

Peterson	Sanchez, Loretta	Taylor
Petri	Sarbanes	Teague
Pingree (ME)	Scalise	Terry
Pitts	Schakowsky	Thompson (CA)
Platts	Schauer	Thompson (MS)
Poe (TX)	Schiff	Thompson (PA)
Polis (CO)	Schmidt	Thornberry
Pomeroy	Schock	Tiahrt
Posey	Schrader	Tiberi
Price (GA)	Schwartz	Tierney
Price (NC)	Scott (GA)	Titus
Putnam	Scott (VA)	Tonko
Quigley	Sensenbrenner	Tsongas
Radanovich	Serrano	Turner
Rahall	Sessions	Upton
Rangel	Sestak	Van Hollen
Rehberg	Shadegg	Velázquez
Reichert	Shea-Porter	Visclosky
Reyes	Sherman	Walden
Richardson	Shimkus	Walz
Rodriguez	Shuler	Wamp
Roe (TN)	Shuster	Wasserman
Rogers (KY)	Simpson	Schultz
Rogers (MI)	Sires	Waters
Rohrabacher	Skelton	Watson
Rooney	Smith (NE)	Watt
Ros-Lehtinen	Smith (NJ)	Waxman
Roskam	Smith (TX)	Weiner
Ross	Smith (WA)	Welch
Rothman (NJ)	Snyder	Westmoreland
Roybal-Allard	Souder	Whitfield
Royce	Space	Wilson (OH)
Ruppersberger	Speier	Wilson (SC)
Rush	Spratt	Wittman
Ryan (OH)	Stearns	Wolf
Ryan (WI)	Stupak	Woolsey
Salazar	Sullivan	Wu
Salvarez, Linda	Sutton	Yarmuth
T.	Tanner	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1046

The SPEAKER pro tempore. On this rollcall, 405 Members have recorded their presence.

A quorum is present.

IMPEACHING JUDGE G. THOMAS PORTEOUS, JR.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 1 hour.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include therein extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 30 minutes to my friend the distinguished ranking member, the gentleman from Texas (Mr. SMITH), and ask unanimous consent that he be allowed to control the time on his side for purposes of debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, it is a sad day that we must find that a Federal judge has betrayed his office and should be impeached, and yet that is our task today. It is assigned to us by the Constitution to protect the institutions of

government from those who show themselves unfit to hold positions of public trust, and, of course, we take this duty very seriously.

The judge in question is G. Thomas Porteous, who has cast a long shadow on the administration of justice under his watch. Your House Judiciary Committee has completed an independent investigation conducted with thoroughness by a special task force on our committee chaired by ADAM SCHIFF, with much distinction. I also thank his co-Chair, BOB GOODLATTE, and HANK JOHNSON, the subcommittee Chair on Judiciary from which this matter arose.

Members of the House, our investigation has demonstrated that Judge Porteous has engaged in misconduct in various spheres of his public life spanning decades. His misconduct is described in detail in the report filed by our committee, which is available to any Member that wishes a copy, and our committee has subsequently voted unanimously to recommend four articles of impeachment. Our Chair of the Impeachment Task Force, ADAM SCHIFF, is going to expand on the details.

Since so many Members want time, I just want to make this opening comment: The Department of Justice and the Judicial Conference have determined that Judge Porteous had clearly committed serious misconduct in various spheres of his personal and professional life. The Judicial Conference referred the matter to the House for possible impeachment. The Fifth Circuit suspended him from sitting on the bench.

This committee, through a specially appointed task force, has thoroughly and independently investigated the facts, held detailed factual hearings relating to the judge's misconduct in connection with his relationships with lawyers, in connection with his personal bankruptcy filing, and his relationship with bail bondsmen. Additional hearings included testimony from experts on judicial ethics and on the constitutional standards that surround impeachment.

So the four separate articles before us today are laid out in detail and include a variety of offenses that we will go into shortly. The misconduct, I am sorry to say, easily satisfies the constitutional standard of being high crimes and misdemeanors, and clearly renders the judge unfit to continue service.

I bring this resolution to the floor with regret that we are called upon to take this action, but I have no doubt that we must take action. The grounds for impeachment are overwhelmingly established, and, therefore, I urge my colleagues' careful consideration in support of the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider and vote on four articles of impeachment against United States District Judge G. Thomas Porteous. Thanks go to Congressman SCHIFF and Congressman GOODLATTE for the way they have worked together in overseeing the Impeachment Task Force's very thorough inquiry into a number of serious allegations involving Judge Porteous. They have set an outstanding example of how an inquiry like this can in fact be conducted in a bipartisan manner.

The Constitution grants the House of Representatives the sole power to impeach a sitting Federal judge. This is a very serious power which Congress does not take lightly. Impeachment by the House constitutes one of the few checks on the judiciary and is to be used only in instances when a judge betrays his office or proves unfit to hold that position of trust. In fact, only 14 Federal judges have been impeached by the House in our entire Nation's history, with four of these occurring in the past 24 years.

After an extensive investigation and a series of hearings by the Impeachment Task Force, clear and convincing evidence has been developed involving a number of different actions by Judge Porteous that make him unfit to serve as a Federal judge. The report, which accompanies the articles of impeachment, sets forth in detail the various incidents of improper conduct by Judge Porteous.

Though judges rule on the law, they are not above the law. To preserve equality and fairness in our constitutional democracy, we must protect the integrity of the courts. It is clear that Judge Porteous' actions are a violation of the American people's trust and a threat to the integrity of the Federal bench. The American people deserve better from their Federal judges.

I also hope our vote today sends a message of encouragement to the great majority of judges who serve our Nation with distinction. We will not let a few bad actors mar the reputation of others on the Federal bench.

The time has come for the House of Representatives to conclude that Judge Porteous' conduct has made him unworthy to serve on the Federal bench.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from California, ADAM SCHIFF, who was our task force chairman and who had ample time over these many months to display his legislative and judicial skills.

Mr. SCHIFF. I thank the gentleman, and want to commend the leadership of Chairman CONYERS in bringing this matter to conclusion here on the House floor and for all your leadership on the committee, Mr. Chairman.

Mr. Speaker, today we again find ourselves in the regrettable circumstance where we must act to remove a Federal judge from the bench.

The task before us is not one that we would welcome, however it is an important responsibility entrusted to us by the Founders and one that we cannot shrink from.

Unlike elected officials who may be removed periodically by the voters or serve a term that comes to an end, the Founding Fathers provided only one extraordinary method of removing a Federal judge, that of impeachment, which has only been used 14 times in our Nation's history. Regrettably, the matter before us today warrants its use once again.

