Mr. CONYERS. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. Speaker and my colleagues, we are here today to perform one of the most solemn duties under the Constitution, which is to consider the impeachment of a sitting member of the judiciary, a Federal judge, who, but for the congressional power of impeachment, holds a life tenure on his office.

The Judiciary Committee’s independent investigation, conducted admirably by a special task force established for that purpose and led by the gentleman from California (Mr. SCHIFF), has concluded that the charge underlying that guilty plea is overwhelmingly borne out by the evidence, as are the related charges of repeated sexual assault against various court employees under his supervision.

Judge Kent’s conduct is described in greater detail in the report filed by our committee, which voted unanimously 29-0 to recommend four articles of impeachment to the House. The court documents and other materials are available on the committee’s Web site.

Of the three branches of government devised by the framers of our Constitution, only the judicial branch is insulated from the accountability of standing for election. This is by design. The other two branches, the legislative and the executive, are designed to be democratically responsible to the people, but the judicial branch is designed to be independent, to interpret the laws passed by the Congress without favor and without fear of political reprisal.

And so, article III, section 1 provides that Federal judges hold their offices during “good behavior.” And when a judge abuses his power, when by his conduct he proves himself unfit to hold his office, he cannot be turned out by the voters; instead, it falls to the Congress to ensure that the public trust of that office is protected through the power of impeachment.

Congress is charged with this power not merely on the fact that the judge has pleaded guilty and has been sentenced to prison; rather, it is his conduct—making false statements to his fellow judges in an official inquiry and sexually assaulting courthouse personnel—that the committee has independently determined to constitute high crimes and misdemeanors warranting his impeachment and removal from office.

The Judiciary Committee has determined overwhelmingly and unanimously, after most careful examination, that the judge’s conduct plainly renders him unfit to remain a Federal judge.

Entrusted to use the power of his office to dispense justice impartially, this judge abused his power blatantly, with partiality and favor, for his own personal gain. Entrusted to render justice, he has instead sought to evade it. Only Congress can remove Judge Kent from office. Until we do so, he will continue to draw a salary as a sitting Federal judge, even from his prison cell.

While the executive can prosecute him and the judiciary can impose punishment for his criminal conviction, only the two Houses of Congress has the power to remove him from office, and that is our constitutional duty here today.

I bring this resolution to the floor to dispatch justice impartially, to correct his abusive authority and ex- implemanent perfectly clear. I therefore urge my colleagues to support this 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 Articles of Impeachment following U.S. District Judge Samuel B. Kent’s guilty plea and sentencing.

The next step to putting an end to Judge Kent’s abusive authority and ex- implemanent perfectly clear. I therefore urge my colleagues to support this resolution.

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

Mr. CONYERS, Mr. Speaker, I am pleased now to recognize one of our most distinguished members of the Judiciary Committee who headed the
Mr. SCHIFF. I thank the gentleman and appreciate the great leadership of the chairman of the Judiciary Committee.

Today we find ourselves in the regrettable circumstance where we must act on a federal judge from the bench. The task before us is not one we welcome, but it is an important responsibility that has been entrusted to us by the Founders and one which we must not shrink from.

The history of our Nation’s history, we have been fortunate to have a distinguished judiciary that has served as an essential and coequal branch of our government. We owe a great deal to the success of our representative democracy to the positive, thoughtful, and vital role played by the Nation’s judges. To insulate members of the bench from political and other pressures, to ensure that judges are free to determine the cases before them on the basis of the law alone and no outside influence, Federal judges are appointed for life.

Unlike elected officials, who may be removed periodically by the voters or serve only in an appointed capacity, the Founding Fathers provided only one extraordinary method of removing a Federal judge, that of impeachment. The President cannot remove a judge he has appointed or any other, and the courts cannot. Conviction of a Federal or State offense is also powerless to remove a judge from office. Only the Congress may remove a judge and only then upon impeachment of the House under article 2, section 3 of the Constitution and conviction in the Senate for treason, bribery, or other high crimes and misdemeanors justifying their removal.

Because we have been blessed by an extraordinarily professional judiciary and because the bar for removal is high, the extraordinary remedy of impeachment of a Federal judge has been used only 13 times in the Nation’s history. But the matter before us today warrants its use once again.

Last month, the House Judiciary Task Force on Judicial Impeachment was directed to inquire whether Judge Kent should be impeached. As the chairman 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. As a task force, we were extremely well-served by the very capable ranking members from Virginia, Bob Goodlatte, and the many who were present in a fair, open, and deliberate manner, and we have done so on a bipartisan, really nonpartisan, basis.

Samuel Kent was appointed to the Federal bench in 1990 and served in the Galveston courthouse in the Southern District of Texas. During that time, he was generally the sole judicial officer in the courthouse, an imposing figure who exercised a substantial degree of influence and control both inside and outside of the courtroom.

At some point in 2001, Judge Kent began sexually assaulting at least two women employees who served in the courthouse. These assaults occurred through at least May of 2007, when one of the victims, Cathy McBroome, filed a judicial misconduct complaint with the U.S. Court of Appeals for the Fifth Circuit alleging sexual misconduct on the part of Judge Kent. In response, the Judicial Council of that circuit appointed a Special Investigative Committee to investigate the complaint.

On June 8, 2007, Judge Kent, pursuant to his own request, was interviewed by the Special Investigative Committee of that circuit. They sought to learn from Judge Kent whether he had engaged in unwanted sexual contact with Ms. McBroome or others. During the interview, Judge Kent made material false statements about his nonconsensual contact with Ms. McBroome. He was also questioned about another female employee in the courthouse, his secretary Donna Wilkerson, and told the investigative committee that once Ms. Wilkerson informed him that his advances were unwelcome, no further sexual contact had occurred. When, in fact, he continued his nonconsensual sexual contacts with both Ms. McBroome and Ms. Wilkerson.

The Department of Justice commenced a criminal investigation relating to Judge Kent’s conduct as well. In November 2007, Judge Kent asked for and was granted an interview with the FBI. During the voluntary interview he conducted, he was asked about his alleged conduct and repeated the same material false statements he had made to the Fifth Circuit.

In August of 2008, Judge Kent, through his attorney, asked for a meeting at the Department of Justice. And at this meeting he sat down with his attorney, an FBI agent, and representatives of the Department of Justice, and again Judge Kent made material false statements about the nature and extent of his nonconsensual sexual contact with Ms. McBroome and Ms. Wilkerson.

