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2 MARKUP OF H.R. 2765, TO AMEND TITLE 28, UNITED
3 STATES CODE, TO PROHIBIT RECOGNITION AND
4 ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS
5 AND CERTAIN FOREIGN JUDGMENTS AGAINST THE
6 PROVIDERS OF INTERACTIVE COMPUTER SERVICES;
7 AND H. RES. 520, RESOLUTION IMPEACHING SAMUEL
8 B. KENT, JUDGE OF THE UNITED STATES DISTRICT
9 COURT FOR THE SOUTHERN DISTRICT OF TEXAS, FOR
10 HIGH CRIMES AND MISDEMEANORS
11 Wednesday, June 10, 2009
12 House of Representatives,
13 Committee on the Judiciary,
14 Washington, D.C.

15 The committee met, pursuant to call, at 10:15 a.m., in Room

16 2141, Rayburn House Office Building, Hon. Jerrold Nadler
17 presiding.

18 Present: Representatives Nadler, Scott, Watt, Lofgren,
19 Jackson Lee, Waters, Cohen, Johnson, Pierluisi, Quigley,
20 Gutierrez, Sherman, Baldwin, Gonzalez, Weiner, Schiff,
21 Maffei, Smith, Sensenbrenner, Coble, Gallegly, Goodlatte,
22 Lungren, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe,
23 Chaffetz, Rooney, and Harper.

24 Staff present: Perry Apelbaum, Staff Director/Chief
25 Counsel; Ted Kalo, General Counsel/Deputy Staff Director;
26 George Slover, Legislative Counsel/Parliamentarian; Sean
27 McLaughlin, Minority Chief of Staff/General Counsel; Allison
28 Halataei, Minority Deputy Chief of Staff/Parliamentarian; and
29 Anita L. Johnson, Clerk.

30 Mr. Nadler. [Presiding.] The committee will come to
31 order, please. Welcome, everyone.

32 Pursuant to notice, I now call up the bill H.R. 2765, a
33 bill to amend Title 28 United States Code to prohibit
34 recognition and enforcement of foreign defamation judgments,
35 for purposes of markup.

36 The clerk will report the bill.

37 The Clerk. H.R. 2765, a bill to amend title 28, United
38 States Code, to prohibit recognition and enforcement of
39 foreign defamation judgments—

40 [The bill follows:]

41 ***** INSERT *****

42 Mr. Nadler. Without objection, the bill is considered
43 as read and is open for amendment at any point.

44 I now recognize Steve Cohen, chair of the Commercial and
45 Administrative Law Subcommittee, for a statement.

46 Mr. Cohen. Thank you, Mr. Chairman.

47 This bill passed through the House last year in the form
48 in which it is presently in.

49 It is a bill to protect the First Amendment right of
50 journalists, particularly from America, where they have been
51 subject to libel lawsuits in foreign jurisdiction, England
52 most particularly, where their First Amendment standards
53 don't rise to the same level as ours.

54 And what it says is that a judgment in those—given to a
55 plaintiff in those jurisdictions that does not meet the
56 criteria for First Amendment protections as we have in
57 America will not be enforced in the United States.

58 This is important to preserve our First Amendment right
59 to free speech and for our authors. It is supported by the
60 publishers and other folks, and it was reported.

61 I hope this committee will report it out—the committee
62 will report it favorably.

63 Thank you.

64 Mr. Nadler. Thank you.

65 I now recognize our ranking member, Lamar Smith of
66 Texas, for an opening statement.

67 Mr. Smith. Thank you, Mr. Chairman.

68 Thomas Jefferson observed that, "The only security of
69 all is in a free press. The agitation it produces must be
70 submitted to. It is necessary to keep the waters pure."

71 Were he alive today, Jefferson would not take kindly to
72 libel tourists, the subject of H.R. 2765.

73 In the wake of 9/11, the American media has become
74 increasingly alarmed over a phenomenon known as libel
75 tourism. The term refers to the subject of a critical news
76 story, suing an American author or reporter of an article,
77 story or book for defamation in a plaintiff-friendly overseas
78 forum.

79 These suits are filed mostly in Great Britain, as its
80 libel and slander laws provide writers and journalists less
81 protection than those under the U.S. system that honors the
82 First Amendment.

83 Persons identified in news stories as terrorists or
84 terrorist sympathizers have brought some of the higher
85 profile suits.

86 So how do American courts treat foreign judgments that
87 clash with American legal values?

88 A foreign judgment will not be enforced in a U.S. court
89 when the foreign judgment is offensive to state, public
90 policy or the Constitution.

91 Last September, the House passed a libel tourism bill

92 that codified existing U.S. treatment of the subject. The
93 other body did not act on the measure. So we revisit the
94 issue today, better informed, thanks to a subcommittee
95 hearing and substantial input by legal experts on the subject
96 matter.