The House of Representatives directed the House Judiciary Committee Task Force on Judicial Impeachment to inquire into whether Judge Porteous of the Eastern District of Louisiana should be impeached. As Chair of the task force, I would like to report on our work and provide the Members of the House with a procedural history of the matter, as well as an overview of the relevant facts.

I want to thank each of the members of the task force that worked on the matter, and in particular the ranking member, BOB GOODLATTE, for his extraordinary work. Together we have tried to ensure that we proceed in a fair, open, and deliberate manner, and this has been done in a bipartisan, really nonpartisan, basis.

G. Thomas Porteous, Jr., was appointed to the Federal bench in 1994 and has served in the New Orleans Courthouse in the Eastern District of Louisiana. After a multiyear FBI and Federal grand jury investigation, the Department of Justice in May 2007 submitted a complaint referring allegations of judicial misconduct.

The complaint noted that the department had determined not to seek criminal charges for reasons including the statute of limitations and other factors impacting prosecution, but the complaint stated that the investigation uncovered evidence of pervasive misconduct and evidence that Judge Porteous may have violated Federal and State criminal laws controlling canons of judicial conduct, rules of professional responsibility, and conducted himself in a manner antithetical to the constitutional standard of good behavior required of all Federal judges.

After an extensive disciplinary proceeding in the Fifth Circuit Court of Appeals, at which Judge Porteous, representing himself, made statements, cross-examined witnesses, and called witnesses on his own behalf, the Judicial Conference of the United States voted unanimously to refer this matter to the House of Representatives based on substantial evidence of conduct that individually and collectively brought disrepute to the Federal judiciary. The Fifth Circuit also moved to take the maximum disciplinary action allowed by law against Judge Porteous, suspending him for 2 years or until Congress takes final action on the impeachment proceedings.

As a part our initial investigation, Impeachment Task Force staff inter-

viewed over 65 individuals, deposed about 25 witnesses under oath, obtained documents from various sources, including from witnesses, the 24th Judicial Court in Jefferson Parish, and the Department of Justice.

After the initial investigatory phase, the task force held four separate evidentiary hearings over 5 days in November and December of 2009 in order to determine whether Judge Porteous' conduct provides a sufficient basis for impeachment and to develop a record upon which to recommend whether to adopt articles of impeachment.

□ 1100

Our first hearing focused on allegations of misconduct in relation to Judge Porteous presiding over the case *In re: Liljeberg Enterprises, Inc.* The record reflects that Judge Porteous was engaged in a corrupt kickback scheme with the law firm of Amato & Creely, that he failed to disclose his relationship with the firm, and that he denied a motion to recuse himself from the case, despite the firm's representation of one of the parties. The kickback scheme involved appointing Mr. Creely as a curator in hundreds of cases, with fees amounting to approximately \$40,000 paid to the Amato & Creely firm, approximately half of which was then paid back to Judge Porteous. Judge Porteous made intentionally misleading statements at the recusal hearing intended to minimize the extent of his personal relationship with the firm.

The record also reflects that Judge Porteous engaged in corrupt conduct after the bench trial and while the case was under advisement by soliciting and accepting things of values from attorneys at the firm, including \$2,000 in cash. This corrupt relationship and his conduct as a Federal judge have brought his court into scandal and disrepute and demonstrates that he is unfit for office. Our investigation also uncovered evidence that his solicitation and acceptance of things from Creely & Amato were not isolated events limited to two attorneys, but a pattern of using his perch on the Federal bench to extract and to receive things of value from attorneys and parties in front of him.

Our second hearing focused on allegations that Judge Porteous repeatedly made false and misleading statements, including the concealment of debts, under oath and in disregard of a bankruptcy court's orders. The record reflects that as a Federal judge he knowingly and intentionally made material false statements and representations under penalty of perjury and repeatedly violated a court order in his case. This included using a false name and post office box to conceal his identity as a debtor in the case; concealing assets, preferential payments to certain creditors, and gambling losses and debts; as well as incurring new debts while the case was pending, all in violation of the court's order.

Our investigation also uncovered further evidence of his willful efforts to conceal his financial situation and the extent of his gambling over the years. Taken together, it is clear that his false statements and the bankruptcy proceedings were not the result of an oversight or mistake, but reflected instead an effort to conceal his financial affairs and his gambling.

Our third hearing focused on allegations that Judge Porteous engaged in a corrupt relationship with bail bondsman Louis Marcotte and his sister Lori. The record reflects that as part of this corrupt relationship, Judge Porteous solicited and received numerous things of value, including meals, trips, home and car repairs, for his personal use and benefit while at the same time taking official actions on behalf of the Marcottes. This included setting, reducing, and splitting bonds for the Marcottes while on the State bench, and improperly setting aside or expunging felony convictions for two Marcotte employees.

Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with other State judicial officers and others. Judge Porteous also knew and understood that Louis Marcotte made false statements to the FBI in an effort to assist his appointments to the Federal bench.

At our fourth and final hearing, we received testimony from a panel of constitutional scholars on whether Judge Porteous' conduct renders him unfit to hold office, and provided a sufficient basis for impeachment. The record reflects that Judge Porteous knowingly made false material statements about his past to both the U.S. Senate and the FBI in connection with his nomination to the Federal bench in order to conceal corrupt relationships.

In addition, Judge Porteous knew that another individual made false statements to the FBI in an effort to assist his appointment to the Federal bench. Judge Porteous' failure to disclose these corrupt relationships deprived the U.S. Senate and the public of the information that would have had a material impact on his confirmation. Our panel of experts testified that such behavior clearly constitutes impeachable conduct.

I'd like to note that the task force invited Judge Porteous to testify, but he declined our offer. In addition, the task force afforded the opportunity for Judge Porteous and his counsel to request that the task force hear from a witness or witnesses that they wish to call. Judge Porteous' counsel informed the task force that they did not wish to avail themselves of that opportunity. The task force permitted Judge Porteous' counsel to participate in our hearings on behalf of his client, and he was permitted to question the witnesses. This was an extraordinary prerogative that was granted to counsel.

Our proceeding today does not constitute a trial, as the constitutional

power to try impeachment resides in the Senate. Rather, the House's role is to inquire whether Judge Porteous' conduct provides a sufficient basis for impeachment. According to leading commentators and historical precedent on this issue, there are two broad categories of conduct that have been recognized as justifying impeachment: serious abuse of power, and conduct that demonstrates that an official is "unworthy to fill" the office that he or she holds.

After concluding that the full record establishes that Judge Porteous should be impeached for high crimes and misdemeanors, the Impeachment Task Force met in late January and unanimously voted in favor of recommending four Articles of Impeachment for consideration by the Judiciary Committee. On January 27, the House Judiciary Committee voted unanimously in favor of each article and to favorably report H. Res. 1031 to the full House. A 147-page report has been filed detailing the inquiry for Members of the House.

