
- Recognition of Native American tribes
- House/Senate rules for impeachment
- Ratification process for constitutional amendments

Article III of the U.S. Constitution grants **federal courts** the **power to decide justiciable cases and controversies**. However, some actions are not capable of judicial resolution (ie, nonjusticiable). This includes actions implicating the **political-question doctrine**. Under this doctrine, federal courts are **prohibited from deciding political questions** that should be resolved by another branch of government. A case presents a nonjusticiable political question when:

- the issue has been **reserved** to the **executive or legislative** branch *and/or*
- there is a **lack of judicially discoverable and manageable standards** to resolve the issue.

Here, the judge seeks to enjoin the Senate from removing him from office. He claims that the Senate violated Article I of the U.S. Constitution by prohibiting the full Senate from participating in the evidentiary hearings. However, the impeachment and removal of federal judges is a power reserved *solely* to Congress,* and there are no standards to help a court resolve an **impeachment process** issue. Therefore, the court will most likely dismiss the judge's action because it involves a nonjusticiable political question.

*Congress also has the exclusive power to impeach and remove the President, Vice President, and other federal officers (eg, the U.S. Attorney General).

(Choice B) A suit is also nonjusticiable if it is moot—ie, when the suit no longer presents an actual controversy for the court to resolve. Here, the judge's action is not moot since his harm has not been resolved. However, the federal courts cannot provide relief because his claim presents a nonjusticiable political question.

(Choice C) The judge has **standing** because he suffered an injury-in-fact (removal from office) that was caused by the challenged action (impeachment procedure) and is redressable by the remedy sought (injunction).

(Choice D) The U.S. Supreme Court has **original jurisdiction** over cases that affect ambassadors, public ministers, or consuls OR involve a state as a party (neither seen here). Additionally, the Supreme Court has exclusive jurisdiction over suits between states (not seen here).

Educational objective:

Federal courts must dismiss a suit that presents a nonjusticiable political question. This occurs when (1) the Constitution reserves the issue to another branch of government and/or (2) the court lacks judicially discoverable and manageable standards to resolve the issue.

References

- Nixon v. United States, 506 U.S. 224, 238 (1993) (holding that the impeachment process presents a nonjusticiable question that is reserved to the legislative branch).
- Baker v. Carr, 369 U.S. 186, 210–17 (1962) (explaining the political-question doctrine).
- 32 Am. Jur. 2d Fed. Courts § 574 (2020) (listing common examples of political questions).