

## Statement of Cathy McBroom

My name is Cathy McBroom. I have been employed by the United States District Court for the Southern District of Texas for ten years. I am the victim referred to as Person A in the indictment against Judge Samuel B. Kent. We are here because I filed a complaint of judicial misconduct with the Fifth Circuit Judicial Council, informing them of all the facts contained in this statement.

I began my career as secretary to Judge Nancy F. Atlas in August of 1999. After several years, I decided to pursue my goal of becoming a case manager, and in September, 2002, I accepted a position as case manager to Judge Kent. I enjoyed every element of my job responsibilities and planned to remain in that position until my retirement.

Unfortunately, in August of 2003, I encountered my first incident of sexual assault by Judge Kent after he returned from a long lunch, obviously intoxicated. After going to his chambers to check my outbox, he greeted me in the hallway next to the command center on the 6th floor. Several court security officers were in the command center at the time. Judge Kent asked me to show him the workout room, which was about ten feet from the command center. The security officers had set up some weight equipment and used the room as a make-shift gym. Judge Kent's speech was slurred, so I suspected he was drunk, but felt I should respect his request. Once inside the small room, he grabbed me and forced his tongue into my mouth while trying to remove my clothing. He had one arm around my waist and was using the other hand to pull up my blouse and my bra, exposing my entire breast. He also tried to force his hand down my skirt. All the while, I tried to push him away, begging him to stop. I tried to reason with him by telling him his actions were inappropriate, but I became more and more panicked, because he was not letting up. The door was partially cracked open and I knew the guards must have heard the struggle. I told Judge Kent that the guards were right outside and could hear him, but he laughed and said that he didn't care who heard him, or what they thought. Finally, I threatened to scream. He stopped abruptly, looked down at me with disgust, and left the room. I sat down on the bench and cried for several minutes before I was able to collect myself enough to leave the room.

I immediately reported the incident to my manager, the Deputy in Charge. She asked me if I wanted to file a complaint. I was unsure about the procedure and what protection would be offered me. She didn't explain the formal EEO procedure, but told me that if I filed a complaint, it was almost certain that I would lose my job because Judge Kent was powerful, had a life-time appointment, and wasn't going anywhere. She told me if I chose not to file a complaint, she would speak to me off the record. Then she confessed that she, too, had been "hit on" by Judge Kent. He had once grabbed her and kissed her in chambers, but she said he never tried to approach her after that. She expressed concern for Judge Kent's secretary, Donna, because she felt responsible for putting her in that position.

I decided that I wasn't ready to give up my position, and hoped that I could manage the problem by avoiding Judge Kent when I knew he was under the influence of alcohol. Over the next several years, I experienced many incidents of harassment and several other sexual assaults.

There were many occasions when I actually had to hide from the Judge because he was intoxicated and looking for me. Everyone knew the Judge had a drinking problem, and some of them also knew of his predatory nature. Some of the guards would warn me if they knew he had been drinking and was looking for me. During those times, I would refuse to answer his calls, or sometimes I hid in empty offices because I knew he would be determined to find me.

Once a security guard had warned me of Judge Kent's drunken condition, and when I refused to answer his calls, he came down to the 4th floor, into my office, and sat in the chair in front of me. He started telling me jokes and was being very loud and obnoxious. Suddenly he stood up and started around my desk. I stood up and backed up as far as I could, but he pinned me between my desk and credenza, and started kissing me, while grabbing my backside and breasts. While trying to fight him off, I caught a glimpse of someone in my doorway, but couldn't tell who it was. The person left immediately without a sound. Again, after struggling with me for a few minutes, Judge Kent gave up and left. I felt humiliated, scared, and shaken. A coworker came in sometime later and noticed that I had perspiration stains on my blue silk blouse, and that I looked disheveled. When she asked what was wrong, I confessed to her that Judge Kent had tried to force himself on me.

On one occasion, Judge Kent summoned me to his office in the morning. This time he wasn't intoxicated at all. I thought it unusual that he placed the call himself because when his secretary was in, he always asked her to call me. Even though Donna was at her desk, right outside his office, he asked me to come in to his private office and close the door. He approached me immediately, put his arms around me, and started to kiss me. Before I even had time to react, his office door opened and Donna came in unannounced. She seemed very upset when she realized what was happening. I immediately made my exit, but I felt so embarrassed about what Donna had witnessed. Later that day, Judge Kent called me to tell me that Donna was very upset because she thought I was trying to get her job. He told me to try to maintain a good relationship with Donna and suggested that I call her to reassure her that I wasn't after her job. I learned later that he had turned things around by concocting a lie that I had approached him, and that I would do anything to get Donna's job. He was trying to pit us against each other so that he could continue to manipulate and control both of us.

I asked Donna to have lunch with me the next day because I wanted her to know the truth, that Judge Kent was being sexually inappropriate with me, against my will. When she saw my demeanor, she realized that I was sincerely afraid of the man. She admitted that she had experienced the same type of abuse from him on a more regular basis. She was worried about me because she felt threatened because of what Judge Kent had told her about me, and didn't want to lose her job. When I convinced her that I wanted to stay as far from the Judge as

possible, she also became an ally, and would try to warn me if he was drunk, or going through a bad period of sexually abusing her.