Mr. Speaker, Judge Porteous engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge. His longstanding pattern of corrupt conduct, so utterly lacking in honesty or integrity, demonstrates his unfitness to serve as a U.S. District Court judge. His material false statements about his past, made knowingly to both the U.S. Senate and to the FBI in order to obtain his Federal office, deprived the Senate and the public of information that would have had a material impact on his confirmation. Accordingly, I urge the House to approve the Articles of Impeachment included in House Resolution 1031.

Mr. SMITH of Texas. Mr. Speaker, I yield 7 minutes to the ranking member of the Impeachment Task Force, the gentleman from Virginia (Mr. GOODLATTE.)

Mr. GOODLATTE. I want to thank our ranking member, the gentleman from Texas, for yielding me time and for his active engagement in support of moving this process forward.

Mr. Speaker, Article III of the Constitution provides that Federal judges are appointed for life and that they "shall hold their offices during good behavior." Indeed, the Framers knew that an independent judiciary free of political motivations was necessary to the fair resolution of disputes and the fair administration of our laws. However, the Framers were also pragmatists and had the foresight to include checks against the abuse of the independence and power that comes with a judicial appointment.

Article 1, Section 2, Clause 5 of the Constitution grants the House of Representatives the sole power of impeachment. This is a very serious power that should not be undertaken lightly. Indeed, it is a rare and solemn occasion when the House of Representative must vote on Articles of Impeachment

against a Federal judge. Today's vote will mark only the second time in over 20 years that this has occurred. However, when the evidence emerges that an individual is abusing his judicial office for his own advantage, the integrity of the judicial system becomes compromised, and the House of Representatives has the duty to investigate the matter and take the appropriate actions to end the abuse and restore confidence in the judicial system.

On June 17, 2008, the Judicial Conference of the United States certified to the House of Representatives that "consideration of impeachment of U.S. District Judge G. Thomas Porteous may be warranted." This certification was the culmination of an investigation and formal complaint by the Department of Justice, an investigation and final report by a special investigatory committee appointed by the Fifth Judicial Circuit, and consideration and vote by the Judicial Council of the United States.

In September 2008, the House passed a resolution instructing the Judiciary Committee to further investigate whether Judge Porteous should be impeached. The Task Force on Judicial Impeachment was then created by the House Judiciary Committee to further investigate the matter. The task force conducted an exhaustive investigation, working with law enforcement and judicial officials, conducting numerous interviews, taking depositions from key witnesses, gathering evidence and transcripts from previous investigations, and conducting congressional hearings. Those efforts have uncovered a large amount of information, including much new evidence that was not uncovered in previous investigations.

The evidence shows that, among other instances of misconduct, while on the Federal bench, Judge Porteous refused to recuse himself from a Federal case when he had previously engaged in a corrupt kickback scheme with the attorneys representing the defense; that he later took thousands of dollars in cash from those same attorneys while the case was still pending; that he took gifts from a bail bondsman in exchange for granting favorable bond rates for him and then improperly expunged the records of two of the bail bondsman's employees, one after Porteous was confirmed by the Senate to be a Federal judge; that he used his influence as a Federal judge to help the Marcottes establish beneficial relationships with State court judges; that he lied to a bankruptcy court when he filed for bankruptcy and then violated a bankruptcy court order mandating that he not incur further debt; and that he made materially false statements to the U.S. Senate and the FBI during his confirmation process.

Based on the evidence gathered on January 21, 2010, I joined with Chairman CONYERS, Ranking Member SMITH, and Task Force Chairman SCHIFF to introduce House Resolution 1031, which contains four separate Articles of Im-

peachment against Judge Porteous. The details of these Articles have been discussed already today. It is important to note that every member of the Task Force on Judicial Impeachment joined as an original cosponsor of these articles. Furthermore, these Articles of Impeachment were reported from the Judiciary Committee with a unanimous vote of 24-0, a very rare occurrence. It is my strong recommendation that the Members of the House now support these Articles of Impeachment against Judge Porteous.

It is also important to note that during the task force investigation Judge Porteous was invited to come testify, but declined this invitation. His attorney was also invited to attend the hearings, was given the privilege of asking questions of the witnesses at the hearings, and was offered the opportunity to bring forth witnesses on behalf of Judge Porteous.

I would like to take this opportunity to thank ADAM SCHIFF, the chairman of the Task Force on Judicial Impeachment, for his leadership in this effort, along with all of the Members of the Task Force on both sides of the aisle. As ranking member of the Impeachment Task Force, I appreciate the fact that this effort was undertaken in a nonpartisan fashion.

I would like to thank the task force staff on both sides of the aisle and Branden Ritchie, legislative counsel in my office, for their dedicated and invaluable work on this matter.

I would like to also thank Chairman CONYERS and Ranking Member SMITH for their comprehensive, yet expeditious, consideration of these Articles of Impeachment in the full Judiciary Committee. I'd also like to extend additional thanks to the gentleman from Wisconsin (Mr. SENSENBRENNER), who's the only Member who participated in the last series of impeachment of Federal judges back in the 1980s. His experience and knowledge has been invaluable as well.

I urge my colleagues in the House, not in a bipartisan manner, but in a nonpartisan manner, to join in supporting all four of these Articles of Impeachment and send this measure to the United States Senate for trial.

Mr. CONYERS. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 15 minutes. The gentleman from Texas has 22 minutes.

Mr. CONYERS. I yield such time as she may consume to a member of the committee, the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, this is indeed a sad day and a solemn day. As indicated by my colleagues on the floor of the House, however, it is an obligation of this body. I'd like to acknowledge the chairman of the Impeachment Task Force, Congressman SCHIFF, for his leadership,

but also for his balance and temperament in a very serious challenge that we have in providing the guideposts and the moral guideposts for a number of tough issues that deal with our Federal Judiciary and a number of other instances where impeachment is in fact the authority of this body and the Constitution. I'd like to acknowledge the ranking member, Mr. GOODLATTE; the chairman of the full committee, Mr. CONYERS; and the ranking member, Mr. SMITH.

This is an instance where you would have hoped that we would have had a different outcome. But as my colleagues have so articulately expressed, there was a long pattern that many of us found very disturbing. Judge Thomas Porteous seemingly began these actions without reproof while he was a State district judge, soliciting and accepting cash and other things of values from attorneys practicing before him, and failing to recuse himself from a prominent case in which those attorneys were involved.

□ 1115

As a State judge, he repeatedly accepted things of value from bail bondsmen in exchange for setting bonds at levels to increase profits for the bail bondsmen and, after becoming a Federal judge, assisting them in forming corrupt relationships with other State judges. The pattern continued.