Intimidated by Judge Kent and worried about losing her job, Ms. Wilkerson was not initially candid with investigators and law enforcement when questioned about Judge Kent’s conduct towards her. In fact, it was not until her third grand jury appearance that Ms. Wilkerson was willing to reveal the full extent of sexual assault she endured from Judge Kent.

On August 26, a Federal grand jury returned a multi-count indictment against Judge Kent, and on January 6 the grand jury issued a superseding indictment against Judge Kent alleging counts of aggravated sexual abuse as well as obstruction of justice and abusive sexual contact.

On February 23, the day his criminal trial was set to begin, Judge Kent pled guilty to obstruction of justice. Pursuant to the plea agreement, Judge Kent knowingly, voluntarily, and truthfully admitted having nonconsensual sexual contact with both women and obstructing justice in his testimony before the Fifth Circuit investigative committee.

On May 11, Judge Kent was sentenced to a term of 33 months in prison and ordered to pay restitution. Judge Kent began his term of incarceration on June 15, this past Monday.

The day after sentencing, the House of Representatives directed the Judiciary Committee Impeachment Task Force to inquire whether Judge Kent should be impeached, and the task force held an evidentiary hearing on June 3, receiving testimony from Ms. McBroome and Ms. Wilkerson as well as Professor Arthur Hellman, a judicial impeachment scholar. Professor Hellman provided expert testimony on the merits of making false statements to fellow judges, as well as abusing his power as a Federal judge to sexually assault women, were independent grounds that would justify and warrant Judge Kent’s impeachment and removal from office.

The task force invited Judge Kent to testify, but he declined our offer. The task force received correspondence from Judge Kent that was made available to all Members and was entered into the RECORD. The task force also invited Judge Kent’s counsel to participate in the hearing and present arguments on behalf of his client as well as to provide the opportunity to question any of the witnesses, and Judge Kent’s counsel also declined to appear or participate.

Subsequently, Judge Kent’s counsel sent a letter to the committee questioning the veracity of the women and making an extraordinary admission that their testimony was unnecessary because, quoting from the letter: Judge Kent’s guilty plea to the felony of obstruction of justice presents sufficient grounds for impeachment.

The task force also received a letter from Judge Kent to the White House, dated June 2, stating his intention to resign June 1 a year from now. But neither his surrender to custody nor his stated intention to resign a year from now affect his current status as a Federal judge or a constitutional obligation to determine whether impeachment is warranted.

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 determine whether impeachment is warranted. The existence of the criminal trial conducted by the District Court for the Southern District of Texas, and the conviction of Judge Kent for sexual abuse and obstruction of justice, provides a sufficient basis for impeachment. According to leading commentators and historical precedent on
June 19, 2009

CONGRESSIONAL RECORD—HOUSE

H7057

On September 28, 2007, in an "Order of Reprimand and Reasons" signed by Chief Judge Edith Jones, the Judicial Council for the Fifth Circuit suspended Judge Kent with pay for four months and transferred him to Houston. The Order did not disclose the underlying findings of fact or conclusions by the Special Investigative Committee.

The Department of Justice then commenced a criminal investigation relating to Judge Kent's conduct. In November 2007, Judge Kent asked for and was granted an interview with Federal Bureau of Investigation law enforcement agents. During the voluntary interview that he had requested, he was asked about his alleged conduct and repeated the same material false statements that he made to the Fifth Circuit.

On August 28, 2008, Judge Kent through his attorney asked for a meeting at the Department of Justice Headquarters in Washington, D.C. At this meeting, he sat down with his attorney, an FBI agent, and representatives from the Department of Justice. Judge Kent again made material false statements about the nature and extent of his non-consensual sexual contact with Ms. McBroom and Ms. Wilkerson.

Intimidated by Judge Kent and worried about losing her job, Ms. Wilkerson was not initially candid with investigators and law enforcement when questioned about Judge Kent's conduct towards her. In fact, it was not until her third grand jury appearance, that Ms. Wilkerson was willing to reveal the full extent of sexual assaults she endured from Judge Kent.

On January 6, 2009, the grand jury issued a superseding indictment that re-alleged the three counts involving Ms. McBroom and added three additional counts. Count four charged aggravated sexual abuse against Ms. Wilkerson in violation of 18 U.S.C. § 2241(a), a crime punishable by up to life in prison. Count five charged abusive sexual contact against Ms. McBroom in violation of 18 U.S.C. § 2244(b).

Finally, the superseding indictment charged Judge Kent with Obstruction of Justice for corruptly obstructing, influencing, and impeding an official proceeding by making false statements to the Special Investigative Committee of the U.S. Court of Appeals for the Fifth Circuit regarding his unwanted sexual contact with Ms. Wilkerson.

On February 23, 2009, the day his criminal trial was set to begin, Judge Kent pled guilty to Obstruction of Justice. Pursuant to the plea agreement, Judge Kent knowingly, voluntarily, and truthfully admitted having non-consensual sexual contact with both women, and obstructing justice by testify falsely before the Fifth Circuit Investigative Committee.

On May 11, 2009, Judge Kent was sentenced to a term of 33 months in prison and ordered to pay fines and restitution to Ms. McBroom and Ms. Wilkerson. Judge Kent began his term of incarceration on June 15th, this past Monday.

The day after his sentencing, the House of Representatives directed the House Judiciary Task Force, we were extremely well served by the Task Force, I'd like to report on our work the procedural history of this matter as well as the Task Force's history. But the matter before us today warrants its use once again.

Last month, the House Judiciary Committee Task Force on Judicial Impeachment was directed by the House to inquire whether Judge Kent should be impeached. As Chairman of the Task Force, I'd like to report on our work and provide the Members of the House with the procedural history of this matter as well as our findings. As over the past several months, the Task Force, we were extremely well served by the very capable Ranking Member from Virginia, Bob Goodlatte, and have worked to proceed in a fair, open and deliberate manner, and we have done so on a bipartisan, really, non-partisan basis.

Samuel B. Kent was appointed to the federal bench in 1990 and has served in the Galveston courthouse in the Southern District of Texas for most of his career. During that time, he was generally the sole judicial officer in the courthouse, an imposing figure who exercised a substantial degree of influence and control both inside and outside of his courtroom. At some point in 2001, Judge Kent began sexually assaulting at least two women employees who served in his courthouse. These repeated sexual assaults occurred through at least May of 2007, when one of the victims, Cathy McBroom, filed a judicial misconduct complaint with the U.S. Court of Appeals for the Fifth Circuit, alleging sexual misconduct on the part of Judge Kent. In response, the Judicial Council of the Fifth Circuit appointed a Special Investigative Committee to investigate Ms. McBroom's complaint.