It was fairly common for Judge Kent to call my office and try to coerce me into coming up to his chambers to "visit." I always knew that what he really meant was that he wanted me to come up so that he could have sexual contact, so I always resisted. He always made sexual references, telling me how beautiful, irresistible, and desirable I was. He tried to trick me by saying that I should just come up to "talk." I wanted to trust him and respect him as my superior, but when I went up to chambers, he started putting his hands on me, trying to kiss and fondle my breast.

A huge problem exists when an employee has to avoid her superior, refuse to answer his calls, or refuse to come when summoned. It is a constant inner struggle. Trying to do what a normal employee would do under normal circumstances would mean complying with his requests to come to chambers. I always had to analyze whether he wanted me for real court business, or just his personal pleasure. It was not always easy to tell.

The last and final sexual assault occurred on March 23, 2007. I was summoned to chambers to discuss an internal administrative action that had occurred in the clerk's office. After a brief discussion, he got up and asked me for a hug. I told him that I would rather not, but he indicated that he thought I owed him that much. I finally agreed, but when I reached up to give the hug, he grabbed my butt. I tried to pull away and told him that I didn't consider that a hug. Judge Kent asked if he could have just five minutes with me, pulled up my sweater and my bra all at once, and quickly got his mouth on my breast. I told him to stop and tried to push him away. His bulldog started getting excited and barking when he saw the struggle. I dropped some paperwork that I had taken to chambers and the dog started stepping on the papers, which momentarily distracted the Judge. When I tried to leave, he grabbed me again and reminded me that I owed this to him. He tried to push my head towards his crotch and told me to "suck him off." I resisted and he grabbed my hand and forced me to rub his crotch. Suddenly he heard someone enter the outer reception area and he became irritated. He went to investigate and I was able to break free. As I was leaving his office he said "you know, Cathy, I keep you around because you are a great case manager and do great work. That doesn't change the fact that I want to spend about six hours licking your clit." I just turned and left the office. By the time I reached the elevators, I was in tears. A court security officer asked me if the judge had tried to hit on me and I just shook my head "yes."

I went straight to the Probation office because I wanted to hide. I couldn't leave right away because I had carpooled that day. A couple of coworkers were in the office and saw me crying. The security officer started knocking on the door, telling me that Judge was looking for me. I told her I was not going back up there and asked her to get my things from my office. The judge started calling my cell phone but I refused to answer.

That weekend I decided that I could not continue to work in that dangerous environment so I drafted a letter to the Deputy in Charge requesting a transfer. I didn't know what the outcome would be, but I knew that even losing my job was better than enduring the abuse.

The District Clerk called a meeting to discuss my potential transfer. I was offered two different positions, neither of them in case management. I decided to take the better of the two and wait patiently for something else to open up.

In my personal life, everything has changed. My marriage was not able to survive the stress caused by the abuse that I suffered. My husband knew of the assaults immediately, and as they occurred, and he wanted me to leave from the beginning, but I was stubborn. I could not accept the fact that I was going to have to give up a career that I considered my dream job, because of a judge who chose to ignore the law. After the transfer, I suffered from anxiety, physical pain, and depression. I could no longer hold my family together because I was not able to function normally. I detailed the difficulties this situation caused me in the statement I made at Judge Kent's sentencing hearing, which is attached as Exhibit A.

Judge Kent used his power to manipulate people for his own selfish desires. He told his staff members that I was the one who pursued him. He told other judges, who I have to face every day, that it was just an affair gone bad. Being molested by a drunken giant is not my idea of an affair! Finally, he bragged about his gift for manipulation. He told his staff that if he had 15 minutes with a jury, he would be exonerated.

Everyone was afraid of Judge Kent. Long-time staff members had seen the results of his wrath. His former case manager was removed from her position only 3 years before her retirement because, according to Judge Kent, "she was no longer fun to have around." She wouldn't laugh at his jokes, and she frequently rolled her eyes. Her retirement was reduced significantly because of her salary cut.

During the Fifth Circuit's investigation, court staff members were afraid to tell the truth about incidents in Galveston because they were afraid of losing their jobs. Once the criminal investigation began, my life became impossible. Juggling my new job responsibilities with meetings with prosecutors, the FBI, and my lawyers, was incredibly stressful. While I was struggling to stay afloat, the judge was enjoying administrative leave on full pay. Everything I did or said was under a microscope. My financial records, email accounts and telephone records were all subpoenaed. One would think I was the criminal. Maybe we will eventually see a time when victims of sexual assault in the workplace can feel protected by the system, instead of victimized even further. Unfortunately, that time has not yet come.

Judge Kent is unfit to be a United States District Judge, and I hope the House of Representatives will vote to impeach him and that the Senate will convict and remove him from office.