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**Legislative Bulletin.....June 18, 2009**

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**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

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**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 (*Conyers, D-MI*) (Privileged Resolution)**

**Order of Business:** The privileged resolution is scheduled to be considered on Thursday, June 18, 2009. No amendments are allowed.

**Summary:** Judge Kent is a district court judge for the Southern District of Texas. He began his 33 month sentence after pleading guilty to unwanted, non-consensual sexual contact with two employees (case manager Cathy McBroom and legal secretary Donna Wilkerson). He pled guilty to testifying falsely before a special investigative committee of the federal judiciary regarding his actions. However, he has refused to resign, which means that he continues to draw a federal judge’s salary while in jail (\$174,000).

In an impeachment case, an allegation of charges is brought up in the House of Representatives. Once the House Committee on the Judiciary finds reason for impeachment, the Committee lays out specific allegations in “articles of impeachment.”

The House Judiciary Committee voted on each of the four Articles of Impeachment and each passed unanimously. If the House impeaches Judge Kent, the Senate will then try him.

The House Judiciary [committee report 111-159](#) states:

After a careful study of the evidence, the Committee finds that Judge Kent did commit sexual misconduct against both Ms. McBroom and Ms. Wilkerson, conduct that included unwanted touchings and sexual assaults. The Committee also finds the Judge Kent made false statements to judges investigating this conduct, and made false statements to the FBI agents and Department of Justice prosecutors.

In summary, the articles of impeachment in this case state that Judge Kent is guilty of high crimes and misdemeanors by virtue of the following actions:

- 1.) Sexually assaulting two victims on one or more occasions between 2001 and 2007 (Articles I&II);
- 2.) Falsely stating to the Judiciary's Special Investigatory Committee that he had just kissed one of the victims when in reality he had sexually assaulted her after the victim had asked him to stop (Article III);
- 3.) Making false statements to the FBI/DOJ in August 2008, while investigating the matter (Article IV).

The Judiciary Committee concludes the introduction of its report by summarizing the reason for its impeachment:

Judge Kent has pled guilty to a felony, obstruction of justice, and has been convicted and sentenced to Federal prison. The Committee does not base its recommendation solely on the fact of the guilty plea and conviction, however. Rather, the Committee finds the facts underlying the guilty plea and the evidence regarding his sexual misconduct to overwhelmingly demonstrate that he is unfit to hold office. The Committee therefore recommends that Judge Samuel B. Kent be impeached by the House of Representatives and tried by the United States Senate.

**Additional Background:** Judge Kent was nominated by President George H.W. Bush on August 3, 1990. He was confirmed by the Senate in September of the same year. For more details on chain of events leading up to Judge Kent's sentencing, and for witness testimony, see [committee report 111-159](#).

**Committee Action:** H.Res. 520 was introduced on June 9, 2009 and referred to the House Judiciary Committee, which marked up the resolution and reported it out of committee on June 17, 2009, by a vote of 29-0.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee reporting citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** Though a committee report citing constitutional authority was not available for this resolution at press time, Article I, Section 2, Clause 5 states that "The House of Representatives...shall have the sole Power of Impeachment." Article III, Section 1 states, "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior..." Constitutional authority can also be found in Article I,

Section 3, Clauses 6 and 7 (regarding the Senate having power to try all impeachments), along with Article II, Section 4 (regarding federal judges as “civil officers” and removal from office due to treason, bribery, or other high crimes and misdemeanors).

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