As a Federal judge, he fraudulently concealed his personal bankruptcy, income, assets, gambling activities, gambling debts, and in violation of court order, incurring additional gambling debt while his bankruptcy proceeding was pending.

He fraudulently concealed, in his FBI background check and on his Senate questionnaire, the corrupt relationships with attorneys and bail bondsmen.

I think it is worth noting that Judge Porteous began his career as a State court judge, but because of the concealment of these activities, he was then nominated to the Federal bench. In the essence of being nominated, let me be very clear, one could have personally taken one's self out of the running for a bench as high and as sacred as a Federal Judiciary. That is a lifetime appointment, but at no time during the time that his nomination was put before the President of the United States, the United States Senate, did Judge Porteous think that his previous behavior did not warrant him ascending to the Federal bench. That saddens me. Maybe we need to look more at counseling individuals who are seeking or have the opportunity to be nominated to these high offices. Maybe they need that to understand the flaws or failures in their character or performance.

Again, fraudulently concealing in his FBI background check and on his Senate questionnaire the corrupt relationships with the attorneys and bail bondsmen, evidence that the committee was able to see when questions

were asked whether there was anything in your background that would warrant you not being able to be appointed to the Federal bench, this judge did not answer truthfully.

The Department of Justice attempted to reprimand, and their complaint indicated that the instances of Judge Porteous' dishonesty in his own sworn statements and court filings, his decade-long course of conduct in soliciting and accepting streams of payments and gifts from litigants and lawyers with matters before him, and his repeated failure to disclose those dealings to interested parties and the court all render him unfit as an Article III judge, that is, a Federal judge.

Although the Department did not seek criminal charges for reasons that involve partly the statute of limitations, their complaint indicated that his actions would render him unfit as an Article III judge. The Fifth Circuit also moved to take the maximum disciplinary action allowed by law against Judge Porteous, suspending him for 2 years or until Congress takes final action on the impeachment proceedings.

Unfortunately and sadly, that day has come, and as we had asked, through the task force, for the opportunity for Judge Porteous to have due process, and that is to give him the opportunity to speak before the task force and, the alternative, to allow witnesses to come on his behalf, none of that was accepted. So today I rise on the floor of the House to accept the findings of our task force and the vote of our committee in full and ask this body to address the concern by sending this to the United States Senate for hearings on impeachment. This is a resolution to suggest that the Articles of Impeachment should be passed to the United States Senate under our constitutional process.

Again, this is a sad day and a solemn day. But sadly, this indicates that a behavior of an individual who has achieved one of the highest offices in the land, that is, of the Article III courts, judge for life on the Federal bench, deserves, if you will, to be recommended for impeachment.

I ask for a vote of "yes" on the resolution.

Mr. Speaker, I rise in support of H. Res 1031, a resolution setting forth four Articles of Impeachment against G. Thomas Porteous, Jr., judge of the U.S. District Court for the Eastern District of Louisiana, for high crimes and misdemeanors. I would like to thank our Judiciary Chairman CONYERS for shepherding this bill through the Judiciary Committee so that justice can be served.

The Judiciary Committee was charged with determining whether federal Judge Thomas Porteous should be impeached for the following: soliciting and accepting cash and other things of value from attorneys practicing before him and failing to recuse himself from a prominent case in which those attorneys were involved; as a State judge, repeatedly accepting things of value from bail bondsmen in exchange for setting bonds at levels to increase profits for the bail bondsmen and, after be-

coming a federal judge, assisting them in forming corrupt relationships with other State judges; as a federal judge, fraudulently concealing, in his personal bankruptcy, income, assets, gambling activities, and gambling debts and, in violation of court order, incurring additional gambling debt while his bankruptcy proceeding was pending; and fraudulently concealing, in his FBI background check and on his Senate questionnaire, the corrupt relationships with the attorneys and bail bondsmen.

As a federal judge, Judge Thomas Porteous's number one responsibility under the oath that he is sworn to is to ensure that the laws of the land under the United States Constitution are protected and supported. The Justice Department investigated whether or not Judge Porteous broke his oath. In May 2007, the Department of Justice and the Federal Bureau of Investigation completed a multi-year criminal investigation of Judge Porteous and submitted a formal complaint of judicial misconduct to the U.S. Court of Appeals for the Fifth Circuit.

Although the Department decided not to seek criminal charges for reasons including statute of limitations issues and other factors impacting prosecution, the complaint stated that the investigation uncovered evidence that "indicates that Judge Porteous may have violated federal and state criminal laws, controlling canons of judicial conduct, rules of professional responsibility, and conducted himself in a manner antithetical to the constitutional standard of good behavior required of all federal judges." The complaint concluded that "the instances of Judge Porteous's dishonesty in his own sworn statements and court filings, his decade-long course of conduct in soliciting and accepting a stream of payments and gifts from litigants and lawyers with matters before him, and his repeated failures to disclose those dealings to interested parties and the Court all render him unfit as an Article III judge."

Mr. Speaker, there was also an investigation by the Fifth Circuit. The Fifth Circuit appointed a Special Investigatory Committee to investigate the allegations. Hearings were held at which Judge Porteous, representing himself, made statements, cross-examined witnesses, and called witnesses on his own behalf. Based on the Special Committee's report concluding that Judge Porteous had engaged in conduct which might constitute grounds for impeachment, the Judicial Conference voted unanimously to certify the matter to the U.S. House of Representatives, based on substantial evidence that Judge Porteous had repeatedly committed perjury, willfully and systematically concealed information from litigants and the public, violated several criminal statutes and ethical canons, and made false representations with the intent to defraud.

The Fifth Circuit also moved to take the maximum disciplinary action allowed by law against Judge Porteous, suspending him for two years or "until Congress takes final action on the impeachment proceedings."

As Members of the House Judiciary Impeachment Task Force, my colleagues were directed by the House to determine whether there was sufficient evidence to impeach Judge Porteous for the alleged crimes for which he was being charged. As part of the initial investigation, our staff interviewed over 65 individuals, deposed approximately 25 witnesses under oath, and obtained documents

from various sources, including from witnesses, the 24th Judicial Court in Jefferson Parish, Louisiana, and the Department of Justice.

After the initial investigatory phase, the task force held four separate hearings over five days in November and December 2009 in order to determine whether Judge Porteous's conduct provides a sufficient basis for impeachment and to develop a record upon which to recommend whether to adopt Articles of Impeachment.