97 H.R. 2765 contains four major provisions. First, it
98 provides that a U.S. court, either state or federal, shall
99 not enforce a foreign judgment for defamation if the judgment
100 is inconsistent with the First Amendment.

101 Second, it makes clear that a foreign judgment that
102 denies an American citizen due process guarantees, mainly
103 through a tenuous assertion of personal jurisdiction, won't
104 be enforced either.

105 Third, the bill allows Americans who successfully defend
106 themselves against enforcement of foreign defamation
107 judgments to recoup their attorney's fees.

108 And fourth, H.R. 2765 prevents enforcement of foreign
109 judgments that conflict with an American telecommunications
110 law that protects the ability of consumers to criticize
111 corporate misconduct on an Internet bulletin board.

112 Mr. Chairman, this bipartisan legislation provides
113 appropriate and necessary protection for U.S. journalists and
114 authors and represents the strongest constitutionally sound
115 policy response to libel tourism.

116 The issue has been thoroughly considered by our

117 committee. I urge the members to support H.R. 2765.

118 And yield back the balance of my time.

119 Mr. Nadler. Thank you. Without objection, other
120 members' statements will be included in the record.

121 At this point, are there any amendments to the bill?

122 Mr. King. Mr. Chairman?

123 Mr. Nadler. Who seeks recognition?

124 Mr. King. From Iowa. I have an amendment at the desk.

125 Mr. Nadler. Mr. King?

126 Mr. King. I have an amendment at the desk.

127 Mr. Nadler. The clerk will report the amendment.

128 The Clerk. Amendment to H.R. 2765 offered by Mr. King
129 of Iowa.

130 [The amendment by Mr. King follows:]

131 ***** INSERT *****

132 Mr. Nadler. Without objection, the amendment is
133 considered as read, and the gentleman—gentlelady is
134 recognized.

135 Mr. Cohen?

136 Mr. Cohen. I would reserve a point of order.

137 Mr. Nadler. A point of order is reserved.

138 The gentleman, Mr. King, is recognized to explain the
139 amendment.

140 Mr. King. Thank you, Mr. Chairman.

141 My amendment, as brought forth, this is an amendment
142 that was produced in bill form by the other Congressman King,
143 Peter King of New York, and all it would do is it would allow
144 U.S. citizens to file a countersuit against the overseas
145 plaintiff in a U.S. district court.

146 It would also—I would just say this. After the
147 terrorist attacks of September 11, the American press has
148 become increasingly alarmed over libel terrorism—excuse me—
149 libel tourism, and I am glad to see that this committee has
150 taken action on libel tourism and that it is trying to send a
151 message to those outside the United States that wish to
152 diminish our freedom of speech and freedom of press.

153 Authors, journalists and reporters have the
154 constitutional right to report on the issues that involve our
155 national security. And as we have seen in the case of Rachel
156 Ehrenfeld, those outside the United States are trying to

157 intimidate writers in America from reporting and
158 investigating important issues, like funding for terrorism.

159 While I support Mr. Cohen's bill and the efforts he has
160 taken to address libel tourism, I don't believe this bill
161 goes far enough to protect our freedom of speech. I
162 understand it sends a message, however.

163 This is why I have offered, though, the text of
164 Congressman Peter King's bill as an addition to Mr. Cohen's
165 H.R. 2765.

166 But I do not believe that either one of these standalone
167 bills provide a comprehensive solution to libel tourism.

168 I believe we should reconsider moving forward with this
169 bill until all parties can come together and craft a piece of
170 legislation that addresses the concerns of American writers
171 and actually protects them from libel tourism.

172 I believe that my colleague, Peter King, is willing to
173 work with Mr. Cohen to reach this goal and protect writers
174 like Rachel Ehrenfeld or the journalists at the Washington
175 Times or the Washington Post.

176 And hopefully they could both work together on this and
177 I know that Mr. Smith has a significant amount of work in
178 this. I support the work, I support the direction, I support
179 the language in the underlying bill, and I offer this
180 amendment as an addition to that good work.

181 And I would yield back the balance of my time.

182 Mr. Nadler. I thank the gentleman.

183 Does the gentleman insist on his point of order?

184 Mr. Cohen. Yes, sir. I would like to respond to Mr.
185 King's amendment first.

186 Mr. Nadler. The gentleman is recognized.

187 Mr. Cohen. I want to thank Mr. King of Iowa for his
188 thoughts and for his support for the bill and the concept.
189 The problem is that if this amendment goes forward, it will
190 make it very difficult to pass and to pass constitutional
191 muster.

