

111TH CONGRESS
1ST SESSION

H. RES. 520

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2009

Received

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
9 of America, against Samuel B. Kent, a judge of the United
10 States District Court for the Southern District of Texas,
11 in maintenance and support of its impeachment against
12 him for high crimes and misdemeanors.

ARTICLE I

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2 Incident to his position as a United States district
3 court judge, Samuel B. Kent has engaged in conduct with
4 respect to employees associated with the court that is in-
5 compatible with the trust and confidence placed in him
6 as a judge, as follows:

7 (1) Judge Kent is a United States District
8 Judge in the Southern District of Texas. From 1990
9 to 2008, he was assigned to the Galveston Division
10 of the Southern District, and his chambers and
11 courtroom were located in the United States Post
12 Office and Courthouse in Galveston, Texas.

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

17 (3) On one or more occasions between 2003
18 and 2007, Judge Kent sexually assaulted Cathy
19 McBroom, by touching her private areas directly and
20 through her clothing against her will and by at-
21 tempting to cause her to engage in a sexual act with
22 him.

23 Wherefore, Judge Samuel B. Kent is guilty of high
24 crimes and misdemeanors and should be removed from of-
25 fice.

ARTICLE II

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

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

(2) Donna Wilkerson was an employee of the United States District Court for the Southern District of Texas.

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

Wherefore, Judge Samuel B. Kent is guilty of high crimes and misdemeanors and should be removed from office.

ARTICLE III

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

4 (1) On or about May 21, 2007, Cathy
5 McBroom filed a judicial misconduct complaint with
6 the United States Court of Appeals for the Fifth
7 Circuit. In response, the Fifth Circuit appointed a
8 Special Investigative Committee (hereinafter in this
9 article referred to as “the Committee”) to inves-
10 tigate Cathy McBroom’s complaint.

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

14 (3) As part of its investigation, the Committee
15 sought to learn from Judge Kent and others whether
16 he had engaged in unwanted sexual contact with
17 Cathy McBroom and individuals other than Cathy
18 McBroom.

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

23 (A) Judge Kent falsely stated to the Com-
24 mittee that the extent of his unwanted sexual
25 contact with Donna Wilkerson was one kiss,

1 when in fact and as he knew he had engaged
 2 in repeated sexual contact with Donna
 3 Wilkerson without her permission.

4 (B) Judge Kent falsely stated to the Com-
 5 mittee that when told by Donna Wilkerson his
 6 advances were unwelcome no further contact oc-
 7 curred, when in fact and as he knew, Judge
 8 Kent continued such advances even after she
 9 asked him to stop.

10 (5) Judge Kent was indicted and pled guilty
 11 and was sentenced to imprisonment for the felony of
 12 obstruction of justice in violation of section
 13 1512(e)(2) of title 18, United States Code, on the
 14 basis of false statements made to the Committee.
 15 The sentencing judge described his conduct as “a
 16 stain on the justice system itself”.

17 Wherefore, Judge Samuel B. Kent is guilty of high
 18 crimes and misdemeanors and should be removed from of-
 19 fice.

20 ARTICLE IV

21 Judge Samuel B. Kent made material false and mis-
 22 leading statements about the nature and extent of his non-
 23 consensual sexual contact with Cathy McBroom and
 24 Donna Wilkerson to agents of the Federal Bureau of In-
 25 vestigation on or about November 30, 2007, and to agents

1 of the Federal Bureau of Investigation and representatives
2 of the Department of Justice on or about August 11,
3 2008.

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

Attest: NANCY PELOSI,
Speaker of the House of Representatives.

Attest: LORRAINE C. MILLER,
Clerk.