The first task force hearing focused on allegations of misconduct in relation to Judge Porteous presiding over the case *In re: Liljeberg Enterprises, Inc.* The record reflects that Judge Porteous was engaged in a corrupt kickback scheme with the law firm of Amato & Creely, that he failed to disclose his relationship with the firm, and that he denied a motion to recuse himself from the case despite the firm's representation of one of the parties. The kickback scheme involved appointing Mr. Creely as a curator in hundreds of cases, with fees amounting to approximately \$40,000 paid to the Amato & Creely firm, approximately half of which was paid back to Judge Porteous. Judge Porteous made intentionally misleading statements at the recusal hearing, intended to minimize the extent of this personal relationship with the firm. The record also reflects that Judge Porteous engaged in corrupt conduct after the bench trial and while the case was under advisement, by soliciting and accepting things of value from attorneys at the firm, including \$2,000 in cash. This corrupt relationship and his conduct as a federal judge have brought his court into scandal and disrepute and demonstrate that he is unfit for office.

The second task force hearing focused on allegations that Judge Porteous repeatedly made false and misleading statements, including the concealment of debts, under oath and in disregard of a bankruptcy court's orders. The record reflects that as a federal judge, he knowingly and intentionally made material false statements and representations under penalty of perjury and repeatedly violated a court order in his case. This included using a false name and post office box to conceal his identity as a debtor in the case; concealing assets, preferential payments to certain creditors, and gambling losses and debts; and incurring new debts while the case was pending in violation of the court's order.

The third task force hearing focused on allegations that Judge Porteous engaged in a corrupt relationship with bail bondsman Louis Marcotte and his sister Lori. The record reflects that as part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, and home and car repairs, for his personal use and benefit, while at the same time taking official actions to improperly benefit the Marcottes. This included setting, reducing, and splitting bonds for the Marcottes while on the State bench, and improperly setting aside or expunging felony convictions for two Marcotte employees. Judge Porteous also used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and others. Judge Porteous also knew and understood that Louis Marcotte made false statements to the FBI in an effort to assist his appointment to the federal bench.

FOURTH HEARING—FALSE AND MISLEADING STATEMENTS IN CONFIRMATION; EXPERT VIEWS

At the fourth hearing, the Task Force received testimony from a panel of constitutional scholars on whether Judge Porteous's conduct renders him unfit to hold office and provides a sufficient basis for impeachment. The scholars considered not only allegations that were the subject of the previous hearings, but also the record reflecting that Judge Porteous had knowingly made material false statements about his past to both the U.S. Senate and to the FBI in connection with his nomination to the federal bench in order to conceal corrupt relationships. In addition, Judge Porteous knew that another individual made false statements to the FBI in an effort to assist his appointment to the federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the U.S. Senate and the public of information that would have had a material impact on his confirmation. The panel of experts testified that making these materially false statements, clearly constituted impeachable conduct, as did the conduct established in the previous task force hearings.

The task force invited Judge Porteous to testify, but he declined the offer. In addition, the task force afforded the opportunity for Judge Porteous and his counsel to request that the task force hear from a witness or witnesses that they wish to call. Judge Porteous's counsel informed the task force that they did not wish to avail themselves of that opportunity. The task force permitted Judge Porteous's counsel to participate in the hearings on behalf of his client and to question the witnesses. This was an extraordinary prerogative that was granted to counsel.

After the task force concluded that the full record established that Judge Porteous should be impeached for high crimes and misdemeanors, we met on January 21st and unanimously voted in favor of recommending four Articles of Impeachment for consideration by the House Judiciary Committee. These Articles were subsequently introduced in the House in the form of H. Res. 1031. On January 27th, the House Judiciary Committee individually approved each Article unanimously and ordered H. Res. 1031 favorably reported by a rollcall vote of 24–0.

Mr. Speaker, today we must determine whether we fulfill our duty to uphold the laws of the Constitution and allow justice to be served or whether we will condone what has been determined by my colleagues on the judiciary committee as impeachable actions. As a member of the Impeachment Task Force, I had an opportunity to see firsthand the evidence that was presented in this case and believe that Judge Porteous should be impeached for his actions.

Mr. Speaker, I strongly support H. Res. 1031 and urge my colleagues to join me in upholding the laws of our great nation.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Before I begin, I demand a division of the question for a separate vote on each of the four Articles of Impeachment.

The SPEAKER pro tempore. The question is divisible and will be divided for the vote by article.

Mr. SENSENBRENNER. Mr. Speaker, both the Task Force on Judicial Impeachment and the full Judiciary Committee unanimously adopted and reported out House Resolution 1031. The overwhelming support for this resolution is indicative of the weight of evidence supporting the four Articles of Impeachment against Judge G. Thomas Porteous.

Impeaching a Federal judge is not something that the House of Representatives takes lightly, and impeachment proceedings are not something that we consider too often around here. By my count, this is only the 20th time that the House of Representatives will impeach a civil officer under the Constitution, and these tasks are not pleasant. When we need to do them from time to time, it is our responsibility, as Members of the House of Representatives. I have been involved in a number of impeachment proceedings over the years, but never before have I seen the overwhelming and blatant corruption we have before us here today. Judge Porteous is one of a kind, and it is time for him to receive his comeuppance.

The FBI and Justice Department have spent years investigating the wrongdoings by this judge. After their investigation, the Judicial Conference of the United States unanimously voted to refer this matter to the United States House of Representatives. In addition to the Justice Department's investigation, the staff of our Impeachment Task Force conducted a systematic investigation. This investigation resulted in four evidentiary hearings over the course of 5 days late last year, and it culminated in the full Judiciary Committee unanimously voting to approve four Articles of Impeachment against Judge Porteous.

The Impeachment Task Force hearings laid out overwhelming corruption orchestrated by Judge Porteous. My colleagues on the task force have detailed the specific actions taken by Judge Porteous, but I think it is worthwhile to focus on a few of them.

Judge Porteous was engaged in a crooked kickback scheme with his buddies at the law firm of Amato & Creely. The firm received tens of thousands of dollars in curator fees, and they kicked back about half of it to the judge. The kickback scheme wasn't the only shady dealing Judge Porteous engaged in with Amato & Creely. He was so emboldened that he would solicit gifts and cash while sitting on the bench. Sometimes he accepted trips. Other days, it was an expensive lunch or dinner. On another occasion, Creely helped pay for the judge's son's bachelor party in Las Vegas.

He didn't just solicit from Amato & Creely but also from others with business before his court. With this information alone, there should be no question about his blatant ethical lapses, rendering him unfit to serve on the Federal bench, but there's more.

Judge Porteous made false and misleading statements under the penalty of perjury with regard to his debts and bankruptcy proceedings. He misrepresented his name on court filings and used a post office box to conceal his identity. He also attempted to conceal assets and violated court rules.

While it's sad to say these actions almost seemed innocuous compared to his other actions and corrupt relationships, our task force spent a day focusing our attention on Judge Porteous' relationship with a bail bondsman named Louis Marcotte and his sister Lori. This hearing included testimony about the judge soliciting meals and trips like he did with the lawyers but also other things of value, such as auto and home repairs. In return, Judge Porteous assisted the Marcottes.