On June 8, 2007, Judge Kent, pursuant to his own request, was interviewed by the Special Investigative Committee of that Circuit. The committee sought to learn from Judge Kent whether he had engaged in unwanted sexual contact with Ms. McBroom or with others.

During the interview, Judge Kent made material and false statements about the extent of his non-consensual contact with Ms. McBroom; in fact, he had engaged in repeated non-consensual sexual contact with her. Judge Kent was also questioned about another female employee in the courthouse, his secretary Donna Wilkerson. He told the investigatory committee that once Ms. Wilkerson informed the Investigative Committee sought to learn from Judge Kent whether he had engaged in unwanted sexual contact with Ms. McBroom or with others.

During the interview, Judge Kent made material and false statements about the extent of his non-consensual contact with Ms. McBroom; in fact, he had engaged in repeated non-consensual sexual contact with her. Judge Kent was also questioned about another female employee in the courthouse, his secretary Donna Wilkerson. He told the investigatory committee that once Ms. Wilkerson informed the Investigative Committee about Judge Kent's advances, he told her that he was supposed to serve.

On February 23, 2009, the day his criminal trial was set to begin, Judge Kent pled guilty to Obstruction of Justice. Pursuant to the plea agreement, Judge Kent knowingly, voluntarily, and truthfully admitted having non-consensual sexual contact with both women, and obstructing justice by testify falsely before the Fifth Circuit Investigative Committee.

On May 11, 2009, Judge Kent was sentenced to a term of 33 months in prison and ordered to pay fines and restitution to Ms. McBroom and Ms. Wilkerson. Judge Kent began his term of incarceration on June 15th, this past Monday.

The day after his sentencing, the House of Representatives directed the House Judiciary...
Committee Impeachment Task Force to inquire whether Judge Kent should be impeached. On June 3, 2009, the Task Force on Judicial Impeachment held an evidentiary hearing to determine whether Judge Kent's conduct provides a sufficient basis for impeachment. The Task Force developed a record upon which to recommend Articles of Impeachment to the House Judiciary Committee.

The Task Force received testimony from Ms. McBroom, Ms. Wilkerson, and Professor Arthur Hellman, a judicial impeachment scholar from the University of Pittsburgh School of Law. Professor Hellman testified that they were sexually assaulted by Judge Kent on a number of occasions, and detailed several of these incidents for the Task Force.

Professor Hellman provided expert testimony that concluded that making false statements to fellow judges, as well as abusing his power as a federal judge to sexually assault women, were independent grounds that would justify and warrant Judge Kent's impeachment and removal from office.

The Task Force invited Judge Kent to testify, but he declined our offer. The Task Force received correspondence from Judge Kent that was made available to all Members and entered into the record. The Task Force also invited Judge Kent's counsel to participate in the hearing and present arguments on behalf of his client, as well as to provide the opportunity to question any of the witnesses. Judge Kent's counsel also declined to appear or participate in the hearing.

Subsequently, Judge Kent's counsel sent a letter to the Task Force. The letter questioned the veracity of the two women, citing an anonymous caller at length and claiming there are other witnesses who contradict the two women. The letter also made the extraordinary admission that their testimony was unnecessary because, quoting from the letter, "Judge Kent's guilty plea to the felony of Obstruction presents sufficient grounds for impeachment."

The Task Force also received a letter from Judge Kent to the White House, dated June 2, 2009, stating his intention to resign effective June 1, 2010, a year from now. Neither his surrender to custody, nor his stated intention to resign a year from now, affect his current status as a federal judge or our constitutional obligation to determine whether impeachment is warranted.

Article III, Section 1 provides that "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office." The Constitution provides that an individual is "unworthy to fill" an office is necessary to protect the integrity of the judicial branch and uphold the public trust.

Earlier this month, the Judicial Conference of the United States unanimously transmitted a Certificate to the House of Representatives, certifying that Judge Kent's conduct warrants the consideration of impeachment of Judge Kent may be warranted. The certificate concludes that "Judge Kent's conduct and felony conviction . . . have brought disrepute to the Judiciary." After concluding that the full record establishes that Judge Kent should be impeached for high crimes and misdemeanors, the House Judiciary Impeachment Task Force met on June 9th and unanimously voted in favor of recommending four Articles of Impeachment for consideration by the House Judiciary Committee.

These four Articles were subsequently introduced in the House in the form of House Resolution 520. Article I focuses on Judge Kent's sexual assault of Ms. McBroom. Article II Article II focuses on Judge Kent's sexual assault of Ms. Wilkerson.

Article III focuses on Judge Kent's obstruction of justice by making false statements during an official proceeding of the Fifth Circuit Court of Appeals regarding his unwanted sexual contact with a woman.

Article IV focuses on Judge Kent's material false and misleading statements about the nature and extent of his non-consensual sexual contact with both women to agents of the Federal Bureau of Investigation and to representatives of the Department of Justice on two separate occasions.

On June 10th, the House Judiciary Committee ordered H. Res. 520 favorably reported by a roll call vote of 29–0. Judge Kent, incident to his position as a U.S. district court judge, engaged in deplorable conduct with respect to employees associated with the court. Such conduct is incompatible with the trust and confidence placed in him as a judge. In particular, the record demonstrates that Judge Kent sexually assaulted two women while he was employed at the court. Furthermore, Judge Kent corruptly obstructed, influenced, or impeded an official proceeding when he made false statements to the Special Investigative Committee of the U.S. Court of Appeals for the Fifth Circuit.

Finally, the record demonstrates that Judge Kent made material false and misleading statements about the nature and extent of his non-consensual sexual contact with Ms. McBroom and Ms. Wilkerson to agents of the Federal Bureau of Investigation and to representatives of the Department of Justice.

These acts of sexual assault and obstruction of justice are, as the judge who sentenced Mr. Kent to incarceration stated, "a stain on the justice system itself." Were the House of Representatives to sit idle now, Mr. Kent would continue to hold the office of U.S. District Judge while sitting in prison, and after continuing such high crimes and misdemeanors, it would be a stain on the Congress as well.

Judge Kent's conduct was a disgrace to the bench. That he would still cling to the bench from the confines of his prison cell, and ask the public whose trust he has already betrayed to continue paying his salary, demonstrates how little regard he has for the institution he was to supposed serve. I urge the House to approve each of the four Articles of Impeachment set out in House Resolution 520.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the ranking member of the Impeachment Task Force.