192 It is essentially the same bill that Representative
193 Peter King of New York introduced last year, and I had
194 concerns with that approach then. In fact, Representative
195 King joined with me in the bill that we passed through the
196 House last year in an effort to get a bill passed through the
197 House and the Senate, as well.

198 During the hearing on libel tourism before the
199 Subcommittee on Commercial and Administrative Law, we vetted
200 the various legislative proposals to libel tourism from the
201 last Congress and discussed Mr. King's bill from this
202 Congress.

203 So it has had a hearing. At that hearing, we heard
204 Professor Linda Silverman of NYU Law School, one of the
205 country's foremost experts on conflicts of laws and
206 enforcement of foreign judgments in particular, and that is

207 the particular area which this amendment causes me concern.

208 In her testimony she made it quite clear that the King
209 bill of New York, which would be the King amendment here of
210 Iowa, was unconstitutional in its grant of authority to
211 United States courts to assert personal jurisdiction over a
212 foreign party merely because that party filed suit in another
213 court under that country's laws.

214 That is really stretching what we are doing here and to
215 give a cause of action for something you do that is legal in
216 a foreign jurisdiction.

217 There are additional policy concerns with taking this
218 dramatic leap that this amendment takes beyond the bill that
219 we have here.

220 My own view is Mr. King's bill runs the risk of
221 unnecessarily disturbing comity with Britain or creating a
222 cause of action for taking action in court in Britain, which
223 is legal in that jurisdiction, and invites other countries,
224 as well, to retaliate against American litigants with
225 aggressiveness.

226 In short, I don't believe the King bill strikes the
227 proper balance between protecting speech and respecting other
228 constitutional and international policy goals that we have
229 and respect for other countries' laws.

230 While I don't foreclose the possibility of further
231 congressional action with respect to libel tourism, which is

232 a new area that we are just stepping in, I don't think it
233 would be productive to go this far as the amendment does and
234 certainly not at this time.

235 However, I would be happy to have further discussions
236 with Mr. King of New York, Mr. King of Iowa, or anybody else
237 about these concerns.

238 Mr. King. Would the gentleman yield to a constructive
239 dialogue?

240 Mr. Cohen. Yes, sir.

241 Mr. King. I thank the gentleman from Tennessee, and I
242 agree with the concern about the constitutional concerns with
243 regard to the language in this amendment that I have offered
244 this morning.

245 And it is offered for the purposes of—I was making a
246 request that—is this constructive dialogue over between the
247 gentleman from New York and yourself and others or are there
248 avenues that you think can be pursued to further resolve
249 these issues that are brought forth in the amendment?

250 Mr. Cohen. Well, I don't know if there are or aren't.
251 Mr. King worked with us last year in supporting the bill that
252 we have before us in a more weakened form.

253 After we heard the testimony from Professor Silverman
254 and we knew the concerns that Mr. King had and the author
255 had, we amended the bill in committee so as to include
256 attorney's fees and to go into a few other sections to make

257 it stronger.

258 This is even a stronger bill than Mr. King agreed to
259 last year, and I think this is the bill we can pass in this
260 House and with the Senate and finally get a libel tourism
261 bill on the books, which we failed on last year because of
262 this conflict.

263 Mr. King. And if the gentleman would further yield.

264 Mr. Cohen. Yes, sir.

265 Mr. King. Would the gentleman from Tennessee be open
266 should there be some more creative ideas coming forward to
267 address this particular component?

268 Mr. Cohen. At some future time, I am. I am always
269 interested and responsive to creative ideas.

270 Thank you, sir.

271 Mr. King. And without belaboring, if the gentleman
272 would further yield, there is a point that I would concede
273 and that would be the germaneness of this particular
274 amendment. I think it is appropriate the gentleman from
275 Tennessee has raised a point of order, and I think we have
276 had the dialogue that was necessary on this particular issue,
277 and I would ask unanimous consent to withdraw my amendment.

278 Mr. Nadler. Without objection, the amendment is
279 withdrawn.

280 Are there any other amendments?

281 Ms. Lofgren. Mr. Chairman?

282 Mr. Nadler. The gentlelady from California.

283 Ms. Lofgren. Move to strike the last word.

284 Mr. Nadler. The gentlelady is recognized for 5 minutes.

285 Ms. Lofgren. I will not take 5 minutes. I would just
286 merely like to thank Chairman Cohen for his work with me on
287 the provisions relative to ISP and protection of free speech.
288 It was really very welcome, and it, I think, improves the
289 bill, and I appreciate his courtesy and good efforts.

290 And I yield back.

291 Mr. Nadler. I thank the gentlelady. Are there any
292 other amendments?

293 There being none and a reporting quorum being present,
294 the question is on reporting the bill favorably to the House.

295 Those in favor, say "aye."

296 [A chorus of ayes.]