Judge Porteous had the opportunity to testify before the task force, but he chose not to participate in the proceedings. The entirety of the record by the task force plainly shows a pattern of unethical conduct that is not worthy of a Federal judge. The evidence demonstrates that he clearly abused his office and had complete disregard for the laws that he took an oath to uphold.

Soon, the onus will fall on the Senate to hold a trial. The clock is ticking, and it's important that this trial take place promptly. Judge Porteous' suspension is set to expire in September, making him eligible to return to the bench. It is imperative that the Senate act expeditiously to ensure that this corrupt judge does not resume his perch on the Federal bench and preside again.

I urge my colleagues to join me in voting to impeach Judge G. Thomas Porteous on each of the four Articles of Impeachment.

Mr. CONYERS. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), a Member of Congress who has taken an active interest in this case.

Mr. SCALISE. I thank the gentleman from Texas for yielding.

I rise in support of the resolution to impeach U.S. District Judge Thomas Porteous, who is a judge representing the Eastern District of Louisiana. I want to thank Representatives SCHIFF of California, GOODLATTE of Virginia, Chairman CONYERS of Michigan, Ranking Member SMITH of Texas, and the entire Judiciary Committee and task force for their diligent investigation and for keeping this a priority in your committee.

After I read through all four Articles of Impeachment, it is clear that the task force's findings warrant Judge Porteous' removal from the Federal bench. In order to remove the cloud that exists, we need to pass this resolution so the Eastern District of Louisiana can once again provide the citizens a justice system free from corruption.

It is important that we pass this resolution today and that the Senate

takes this up in a time frame that doesn't allow Judge Porteous to return to the bench, as would be the case in September if no further action is taken. Passing this resolution will be yet another shot across the bow and a strong reminder to everyone in public office that we will not tolerate corruption and that we will maintain a zero tolerance policy against public corruption at every level of government.

Since Katrina, we've been vigilant against corruption at all levels of government in south Louisiana. From Members of Congress to our local levee boards, Louisiana is rebuilding the way our government works, and we have made a commitment to upholding a zero tolerance policy against public corruption at every level. This resolution reiterates that our commitment is not just in word but in tough action.

Following Hurricane Katrina, those of us who vowed to rebuild the New Orleans region both structurally and politically didn't just want to simply rebuild the same old broken system that existed before the storm. In fact, we committed to rebuild better. Part of that better New Orleans includes reforming the old, corrupt system of the past. Corruption might be a part of Louisiana's past, but it's no longer acceptable behavior for our future.

I urge my colleagues to pass this resolution and also urge the Senate to move swiftly in carrying out justice. A number of times I have urged Judge Porteous to resign from the bench, and I would still encourage him to do that. But short of that, Senate action in a swift timeframe is necessary. Help us usher in a new day in Louisiana.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE), a distinguished and senior member of the Judiciary Committee.

Mr. COBLE. Mr. Speaker, I thank my friend, the distinguished gentleman from Texas, for yielding.

It has been said time and again today, Mr. Speaker, and I reiterate it, it is, indeed, a sad day today. Hopefully, none of us takes great glee in another's misfortune, but it appears, regarding the case at hand, we have little or no choice.

The issue of ethics has become a prominent issue, and the American citizenry justifiably insists as well as demands that high officeholders practice high ethical values. In this case, it appears clear that the judge did, indeed, violate the oath of his office. He violated the trust that the public extended to him. I know of no greater office than that of a United States Federal judge. People clamor for it. They fight for it, to get on that bench. And once on the bench, I think we are justified in insisting that they comply ethically, accordingly.

The House Judiciary Committee, as you know, is the committee of jurisdiction on impeachment matters.

Nothing's happy about it. Nothing's gleeful about it, but we discharge our duties.

I thank everyone on the floor for having spoken on this resolution, and I urge its passage.

Mr. CONYERS. I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's vote on the Articles of Impeachment against Judge Porteous is necessary to ensure justice is applied to a corrupt Federal judge. When a judge is given a lifetime appointment, it is a tremendous honor and responsibility. They serve the ideals of justice. But when a judge abuses this authority, they must be held accountable for any violation of those same principles of justice. Congress has an obligation to put an end to Judge Porteous' abuse of authority and remove him from the bench.

I urge my colleagues to vote in favor of each of the four Articles of Impeachment being considered today and to help restore integrity to the Federal bench. I also hope the Senate will act quickly to conduct the trial of Judge Porteous.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to support H. Res. 1031. As Chairman of the Subcommittee on Courts and Competition Policy and a member of the Impeachment Task Force which heard evidence of the unacceptable conduct of Judge Porteous, I continue to feel strongly that the integrity of our judiciary is of the utmost importance. Based on the evidence provided to the Task Force, Judge Porteous violated his responsibility to uphold the honesty of our judiciary. Congress must vote in favor of this resolution to demonstrate that such conduct cannot and will not be tolerated from our judiciary.

□ 1130

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I want to commend my colleagues on both sides of the aisle for the very thoughtful discussion that has gone on around this matter.

I yield back the balance of my time.

The SPEAKER pro tempore. All time having been yielded back, the Chair will divide the question for voting among the four articles of impeachment.

The question is on resolving the first article of impeachment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on resolving the first article of impeachment will be followed by 5-minute votes, if ordered, on resolving each of the three succeeding articles, and motions to suspend the rules with regard to House Resolution 1107 and House Resolution 1047, if ordered.