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Speaker, it's a rare occasion when the House of Representatives must vote on Articles of Impeachment against a Federal judge. Indeed, the last time this occurred was 20 years ago. However, when 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. It is also rare for the members of the House Judiciary Committee to agree on anything. However, the committee voted unanimously last week to report out House Resolution 520, which contains the four Articles of Impeachment against Judge Kent. This came after a thorough investigation and much work by the Task Force on Judicial Impeachment. Specifically, the task force conducted an investigation of Judge Kent's conduct, which included working with the FBI, the Department of Justice, and the Fifth Judicial Circuit. The task force also conducted an investigatory hearing on the matter, at which two court employees who were victimized by Judge Kent testified about the sexual abuse. At that same hearing, we heard from a constitutional scholar who testified that Judge Kent's misconduct rises to the level of impeachable offenses. It is important to note that Judge Kent was invited to testify at that hearing. His attorney was also invited to testify and participate in the hearing. Both declined to attend.

As you have already heard in statements today and as you have already read in the Judiciary Committee's report, Judge Samuel Kent's misconduct merits the serious step of issuing Articles of Impeachment. The evidence also shows that he lied to the FBI and the
Department of Justice about the nature of his sexual misconduct with court employees. In addition, he pled guilty to felony obstruction of justice and to committing repeated acts of nonconsensual sexual contact with court employees. He was sentenced to 33 months in prison for committing felony obstruction of justice, and this past Monday he reported to prison and began his prison term.

However, because the Constitution provides that Federal judges are appointed for life, the fact that he is sitting in prison, continues to collect his taxpayer-funded salary of approximately $174,000 per year, continues to collect his taxpayer-funded health insurance benefits, and continues to accrue his taxpayer-funded pension.

This is the first time that a Federal judge has pled guilty to a felony, has reported to prison, and has still not resigned from his office. This shows how deep Judge Kent’s psychology truly runs. In fact, Judge Kent even took the step of sending a letter to the President explaining that he intends to resign 1 year from now. However, this purported resignation is not worth the paper it is written on because nothing would prevent Judge Kent from withdrawing his resignation at any time before the expiration of the year. What it really amounts to is an attempt to extort hundreds of thousands of dollars from the American people.

It is that exact task to impeach a Federal judge; yet when a judge so clearly abuses his office, it becomes necessary to take the appropriate action in order to restore the confidence of the American people in their judicial system. The Constitution gives the House of Representatives the power and responsibility to impeach Federal judges. It is my strong recommendation that the Members of the House adopt these Articles of Impeachment against Judge Samuel B. Kent. First and foremost it is necessary to impeach Federal judges. It is my hope that the United States Senate will then act to swiftly bring this matter to trial and quick disposition.

I would also 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 the members of the task force on both sides of the aisle. As ranking member of the task force, I appreciate the fact that this effort has been undertaken in an extremely nonpartisan fashion. And I would also like to thank Chairman CONyers and Ranking Member SMITH for their comprehensive yet expeditious and bipartisan consideration of these Articles of Impeachment in the full Judiciary Committee.

Mr. CONYERS. I am pleased now to recognize for questions Mr. SCHIFF, the distinguished member of the Judiciary Committee who served on the task force with great skill, SHEILA JACKSON-LEE from Houston, Texas, who has been an anchor in the proceedings that have brought us to this stage. I also want to commend BOB GOODLATTE for his services during that period of time.

Ms. JACKSON-LEE of Texas. I think it is important for all of us to recognize the irony you have presented. And I thank the managers and the task force members that I believe worked in that spirit.

As I come from Texas and Houston, I think it is important to note that the Constitution, as all people may have in America, has his defenders; and he will have an opportunity for those defenders to continue to raise their voice and to continue to emphasize their beliefs. As my colleague from Texas indicated, he had debilitating conditions, and he had faced tragedy. And so that should be recognized.

But I believe what I’ve come to acknowledge on the floor of the House and, in fact, I am coming to acknowledge is that responsibility of the judiciary to constitutionally follow the law. So article II, section 4, in fact, says that we are to proceed with impeachment specifically if civil officers have engaged in partly or been convicted of treason, bribery or other high crimes and misdemeanors. And we have no duty to ignore it. We must act. High crimes and misdemeanors, worthy behavior, all of them have been counted by a willing expression of this individual, this judge, that he has committed this offense.

Sad as it may be, as we proceed to the constitutional procedure of the voting here and then a trial in the Senate, it lays down the framework that is all we have. I think we must act to impeach Judge Kent from the Fifth Circuit, lying to an official judicial body that the extent of his unwanted sexual contact with person B was one kiss, and that when told by person B his advances were unwelcomed, he then further said they were consensual; and that is to block person A from coming forward or having any veracity or anyone to back up what that person has said. I use A and B because I want to, again, respect the privacy of these individuals. And I think we have a duty to ignore it. We must act. High crimes and misdemeanors, worthy behavior, all of them have been counted by a willing expression of this individual, this judge, that he has committed this offense.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. JACKSON-LEE of Texas. It is crucial that we proceed in moving on the articles of impeachment.

Mr. Speaker, as a Member of the Impeachment Task Force of the House Judiciary Committee, I rise today in support of a recommendation for impeachment of Judge Samuel B. Kent. First and foremost it is necessary to establish the legal authority of Congress to impeach judges because the Constitution clearly places many of the operations of the Judiciary under the oversight of Congress—a power not granted reciprocally to the Judiciary. This is made clear in the Federalist Papers (described by James Madison as “the most authentic exposition of the heart of the federal Constitution”), which confirm that subjudging the Judiciary to Congress was deliberate and intentional. Federalist #51 declares: “the legislative authority necessarily predominates.” Furthermore, Federalist #49 declares that Congress—not the Court—is the “confidential guardians of [the people’s] rights and liberties.” Why? Because the Legislature—not the unelected judiciary—is closest to the people and most responsive to them. When the Court did claim that it is the only body capable of interpreting the Constitution—that Congress is incapable of determining constitutionality, the Founding Fathers vehemently disagreed. For example, James Madison declared: “[T]he meaning of the Constitution may as well be ascertained by the Legislative as by the Judicial authority.”

After establishing that the Congress has jurisdiction to preside over impeachment proceedings, it is imperative to outline the legal
standard for impeachment. Article II, Section 4 of the U.S. Constitution delineates the standard for removal from office of all civil officers by stating that: “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

The Constitutional Standard is further buttressed by the intent behind Article II, Section 4. The Founders’ intent for impeachment was to protect the fundamental principle of “the consent of the governed.” The Constitution carries no title but “We the People,” and impeachment removes from office those officials who ignore that standard of adhering to the values of the people—that sexual abuse and pleading to a felony is not good behavior. It is important to note that the Constitution does not guarantee a federal judge his position for life, but only for the duration of “good behavior” (Art. III, Sec. 1).

