

House Calendar No. 75

111TH CONGRESS
1ST SESSION

H. RES. 520

[Report No. 111-159]

Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2009

Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON-LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ) submitted the following resolution; which was referred to the Committee on the Judiciary

JUNE 17, 2009

Referred to the House Calendar and ordered to be printed

RESOLUTION

Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

- 1 *Resolved*, That Samuel B. Kent, a judge of the United
- 2 States District Court for the Southern District of Texas,
- 3 is impeached for high crimes and misdemeanors, and that

1 the following articles of impeachment be exhibited to the
 2 Senate:

3 Articles of impeachment exhibited by the House of
 4 Representatives of the United States of America in the
 5 name of itself and all of the people of the United States
 6 of America, against Samuel B. Kent, a judge of the United
 7 States District Court for the Southern District of Texas,
 8 in maintenance and support of its impeachment against
 9 him for high crimes and misdemeanors.

10 ARTICLE I

11 Incident to his position as a United States district
 12 court judge, Samuel B. Kent has engaged in conduct with
 13 respect to employees associated with the court that is in-
 14 compatible with the trust and confidence placed in him
 15 as a judge, as follows:

16 (1) Judge Kent is a United States District
 17 Judge in the Southern District of Texas. From 1990
 18 to 2008, he was assigned to the Galveston Division
 19 of the Southern District, and his chambers and
 20 courtroom were located in the United States Post
 21 Office and Courthouse in Galveston, Texas.

22 (2) Cathy McBroom was an employee of the Of-
 23 fice of the Clerk of Court for the Southern District
 24 of Texas, and served as a Deputy Clerk in the Gal-
 25 veston Division assigned to Judge Kent's courtroom.

1 (3) On one or more occasions between 2003
2 and 2007, Judge Kent sexually assaulted Cathy
3 McBroom, by touching her private areas directly and
4 through her clothing against her will and by at-
5 tempting to cause her to engage in a sexual act with
6 him.

7 Wherefore, Judge Samuel B. Kent is guilty of high
8 crimes and misdemeanors and should be removed from of-
9 fice.

10 ARTICLE II

11 Incident to his position as a United States district
12 court judge, Samuel B. Kent has engaged in conduct with
13 respect to employees associated with the court that is in-
14 compatible with the trust and confidence placed in him
15 as a judge, as follows:

16 (1) Judge Kent is a United States District
17 Judge in the Southern District of Texas. From 1990
18 to 2008, he was assigned to the Galveston Division
19 of the Southern District, and his chambers and
20 courtroom were located in the United States Post
21 Office and Courthouse in Galveston, Texas.

22 (2) Donna Wilkerson was an employee of the
23 United States District Court for the Southern Dis-
24 trict of Texas.

1 (3) On one or more occasions between 2001
2 and 2007, Judge Kent sexually assaulted Donna
3 Wilkerson, by touching her in her private areas
4 against her will and by attempting to cause her to
5 engage in a sexual act with him.

6 Wherefore, Judge Samuel B. Kent is guilty of high
7 crimes and misdemeanors and should be removed from of-
8 fice.

9 ARTICLE III

10 Samuel B. Kent corruptly obstructed, influenced, or
11 impeded an official proceeding as follows:

12 (1) On or about May 21, 2007, Cathy
13 McBroom filed a judicial misconduct complaint with
14 the United States Court of Appeals for the Fifth
15 Circuit. In response, the Fifth Circuit appointed a
16 Special Investigative Committee (hereinafter in this
17 article referred to as “the Committee”) to inves-
18 tigate Cathy McBroom’s complaint.

19 (2) On or about June 8, 2007, at Judge Kent’s
20 request and upon notice from the Committee, Judge
21 Kent appeared before the Committee.

22 (3) As part of its investigation, the Committee
23 sought to learn from Judge Kent and others whether
24 he had engaged in unwanted sexual contact with

1 Cathy McBroom and individuals other than Cathy
2 McBroom.

3 (4) On or about June 8, 2007, Judge Kent
4 made false statements to the Committee regarding
5 his unwanted sexual contact with Donna Wilkerson
6 as follows:

7 (A) Judge Kent falsely stated to the Com-
8 mittee that the extent of his unwanted sexual
9 contact with Donna Wilkerson was one kiss,
10 when in fact and as he knew he had engaged
11 in repeated sexual contact with Donna
12 Wilkerson without her permission.

13 (B) Judge Kent falsely stated to the Com-
14 mittee that when told by Donna Wilkerson his
15 advances were unwelcome no further contact oc-
16 curred, when in fact and as he knew, Judge
17 Kent continued such advances even after she
18 asked him to stop.

19 (5) Judge Kent was indicted and pled guilty
20 and was sentenced to imprisonment for the felony of
21 obstruction of justice in violation of section
22 1512(e)(2) of title 18, United States Code, on the
23 basis of false statements made to the Committee.
24 The sentencing judge described his conduct as “a
25 stain on the justice system itself”.

1 Wherefore, Judge Samuel B. Kent is guilty of high
2 crimes and misdemeanors and should be removed from of-
3 fice.

4 ARTICLE IV

5 Judge Samuel B. Kent made material false and mis-
6 leading statements about the nature and extent of his non-
7 consensual sexual contact with Cathy McBroom and
8 Donna Wilkerson to agents of the Federal Bureau of In-
9 vestigation on or about November 30, 2007, and to agents
10 of the Federal Bureau of Investigation and representatives
11 of the Department of Justice on or about August 11,
12 2008.

13 Wherefore, Judge Samuel B. Kent is guilty of high
14 crimes and misdemeanors and should be removed from of-
15 fice.

House Calendar No. 75

11TH CONGRESS
1ST Session

H. RES. 520

[Report No. 110-159]

RESOLUTION

Impeaching Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors.

JUNE 17, 2009

Referred to the House Calendar and ordered to be
printed