Ackerman	Crenshaw	Holden
Aderholt	Crowley	Holt
Adler (NJ)	Cuellar	Honda
Akin	Culberson	Hoyer
Alexander	Cummings	Inglis
Altmire	Dahlkemper	Inslee
Andrews	Davis (CA)	Israel
Arcuri	Davis (IL)	Issa
Austria	Davis (KY)	Jackson (IL)
Baca	Davis (TN)	Jackson Lee
Bachmann	DeFazio	(TX)
Bachus	DeGette	Jenkins
Baird	Delahunt	Johnson (GA)
Barrett (SC)	DeLauro	Johnson (IL)
Barrow	Dent	Johnson, E. B.
Bartlett	Dicks	Johnson, Sam
Barton (TX)	Dingell	Jones
Bean	Doggett	Jordan (OH)
Becerra	Donnelly (IN)	Kagen
Berkley	Doyle	Kanjorski
Berman	Dreier	Kaptur
Berry	Driehaus	Kennedy
Biggert	Duncan	Kildee
Bilirakis	Edwards (MD)	Kilpatrick (MI)
Bishop (GA)	Edwards (TX)	Kilroy
Bishop (NY)	Ehlers	Kind
Bishop (UT)	Ellison	King (IA)
Blackburn	Ellsworth	King (NY)
Blumenauer	Emerson	Kingston
Blunt	Engel	Kirk
Boccheri	Eshoo	Kirkpatrick (AZ)
Boehner	Etheridge	Kissell
Bonner	Fallin	Klein (FL)
Bono Mack	Farr	Kline (MN)
Boozman	Fattah	Kosmas
Boren	Filner	Kratovil
Boswell	Flake	Kucinich
Boucher	Fleming	Lamborn
Boustany	Forbes	Lance
Boyd	Fortenberry	Langevin
Brady (PA)	Foster	Larsen (WA)
Brady (TX)	Foxx	Latham
Braley (IA)	Frank (MA)	LaTourette
Bright	Franks (AZ)	Latta
Brown (GA)	Frelinghuysen	Lee (CA)
Brown, Corrine	Fudge	Lee (NY)
Buchanan	Galleghy	Levin
Burgess	Garamendi	Lewis (CA)
Burton (IN)	Garrett (NJ)	Lewis (GA)
Calvert	Gerlach	Linder
Camp	Giffords	Lipinski
Campbell	Gingrey (GA)	LoBiondo
Cantor	Gohmert	Loeback
Cao	Gonzalez	Lofgren, Zoe
Capito	Goodlatte	Lowe
Capps	Gordon (TN)	Lucas
Capuano	Granger	Luetkemeyer
Cardoza	Graves	Lujan
Carnahan	Grayson	Lummis
Carney	Green, Al	Lungren, Daniel
Carson (IN)	Green, Gene	E.
Carter	Grijalva	Lynch
Cassidy	Guthrie	Mack
Castle	Gutierrez	Maffei
Castor (FL)	Hall (NY)	Maloney
Chaffetz	Hall (TX)	Manzullo
Chandler	Halvorson	Marchant
Childers	Hare	Markey (CO)
Chu	Harman	Markey (MA)
Clarke	Harper	Marshall
Clay	Hastings (FL)	Matheson
Cleaver	Hastings (WA)	Matsui
Clyburn	Heinrich	McCarthy (CA)
Coble	Heller	McCarthy (NY)
Coffman (CO)	Hensarling	McCaul
Cohen	Herger	McClintock
Cole	Herseeth Sandlin	McCollum
Conaway	Higgins	McCotter
Connolly (VA)	Hill	McDermott
Conyers	Himes	McGovern
Cooper	Hinchey	McHenry
Costa	Hinojosa	McIntyre
Costello	Hirono	McKeon
Courtney	Hodes	McMahon

McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey

Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter

Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Reyes
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—20

Baldwin
Bilbray
Brown (SC)
Brown-Waite,
Ginny
Butterfield
Buyer

□ 1204

So the second article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 103, had I been present, I would have voted “aye.”

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, on rollcall No. 103, I was unavoidably detained. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on resolving the third article of impeachment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 14, as follows:

[Roll No. 104]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers

Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Hunter
Hoyer
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter

McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts

Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NOT VOTING—14

Bishop (UT)
Brown (SC)
Buyer
Davis (AL)
Deal (GA)

Diaz-Balart, L.
Griffith
Hoekstra
Larson (CT)
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1211

So the third article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 104, had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on resolving the fourth article of impeachment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 7, as follows:

[Roll No. 105]

AYES—423

Ackerman	Cuellar	Jackson (IL)
Aderholt	Culberson	Jackson Lee
Adler (NJ)	Cummings	(TX)
Akin	Dahlkemper	Jenkins
Alexander	Davis (CA)	Johnson (GA)
Altmire	Davis (IL)	Johnson (IL)
Andrews	Davis (KY)	Johnson, E.B.
Arcuri	Davis (TN)	Johnson, Sam
Austria	DeFazio	Jones
Baca	DeGette	Jordan (OH)
Bachmann	Delahunt	Kagen
Bachus	DeLauro	Kanjorski
Baird	Dent	Kaptur
Baldwin	Diaz-Balart, M.	Kennedy
Barrett (SC)	Dicks	Kildee
Barrow	Dingell	Kilpatrick (MI)
Bartlett	Doggett	Kilroy
Barton (TX)	Donnelly (IN)	Kind
Bean	Doyle	King (IA)
Becerra	Dreier	King (NY)
Berkley	Driehaus	Kingston
Berman	Duncan	Kirk
Berry	Edwards (MD)	Kirkpatrick (AZ)
Biggert	Edwards (TX)	Kissell
Bilbray	Ehlers	Klein (FL)
Bilirakis	Ellison	Kline (MN)
Bishop (GA)	Ellsworth	Kosmas
Bishop (NY)	Emerson	Kratovil
Bishop (UT)	Engel	Kucinich
Blackburn	Eshoo	Lamborn
Blumenauer	Etheridge	Lance
Blunt	Fallin	Langevin
Boccheri	Farr	Larsen (WA)
Boehner	Fattah	Larson (CT)
Bonner	Filner	Latham
Bono Mack	Flake	LaTourette
Boozman	Fleming	Latta
Boren	Forbes	Lee (CA)
Boswell	Fortenberry	Lee (NY)
Boucher	Foster	Levin
Boustany	Fox	Lewis (CA)
Boyd	Frank (MA)	Lewis (GA)
Brady (PA)	Franks (AZ)	Linder
Brady (TX)	Frelinghuysen	Lipinski
Braley (IA)	Fudge	LoBiondo
Bright	Gallely	Loeb
Broun (GA)	Garamendi	Lofgren, Zoe
Brown (SC)	Garrett (NJ)	Lowe
Brown, Corrine	Gerlach	Lucas
Brown-Waite,	Giffords	Luetkemeyer
Ginny	Gingrey (GA)	Lujan
Buchanan	Gohmert	Lummis
Burgess	Gonzalez	Lungren, Daniel
Burton (IN)	Goodlatte	E.
Butterfield	Gordon (TN)	Lynch
Calvert	Granger	Mack
Camp	Graves	Maffei
Campbell	Grayson	Maloney
Cantor	Green, Al	Manzullo
Cao	Green, Gene	Marchant
Capito	Grijalva	Markey (CO)
Capps	Guthrie	Markey (MA)
Capuano	Gutierrez	Marshall
Cardoza	Hall (NY)	Matheson
Carnahan	Hall (TX)	Matsui
Carney	Halvorson	McCarthy (CA)
Carson (IN)	Hare	McCarthy (NY)
Carter	Harman	McCaul
Cassidy	Harper	McClintock
Castle	Hastings (FL)	McCollum
Castor (FL)	Hastings (WA)	McCotter
Chaffetz	Heinrich	McDermott
Chandler	Heller	McGovern
Childers	Hensarling	McHenry
Chu	Herger	McIntyre
Clarke	Herseth Sandlin	McKeon
Clay	Higgins	McMahon
Cleaver	Hill	McMorris
Clyburn	Himes	Rodgers
Coble	Hinchey	McNerney
Coffman (CO)	Hinojosa	Meek (FL)
Cohen	Hirono	Meeks (NY)
Cole	Hodes	Melancon
Conaway	Holden	Mica
Connolly (VA)	Holt	Michaud
Conyers	Honda	Miller (FL)
Cooper	Hoyer	Miller (MI)
Costa	Hunter	Miller (NC)
Costello	Inglis	Miller, Gary
Courtney	Inslee	Miller, George
Crenshaw	Israel	Minnick
Crowley	Issa	Mitchell