For this reason impeachment was used whenever judges disregarded public interests, afforded the will of the people, or introduced arbitrary power by seizing the role of policymaker. Previous generations used this tool far more frequently than today’s generation; and because the grounds for impeachment were deliberately kept broad, articles of impeachment have described everything from drunkenness and profanity to judicial high-handedness and bribery as reasons for removal from the bench. Historically speaking, sixty-one federal judges or Supreme Court Justices have been investigated for impeachment; of whom thirteen have been impeached and seven convicted.

One of our Founding Fathers, Alexander Hamilton, wrote in the Federalist Papers No. 65 that, “Those [impeachable] offenses which proceed from the misconduct of public men, or, [in] other words, from the abuse or violation of some public trust. They are of a nature which . . . relate chiefly to injures done immediately to society itself.”

As Hamilton makes clear, criminal conduct alone was and is not enough. The conduct also should involve public office. That should be the test as we proceed. Given the context of the Constitutional standard for impeachment coupled with the intent of the Framers, the issue at hand is whether Judge Kent’s conduct constitutes high Crimes and Misdemeanors, within the framework of the Constitution. On review of the facts, we find that Judge Kent’s conduct of justice are based on providing testimony to the FBI and the DOJ on the nature and extent of his relationships with his former employees while the Judge was in office, does in fact meet the standard of high Crimes and Misdemeanors.

Furthermore, Judge Kent’s felony conviction for obstruction of justice raises issues of fitness to the bench. While Judge Kent’s felony conviction on its face satisfies the Constitutional standard of impeachment, the numerous allegations of sexual misconduct on behalf of the Judge made by former employees continue to call into question Judge Kent’s fitness for Office.

Pursuant to witness testimony the Impeachment Task Force and the Deputy Case Manager for Judge Kent, Ms. McBroom recounted over ten episodes of sexual misconduct she experienced while working for Judge Kent. Ms. McBroom noted that Judge Kent’s physical presence was imposing at 6’4”, 260 pounds, and coupled with his frequent sexual advances, this made it difficult for her to believe that she would be able to prove the Judge’s misconduct and successfully pursue outside employment in the Galveston legal community.

Donna Wilkerson, Judge Kent’s former Legal Secretary also testified before the Task Force. Wilkerson stated that during her tenure as Kent’s legal secretary, she suffered seven years of psychological abuse and sexual misconduct. Wilkerson noted that each episode of sexual misconduct always took place in the office, over the course of lunches where the Judge returned to work intoxicated.

While the issue of Judge Kent’s possible alcohol dependency and the condition of his mental health may be mitigating factors in this Committee’s impeachment determination, the critical element of the impec- chment is his fitness for the position he holds. Accordingly, the conduct of Judge Kent while in office as 5th Circuit Court Judge of Galveston, Texas yields him unfit for office under constitutional standards.

Kent did submit a letter to President Obama and the Fifteenth Circuit Court of Appeals and to the Senate requesting permission for withdrawal from the bench one calendar year from now. Pursuant to Judge Kent’s felony charge, it would not be appropriate for him to collect a salary and pension over the course of the next year. Additionally, under the guidelines of Judge Kent’s proposal, his withdrawal from office would not go into effect until the day of the withdrawal, which means that Kent’s decision to remove himself from office would be revocable at any time up until the final date of withdrawal.

Mr. Speaker, it pains me to take action against a member of the bench from my own state, but the Constitution imposes upon us a duty that we must uphold. As such, on the issue of whether Judge Kent’s conduct constitutes high Crimes and Misdemeanors, I believe that all of us should agree that he has given our Constitutional duty, I urge my colleagues to support this extremely important and difficult decision of impeachment.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Impeachment Task Force and also a former chairman of the Judiciary Committee.

Mr. SENSENBRENNER. Mr. Speaker, first I would like to demand a division of the question so as to result in 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. Thank you. Mr. Speaker, the Impeachment Task Force and the Judiciary Committee unanimously adopted and reported out House Resolution 520. The overwhelming support for this resolution is indicative of the weight of the evidence supporting the four articles of impeachment against Judge Samuel B. Kent. A Federal grand jury indicted Judge Kent on five counts of sexual assault involving two of his female court employees, and one count of obstruction of justice.

In February of this year Judge Kent pleaded guilty to count six of the superseding indictment, obstruction of justice, pursuant to a plea agreement. As a part of the plea agreement, the government agreed to dismiss the remaining five counts at sentencing. At that time I called on Judge Kent to resign and stated that I would introduce articles of impeachment upon his sentencing in May if he did not resign. On May 11, 2009, Judge Kent was sentenced to 33 months in prison. On May 12 I introduced the first resolution calling for Judge Kent’s impeachment. Judge Kent tried to use his knowledge to work the system by requesting a waiver for disability retirement. In February I wrote the court, asking it to carefully consider all of the particular concerns Judge Kent’s request. On May 27, Fifth Circuit Judge Edith Hollan Jones denied Judge Kent’s request. The Impeachment Task Force held an evidentiary hearing where both victims of Judge Kent testified as witnesses. In addition to the two victims, Alan Baron, the lead task force attorney, provided an overview of the investigation. As a part of his statement, he identified and introduced into the record a number of documents. University of Pittsburgh Professor Arthur Hellman provided expert testimony that concluded that Judge Kent’s conduct in making false statements to fellow judges, and thereby obstructing justice, as well as abusing his power as a Federal judge to sexually assault women employees, constituted indecent grounds for impeachment and removal from office. The task force afforded Judge Kent and his counsel unlimited opportunity to participate exhaustively in the hearing. However, both Judge Kent and his counsel declined our invitation. After this objective and definitive review of the facts, the weight of the evidence against Judge Kent was substantial enough that it became quite obvious that he should not remain a Federal judge.

Articles I and II of the articles of impeachment reflect the improper conduct made by Judge Kent toward two of his court employees. On numerous occasions he sexually assaulted the two female court employees by touching their private areas and attempting to engage each woman in a sexual act with him. Article III is an article that incorporates some of the false or misleading statements made by Judge Kent to investigators and the grand jury. It notes that Kent was obstructed, influenced, or impeded an official proceeding. Our hearing and the record we have compiled produces clear
and convincing evidence that Judge Kent lied to law enforcement authorities during the investigation as well as to the Federal grand jury. Article IV alleges that Judge Kent made material false and misleading statements about the nature and extent of his misconduct, and that he conspired with victims to mislead FBI agents and representatives of the Department of Justice.

