111TH CONGRESS
1ST SESSION

H. RES. 520

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. GOOD-LATTE, 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

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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

4 the following articles of impeachment be exhibited to the

5 Senate:

6   Articles of impeachment exhibited by the House of

7 Representatives of the United States of America in the

8 name of itself and all of the people of the United States

1 of America, against Samuel B. Kent, a judge of the United

2 States District Court for the Southern District of Texas,

3 in maintenance and support of its impeachment against

4 him for high crimes and misdemeanors.

5 ARTICLE I

6 Incident to his position as a United States district

7 court judge, Samuel B. Kent has engaged in conduct with

8 respect to employees associated with the court that is in-

9 compatible with the trust and confidence placed in him

10 as a judge, as follows:

11   (1) Judge Kent is a United States District

12   Judge in the Southern District of Texas. From 1990

13   to 2008, he was assigned to the Galveston Division

14   of the Southern District, and his chambers and

15   courtroom were located in the United States Post

16   Office and Courthouse in Galveston, Texas.

17   (2) Cathy McBroom was an employee of the Of-

18   fice of the Clerk of Court for the Southern District

19   of Texas, and served as a Deputy Clerk in the Gal-

20   veston Division assigned to Judge Kent's courtroom.

21   (3) On one or more occasions between 2003

22   and 2007, Judge Kent sexually assaulted Cathy

23   McBroom, by touching her private areas directly and

24   through her clothing against her will and by at-

1 tempting to cause her to engage in a sexual act with

2 him.

3 Wherefore, Judge Samuel B. Kent is guilty of high

4 crimes and misdemeanors and should be removed from of-

5 fice.

6 ARTICLE II

7 Incident to his position as a United States district

8 court judge, Samuel B. Kent has engaged in conduct with

9 respect to employees associated with the court that is in-

10 compatible with the trust and confidence placed in him

11 as a judge, as follows:

12 (1) Judge Kent is a United States District

13 Judge in the Southern District of Texas. From 1990

14 to 2008, he was assigned to the Galveston Division

15 of the Southern District, and his chambers and

16 courtroom were located in the United States Post

17 Office and Courthouse in Galveston, Texas.

18 (2) Donna Wilkerson was an employee of the

19 United States District Court for the Southern Dis-

20 trict of Texas.

21 (3) On one or more occasions between 2001

22 and 2007, Judge Kent sexually assaulted Donna

23 Wilkerson, by touching her in her private areas

24 against her will and by attempting to cause her to

25 engage in a sexual act with him.

1   Wherefore, Judge Samuel B. Kent is guilty of high

2 crimes and misdemeanors and should be removed from of-

3 fice.

4   ARTICLE III

5   Samuel B. Kent corruptly obstructed, influenced, or

6 impeded an official proceeding as follows:

7   (1) On or about May 21, 2007, Cathy

8   McBroom filed a judicial misconduct complaint with

9   the United States Court of Appeals for the Fifth

10   Circuit. In response, the Fifth Circuit appointed a

11   Special Investigative Committee (hereinafter in this

12   article referred to as "the Committee") to inves-

13   tigate Cathy McBroom's complaint.

14   (2) On or about June 8, 2007, at Judge Kent's

15   request and upon notice from the Committee, Judge

16   Kent appeared before the Committee.

17   (3) As part of its investigation, the Committee

18   sought to learn from Judge Kent and others whether

19   he had engaged in unwanted sexual contact with

20   Cathy McBroom and individuals other than Cathy

21   McBroom.

22   (4) On or about June 8, 2007, Judge Kent

23   made false statements to the Committee regarding

24   his unwanted sexual contact with Donna Wilkerson

25   as follows:

1   (A) Judge Kent falsely stated to the Com-

2   mittee that the extent of his unwanted sexual

3   contact with Donna Wilkerson was one kiss,

4   when in fact and as he knew he had engaged

5   in repeated sexual contact with Donna

6   Wilkerson without her permission.

7   (B) Judge Kent falsely stated to the Com-

8   mittee that when told by Donna Wilkerson his

9   advances were unwelcome no further contact oc-

10   curred, when in fact and as he knew, Judge

11   Kent continued such advances even after she

12   asked him to stop.

13   (5) Judge Kent was indicted and pled guilty

14 and was sentenced to imprisonment for the felony of

15 obstruction of justice in violation of section

16 1512(c)(2) of title 18, United States Code, on the

17 basis of false statements made to the Committee.

18 The sentencing judge described his conduct as "a

19 stain on the justice system itself".

20   Wherefore, Judge Samuel B. Kent is guilty of high

21 crimes and misdemeanors and should be removed from of-

22 fice.

23   ARTICLE IV

24   Judge Samuel B. Kent made material false and mis-

25 leading statements about the nature and extent of his non-

1 consensual sexual contact with Cathy McBroom and

2 Donna Wilkerson to agents of the Federal Bureau of In-

3 vestigation on or about November 30, 2007, and to agents

4 of the Federal Bureau of Investigation and representatives

5 of the Department of Justice on or about August 11,

6 2008.

7 Wherefore, Judge Samuel B. Kent is guilty of high

8 crimes and misdemeanors and should be removed from of-

9 fice.

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