Mollohan	Richardson	Snyder
Moore (KS)	Rodriguez	Souder
Moore (WI)	Roe (TN)	Space
Moran (KS)	Rogers (AL)	Speier
Moran (VA)	Rogers (KY)	Spratt
Murphy (CT)	Rogers (MI)	Stark
Murphy (NY)	Rohrabacher	Stearns
Murphy, Patrick	Rooney	Stupak
Murphy, Tim	Ros-Lehtinen	Sullivan
Myrick	Roskam	Sutton
Nadler (NY)	Ross	Tanner
Napolitano	Rothman (NJ)	Taylor
Neal (MA)	Roybal-Allard	Teague
Neugebauer	Royce	Terry
Nunes	Ruppersberger	Thompson (CA)
Nye	Rush	Thompson (MS)
Oberstar	Ryan (OH)	Thompson (PA)
Obey	Ryan (WI)	Thornberry
Olson	Salazar	Tiahrt
Oliver	Sanchez, Linda	Tiberi
Ortiz	T.	Tierney
Owens	Sanchez, Loretta	Titus
Pallone	Sarbanes	Tonko
Pascarell	Scalise	Towns
Pastor (AZ)	Schakowsky	Tsongas
Paul	Schauer	Turner
Paulsen	Schiff	Upton
Payne	Schmidt	Van Hollen
Pence	Schock	Velázquez
Perlmutter	Schrader	Visclosky
Perriello	Schwartz	Walden
Peters	Scott (GA)	Walz
Peterson	Scott (VA)	Wamp
Petri	Sensenbrenner	Wasserman
Pingree (ME)	Serrano	Schultz
Pitts	Sessions	Waters
Platts	Sestak	Watson
Poe (TX)	Shadegg	Watt
Polis (CO)	Shea-Porter	Waxman
Pomeroy	Sherman	Weiner
Posey	Shimkus	Welch
Price (GA)	Shuler	Westmoreland
Price (NC)	Shuster	Whitfield
Putnam	Simpson	Wilson (OH)
Quigley	Sires	Wilson (SC)
Radanovich	Skelton	Wittman
Rahall	Slaughter	Wolf
Rangel	Smith (NE)	Woolsey
Rehberg	Smith (NJ)	Wu
Reichert	Smith (TX)	Yarmuth
Reyes	Smith (WA)	Young (AK)

NOT VOTING—7

Buyer	Diaz-Balart, L.	Young (FL)
Davis (AL)	Griffith	
Deal (GA)	Hoekstra	

□ 1244

So the fourth article of impeachment was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I send to the desk a privileged resolution and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1164

Whereas, on March 8, 2010, Representative Eric Massa resigned from the House;

Whereas, numerous newspapers and other media organizations reported in the days before and after Mr. Massa's resignation that the Committee on Standards of Official Conduct was investigating allegations that Mr. Massa sexually harassed Members of his congressional staff;

Whereas, on March 3, 2010, Majority Leader Hoyer's office issued a statement saying, "The week of February 8th, a member of Rep. Massa's staff brought to the attention of Mr. Hoyer's staff allegations of misconduct that had been made against Mr. Massa. Mr. Hoyer's staff immediately informed him of what they had been told";

Whereas, on Thursday, March 4, Roll Call newspaper reported, "Speaker Nancy Pelosi said she only learned Wednesday of misconduct allegations against freshman Rep. Eric Massa, though her staff had learned of it earlier and decided against briefing her. 'There had been a rumor, but just that,' Pelosi told reporters at her weekly news conference. 'A one-, two-, three-person rumor that had been reported to Mr. Hoyer's office and reported to my staff which they did not report to me because you know what? This is rumor city. There are rumors.'";

Whereas, on March 11, 2010, The Washington Post reported, "House Speaker Nancy Pelosi's office was notified in October by then-Rep. Eric Massa's top aide [Joe Rancallo] of concerns about the New York Democrat's behavior";

Whereas, on March 11, 2010, Politico newspaper reported, "Democratic insiders say Pelosi's office took no action after Rancallo expressed his concerns about his then-boss in October";

Whereas, on March 9, 2010, The Corning Leader newspaper reported, "Hoyer said last week he told Massa to inform the House Ethics Committee of the charges within 48 hours. 'Steny Hoyer has never said a single word to me, never, not once, not a word,' Massa said Sunday. 'This is a lie. It is a blatant false statement.'";

Whereas, numerous confusing and conflicting media reports that House Democratic leaders knew about, and may have failed to handle appropriately, allegations that Rep. Massa was sexually harassing his own employees have raised serious and legitimate questions about what Speaker Pelosi as well as other Democratic leaders and their respective staffs were told, and what those individuals did with the information in their possession;

Whereas, the aforementioned media accounts have held the House up to public ridicule;

Whereas, the possibility that House Democratic leaders may have failed to immediately confront Rep. Massa about allegations of sexual harassment may have exposed employees and interns of Rep. Massa to continued harassment;

Whereas, clause one of rule XXIII of the Rules of the House of Representatives, titled "Code of Conduct," states "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House";

Whereas, the Committee on Standards of Official Conduct is charged under House Rules with enforcing the Code of Conduct: Now, therefore, be it

Resolved:

(1) The Committee on Standards of Official Conduct is directed to investigate fully, pursuant to clause 3(a)(2) of House rule XI, which House Democratic leaders and members of their respective staffs had knowledge prior to March 3, 2010 of the aforementioned allegations concerning Mr. Massa, and what actions each leader and staffer having any such knowledge took after learning of the allegations;

(2) Within ten days following adoption of this resolution, and pursuant to Committee on Standards of Official Conduct rule 19, the committee shall establish an Investigative Subcommittee in the aforementioned matter, or report to the House no later than the final day of that period the reasons for its failure to do so;

(3) All Members and staff are instructed to cooperate fully in the committee's investigation and to preserve all records, electronic or otherwise, that may bear on the subject of this investigation;

(4) The Chief Administrative Officer shall immediately take all steps necessary to secure and prevent the alteration or deletion