Our purpose for being here today is not to punish Judge Kent. Our purpose is to ensure the integrity of the Federal judiciary. Impeachment is invoked only when the conduct erodes the public’s confidence in government. Judge Kent has clearly violated the public’s trust and dishonored his role. Judge Samuel B. Kent, who by his own admission obstructed justice to cover his own misdeeds, cannot remain a Federal judge. He is the first judge in the history of our Republic to plead guilty to a felony and refuse to promptly resign his seat on the bench. Other judges have been convicted of crimes and refused to resign, but never has one pled guilty and attempted to stay on the bench. To permit him to retain his position would inflict grievous and, indeed, irreparable damage to the Federal judiciary and, I submit, to the Congress as well.

There are two basic questions in connection with this impeachment. First, does the conduct alleged in the four articles of impeachment state an impeachable offense? And, second, if the answer is yes, can we, as the House of Representatives, find sufficient evidence presented on this occasion, saying he was the law, he was the judge. In other words, he had what I refer to as a reign of judicial terror or tyranny over these individuals, utilizing his power as a Federal judge to misuse that power in such a way to put these women in a situation where they had no peers to speak with, anybody he could talk about the serious problems in his life.

Interestingly, now he says to us we should have some sympathy for him and extend him some mercy because he had no peers to speak with, anybody he could talk about with the serious problems in his life.

The very fact that he was the only judicial officer in that courthouse gave him enormous power, which he repeated to his victims on more than one occasion, saying he was the law, he was the judge. In other words, he had what I refer to as a reign of judicial terror or tyranny over these individuals, utilizing his power as a Federal judge to misuse that power in such a way to put these women in a situation where they had no peers to speak with, anybody he could talk about with the serious problems in his life.

I urge all Members to vote “yes” on the impeachment.

Some people mistakenly believe that you need a criminal conviction as a condition precedent to us acting. That is not true and has never been true. In this particular case we do have a criminal conviction. But the Articles of Impeachment go beyond that to some of the underlying facts with respect to the sexual assault performed by this judge, Judge Kent.

The question before us is whether or not he is fit for office. The answer seems to be obvious. One who would use his office in that way to commit sexual assault is unfit for any office, but particularly that of a Federal judge. Why do I say that? Because they are given lifetime tenure, and in this circumstance he was the sole judicial officer in this courthouse.

Interestingly, now he says to us we should have some sympathy for him and extend him some mercy because he had no peers to speak with, anybody he could talk about the serious problems in his life.

The very fact that he was the only judicial officer in that courthouse gave him enormous power, which he repeated to his victims on more than one occasion, saying he was the law, he was the judge. In other words, he had what I refer to as a reign of judicial terror or tyranny over these individuals, utilizing his power as a Federal judge to misuse that power in such a way to put these women in a situation where they had no peers to speak with, anybody he could talk about with the serious problems in his life.
Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. COHEN), a member of the task force and also the Chair of the Commercial and Administrative Law Subcommittee.

Mr. COHEN. Mr. Speaker, I want to thank the chairman, the chairman of the task force, the ranking member of the committee, and Mr. SENSENBRINGER.

This unquestionably has the facts that lead him here. This House has a duty to proceed for impeachment. This judge has abused his office and justice by pleading guilty to obstruction of justice, committing obstruction of justice and lying to an official panel, and has taken an action upon his employees and his position, women, that is an affront to all women in this country. And these are actions that are high crimes and misdemeanors worthy of the vote of impeachment. That is unquestioned.

But what is particularly impressive to me is the procedure that this House has acted in and the speed to make sure that the public Treasury and the public trust are protected.

This man does not deserve his pay. He does not deserve his pension. For he has shamed the country, the Judiciary, and been offensive toward people and good conduct, and for those reasons it is important that this House act, that we do this, to make sure that the public Treasury and the public good are protected.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. GOMPERT), a member of the Impeachment Task Force and a former district judge from Texas.

Mr. GOMPERT. Mr. Speaker, I also want to thank the leadership and the very responsible conduct of the chairman of the task force, ADAM SCHIFF, and Ranking Member SMITH. We have worked together on this because it is a very serious matter when our Federal courts are held in less than high esteem.

We have a Federal judge, as has already been mentioned, who pled guilty to obstruction of justice. He admitted to nonconsensual sexual acts. We have the transcript from the Federal court and our hearings in which there is actual specificity of misrepresentations. We also can take judicial notice of his orders and opinions that he wrote himself.

It is very clear that, as some of the witnesses testified, he was arrogant, he was a bully. That is not enough to impeach someone or remove them from office, but certainly obstruction of justice would be under the circumstances here.

What I found particularly offensive beyond the obstruction were the games that were played by this judge with this body. Here the day before we were having our hearing of the task force, we get a resignation letter dated June 2, 2009, addressed to the President, saying, “I hereby resign from my position as United States district judge for the Southern District of Texas effective June 1, 2010,” a year away, a resignation that was withdrawn at any time before it became effective.

Now, we heard testimony from the witnesses that this judge was particularly manipulative, and that is how he was able to continue the nonconsensual sexual assaults over and over, because the witnesses were afraid of losing their jobs, and it was clear that he had said, I am the king, and it is good to be king.

It is good to be king, unless you are committing crimes and misusing the office to which you were entrusted.

But the resignation letter would just be a resignation, if it were sincere. But then we got another letter before our final hearing before the committee asking that it be taken into consideration that he had these problems and that he needed his salary and his medical and he was trying to pay medical bills of his late wife. Ironically, he wasn’t quite as concerned for his late wife when he was groping and manipulating and bullying people within his trust and care as a Federal judge.

We heard testimony that if someone had come before his court and used the same reasons that he gave as to why he ought to keep getting his salary, that he would not only have not been moved to sympathy, he would have been moved to anger and would have taken it out on the defendant.

So even at this late date, there is no evidence of contriteness. There is no evidence of remorse, other than being caught. There is more manipulation, which makes clear all the more that he should not have his request granted that he be paid as a Federal judge while he is sitting in prison for committing crimes.

Let’s bring this to an end and vote for the impeachment.

Mr. CONYERS. Mr. Speaker, I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. POE), the deputy ranking member of the Crime Subcommittee of the Judiciary Committee and also a former district judge from Texas.

Mr. POE of Texas. Mr. Speaker, I think a little history is in order here, because only Congress can remove a Federal judge. It is part of the checks and balances in our Constitution. It prevents the executive who doesn’t like what a judge is doing from taking that person out of office. It prevents other judges in the United States in the judicial branch from removing a judge when they don’t like that judge’s opinion. That is our duty today, to resolve this issue.

Over my career, I have been somewhat critical of Federal judges, but the reason is because of a philosophical difference sometimes with interpretation of the Constitution and constitutional law.

For the most part, most of our judges, the hundreds that serve all over the United States in the third branch of government, have the utmost integrity and demeanor. In our judicial branch, I would hope we would always have the best legal minds on the bench, the best legal minds. But there is no substitute for a Federal judge. There are judges that appear before the bench as attorneys. Unfortunately, that’s not universally true, because our Federal judges are underpaid. The lawyers that appear before them, for the most part, make more than the Federal judges. But they serve, not because of money. They serve because of their pride and belief in our Constitution and public service.

Judge Kent is the exception to this rule. He is on the stage of allegations because he made admissions against his own interest in a court of law sufficient to convict him of a felony to the degree it is an abuse of office, abuse of duty, while serving on the bench in a courtroom. That basically is the end of the story. It is a felony. It is a high crime and misdemeanor. He’s in prison, and his actions since his conviction show a haughty spirit and a total disregard for his conduct.

Mr. Speaker, in the United States, we don’t pay Federal judges to go to the penitentiary. He should be impeached today by this body.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), who is also a member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, first I want to thank all of those who volunteered on this task force for impeachment. And I especially want to thank Chairman CONYERS and Ranking Member SMITH for pulling this together in a bipartisan fashion, with urgency, is constitutional duty, and brought this to the floor and, with urgency, is ready to send it over to the United States Senate, who will act immediately with dispatch.

And as I look at this, I see this as an abuse, as arbitrary power. The high
crime and misdemeanor that we’re talking about is sexual abuse of subordinates, and the arbitrary power of using the official oppression of the power of his office and the threat of removing them from their jobs if they raise a voice, and also the threat that no one would believe them because he had manipulated the others around him and, to some degree, I believe that is true.

So it’s essential that we take this extraordinary step, Mr. Speaker, and I am gratified that this Congress has acted immediately, pulled themselves together to take this action in a bipartisan fashion in a solidly constitutional fashion. We have, I think, added to today and will continue to add to the definition of high crimes and misdemeanors, and further put into the RECORD a solid foundation, and send a warning out to other judges that might think they could abuse this power.

So much of this language that’s here, and I commend my colleagues.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia, Dr. BROWN, who is also a member of the Homeland Security Committee.

(Mr. BROWN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROWN of Georgia. Mr. Speaker, I rise today in support of this resolution. This judge should be, and I think will be, impeached with this resolution. And it’s about time for this body to do its constitutional authority, to be a check on judges. Unfortunately, this Congress has not fulfilled its constitutional authority in many instances.

Article I, Section 1, sentence 1 says, all legislative powers therein granted shall be vested in the Congress of the United States, which shall consist of a Senate and House of Representatives.

We have had a perversion of the Constitution by both administrations of both parties in the Presidency, as well as by Congress. The Constitution has been perverted. We all swear to uphold the Constitution against enemies, both foreign and domestic. We’ve got a lot of domestic enemies of the constitution, and I think enough is enough.

Under the Constitution, in the writings of our Founding Fathers in the Federalist Papers, including the first U.S. Supreme Court Chief Justice, they very clearly delineated what they meant for the Constitution to mean.

And it’s time that we, as Congress, took our rightful places, being the strongest power of the Federal Government to stop this spending, to stop the destruction of our children’s and grandchildren’s future.

We must continue to bring accountability to those who violate their constitutionally-permitted responsibilities. Those who legislate from the bench . . . without regard to the will of the people . . . Those who by-pass the Congress to institute policy.

The President’s first President once said: “Government is not reason, nor eloquence . . . It is force . . . And like fire, it is a dangerous servant and a fearsome master.”

Today, we may use force to impeach . . . But we should constantly remind ourselves that this Nation sits on the precipice . . . looking to us for direction.

I urge my colleagues to not only support this resolution to impeach Judge Kent . . . I also urge them to take this opportunity to reflect on what we are heading as a legislative body . . . to stand up and take back the authority granted by the U.S. Constitution on behalf of the American people we represent.

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

Earlier this day, before the House Impeachment Task Force heard testimony from Judge Kent’s two victims. His victims described the living nightmare they experienced while working with him. Many said his extraordinary abuse of power, emotional, physical and verbal sexual abuse for years, ranging from lewd comments to forced physical sexual conduct. Neither woman felt that she could file a complaint without losing her job. Judge Kent warned all of his staff that disloyalty was grounds for removal. It was his ability to intimidate his staff into silence that perpetuated his abuse of authority.

Today’s vote is necessary to ensure that justice prevails. When a judge is given a lifetime appointment, it is a tremendous honor and responsibility. But when a judge takes advantage of his authority, he must be held accountable for any violation of those principles of justice. Congress must put an end to Judge Kent’s abuse of authority and exploitation of American taxpayers.

I urge my colleagues to vote in favor of the four articles of impeachment.

I yield back the balance of my time. Mr. CONYERS. Mr. Speaker, we urge our colleagues to not only to support this resolution to impeach Judge Kent, but to also support the passage of the bipartisan resolution on judicial accountability to remove a judge clearly is not fit to serve. But this should also serve as a wake-up call to this legislative body that our work should not stop with just this one vote.

Mr. Speaker.
In circumstances such as these, where Judge Kent misused the power of his office to undermine, rather than to uphold, the law, and where he abused his power as a Federal judge by sexually assaulting subordinates and lying to the Fifth Circuit Investigatory Committee, about that, our duty to impeach is clear.

For these reasons, I intend to vote in favor of each of the articles of impeachment now before the House. I urge all the Members of this House to do likewise.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of H. Res. 520, to impeach Judge Samuel B. Kent of the U.S. District Court for the Southern District of Texas. Judge Kent has disgraced the bench, the Bar, and the entire American public. Throughout his legal proceedings he behaved with hubris and gross disregard for justice. Even after his conviction for obstruction of justice, he has continued to exert a manipulative demeanor and arrogance, thinking himself to be above the law. There appears to be no end to his impossible demands, as even now, he continues to draw his judicial salary while imprisoned. This is unconscionable, and it was incumbent upon the House Judiciary Committee and the entire House of Representatives to take decisive action. Therefore, I applaud and commend Chairman CONyers and Ranking Member SMith for their bipartisan efforts to bring this measure before the floor so quickly.

The stability of any form of government rests on the rule of law. Accordingly, our system, though imperfect, rests on the rule of law. It is legitimate and acceptable of those who act within the legal framework. People must believe they have access to a fair trial, an impartial jury, and a neutral judge. Judges have the duty to render well-reasoned and sound legal opinions, without bias and personal prejudice. We expect individuals who hold a lifetime appointment as a federal judge to act honestly out of respect for the law. Judge Kent’s sexual assault of two female employees and his subsequent efforts to lie about his actions to other federal judges were reprehensible acts. This conduct is totally inconsistent with the dignity and respect we expect from all federal judges.

Even though Judge Kent pleaded guilty to obstruction of justice, he continues to receive a salary for a job he is no longer qualified to perform. And he will continue to collect federal wages unless we act today and pass these articles of impeachment.

Every day Kent continues to draw his judicial salary is an affront to our legal system and to the American taxpayers. This resolution signals to Kent and others that no one is above the law—even a federal judge. The time has come to address this lawlessness. If we allow a federal judge to act with impunity, we lose the very essence of our justice system. The law must be blind, and everyone must be subject to its consequences and punishments as well as to its benefits and protections.

Mr. Speaker, I urge my colleagues to take this action to remove him from office. However, impeachment is provided for in the Constitution for circumstances such as this. Therefore, I add my voice of support for H. Res. 520 to impeach the disgraced Judge Samuel Kent, and I urge my colleagues to vote yes on the resolution. I also hope our colleagues in the other body will act with all deliberate speed to remove this disgraced judge from the federal bench.

The SPEAKER pro tempore. Pursuant to 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. The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 44, as follows:

[Roll No. 415]

YEAS—389

Abercrombie Bright    Conyers
Aderholt Brown (GA)    Cooper
Alexander Brown (SC)  Crowley
Andrews Brown-Waite    Cuellar
Arcuri Buchanan    Cummings
Australia Buryns    Daldrup
Baca Butterfield    Davis (CA)
Bachman Calvert    Davis (IL)
Baird Carpenter    Davis (KY)
Baldwin Cauffman    Davis (TN)
Barnes DeGette    Delahunt
Bartlett Delgado    Dent
Barton (TX) Diaz-Balart, L    Diaz-Balart, M
Bean Diaz-Balart, L    Doggett
Beccaera Dicks    Donnelly
Berkley Dingell    Donnelly (IN)
Berman Doolittle    Dorgan
Berry Doggett    Donnelly
Biggert Donnelly (MD)    Drier
Bilirakis Driehaus    Duncan
Bishop UT Castle    Dunham
Boussy Castle    Edwards (MD)
Buenenasser Chaifetz    Edwards (TX)
Bocuzzi Chandler    Ehlers
Bonner Chellis    Elision
Bono Mack Clarke    Ellison
Boozman Clay    Elsworth
Boozman Clay    Emerson
Boyer Cleaver    Engel
Bowser Clyburn    Ehlers
Boucher Coble    Fallin
Boyle Cohn    Faison
Brady (PA) Cole    Fellers
Brady (TX) Connaway    Forbes
Breaux (LA) Connolly (VA)    Fortenberry

Not voting 44

YEAS—389

NAYs—0

ior, on that I demand the yeas and nays.

Mr. Speaker, I am so disappointed that the House Committee on the Judiciary made the correct decision in recommending that Judge Kent be impeached. Unfortunately, because of a commitment in my congressional district, I was only able to be on the House floor for the vote on the first count. Had I been on the House floor for the vote, I would have voted for all four counts of impeachment. I hope the Senate expeditiously acts on this matter.

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.
June 19, 2009

CONGRESSIONAL RECORD—HOUSE

...
The vote was taken by electronic device, and there were—ayes 381, noes 0, not voting 52, as follows:

(Roll No. 417)  
AYES—381

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

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

The question was taken; and the ayes appeared to have it.

Speaker pro tempore announced that the ayes had a majority, and the Constitution was not violated.

The vote was taken by electronic device, and there were—ayes 381, noes 0, not voting 52, as follows:

(Roll No. 418)  
AYES—372

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was undoubtedly detained. 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 had a majority, and the Constitution was not violated.

The vote was taken by electronic device, and there were—ayes 372, noes 0, answered "present" 1, not voting 60, as follows:

(Roll No. 418)  
AYES—372

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Mr. SENSENBERGREN. 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 381, noes 0, not voting 52, as follows:

(Roll No. 417)  
AYES—381

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was undoubtedly 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 had a majority, and the Constitution was not violated.

The vote was taken by electronic device, and there were—ayes 381, noes 0, not voting 52, as follows:

(Roll No. 418)  
AYES—372

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was undoubtedly detained. 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 had a majority, and the Constitution was not violated.

The vote was taken by electronic device, and there were—ayes 372, noes 0, answered "present" 1, not voting 60, as follows:

(Roll No. 418)  
AYES—372

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was undoubtedly 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 had a majority, and the Constitution was not violated.

The vote was taken by electronic device, and there were—ayes 381, noes 0, not voting 52, as follows:

(Roll No. 417)  
AYES—381

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The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 417, I was undoubtedly detained. 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 had a majority, and the Constitution was not violated.
A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. I was unable to attend to several votes today. Had I been present, I would have voted "aye" on Articles I, II, III, and IV.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Speaker, I was not present during the rollcall vote Nos. 415 to 418 on June 19, 2009. Had I been present, I would have voted:

- on rollcall vote No. 415 I would have voted "yea;"
- on rollcall vote No. 416 I would have voted "yea;"
- on rollcall vote No. 417 I would have voted "yea;"
- on rollcall vote No. 418 I would have voted "yea;"

PERSONAL EXPLANATION

Mr. RODRIGUEZ. Mr. Speaker, during rollcall vote No. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. RODRIGUEZ. Mr. Speaker, during rollcall vote Nos. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, during rollcall vote Nos. 417 and 418 on H. Res. 520, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on rollcall vote Nos. 415, 416, 417, and 418, had I been present, I would have voted "aye" on all 4 articles of impeachment.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcall vote Nos. 415, 416, 417, and 418, had I been present, I would have voted "aye" on all 4 articles of impeachment.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall vote Nos. 415, 416, 417, and 418, I was unavoidably detained. Had I been present, I would have voted "aye."

APPOINTING AND AUTHORIZING MANAGERS FOR THE IMPEACHMENT OF SAMUEL B. KENT, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Mr. CONYERS. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CONTEMPORARY) announced that the vote was adopted.

So the fourth article of the vote was announced as above recorded.