297 Mr. Nadler. Opposed, "no."

298 The ayes have it, and the bill is ordered reported
299 favorably.

300 Members will have 2 days to submit views.

301 Pursuant to notice, we will now—

302 Ms. Jackson Lee. Mr. Chairman?

303 Mr. Nadler. Who seeks recognition? The gentlelady from
304 Texas.

305 Ms. Jackson Lee. Mr. Chairman, let me ask,
306 procedurally, I am not sure the appropriate time to ask

307 unanimous consent to be added to the legislation as a
308 cosponsor. I am not sure.

309 Mr. Nadler. At any time before we file the-

310 Ms. Jackson Lee. May I ask unanimous consent that I be
311 added to the legislation?

312 Mr. Nadler. I am sure Mr. Cohen would be happy to do
313 that, and I don't think you need-

314 Ms. Jackson Lee. I didn't know whether or not we had to
315 do it before it was reported out. That is 2765, to be added
316 as a cosponsor.

317 I yield to Mr. Cohen.

318 Mr. Cohen. I welcome the lady from Texas and all the
319 other members of the committee and all the other members of
320 the Congress.

321 Thank you.

322 Ms. Jackson Lee. Thank you so very much.

323 Mr. Nadler. I thank everyone.

324 Pursuant to notice, we will now consider a resolution to
325 adopt articles of impeachment against United States District
326 Judge Samuel B. Kent.

327 The clerk will report the resolution.

328 The Clerk. Resolution impeaching Samuel B. Kent, judge
329 of the United States District Court for the Southern District
330 of Texas, for high crimes and misdemeanors.

331 [The resolution follows:]

332 ***** INSERT *****

333 Mr. Nadler. Without objection, the resolution is
334 considered as read and open for amendment.

335 We will proceed through the resolution article-by-
336 article, but, first, the chair will recognize himself for an
337 opening statement.

338 It is always a sad day when the Committee on the
339 Judiciary has to vote on articles of impeachment of a federal
340 judge. Yet, today, that is our constitutional duty.

341 Impeachment is a significant check on the judiciary. It
342 is a power that Congress rarely uses, but because it is rare
343 that a federal judge would so abuse his position as to
344 require impeachment and because it affects the independence
345 of the judiciary.

346 The Constitution reserves this extraordinary remedy for
347 extreme cases. This, regrettably, is one of those extreme
348 cases.

349 It is important to note that impeachment is not
350 appropriate in cases where we disagree with a judge's
351 rulings, no matter how wrong we believe those rulings to be,
352 no matter how strongly we believe those rulings to be wrong.

353 Some have urged that we use the impeachment power in
354 this way. Were the power of impeachment abused in that way,
355 our judiciary would become hopelessly politicized and lose
356 its independence, and that would constitute a terrible threat
357 to the rule of law.

358 Our system of checks and balances already provides a
359 remedy for incorrect rulings. That remedy is the appeals
360 process.

361 The task force that was established by this committee to
362 inquire into whether Judge Kent should be impeached has
363 recommended the articles of impeachment that we are
364 considering today.

365 I want to commend the members of the task force and its
366 chairman, Mr. Schiff, for their independent investigation.
367 They have undertaken a difficult task and they have performed
368 their work in a thorough and conscientious manner, befitting
369 the gravity of this matter.

370 The evidence they have assembled is copious and
371 sobering. They have made a strong case that impeachment is
372 both appropriate and necessary.

373 First, Judge Kent has pleaded guilty to obstruction of
374 justice and has been sentenced on his conviction to 33 months
375 in prison.

376 As part of the plea proceedings, Judge Kent signed a
377 statement in which he admitted and described the conduct that
378 constituted his obstructive conduct.

379 He adopted the signed statement under oath before the
380 court at the time of the plea.

381 In the signed statement, entitled "Factual Basis for
382 Plea," Judge Kent admitted making false statements to a

383 special investigatory committee of the fifth circuit, a body
384 composed of federal judges.

385 Notably, that committee was investigating sexual
386 misconduct on his part. His false statements to that
387 committee consisted of statements in which he stated that his
388 sexual contacts with one of the victims were of a limited
389 nature and extent, when, in fact, they were far more
390 significant.

391 Now, I have alluded to allegations of sexual misconduct.
392 In that same document in which Judge Kent admitted making
393 false statements, he also admitted to having "nonconsensual
394 sexual contact" with two subordinate court employees.

395 Let me repeat that. He admitted that he had,
396 "nonconsensual sexual contact," not inappropriate words or
397 comments that somebody finds offensive or insulting, but
398 contact.

399 In fact, with regard to one of the two women, he
400 admitted having repeated nonconsensual sexual contact.

401 Two of the articles of impeachment allege that Judge
402 Kent sexually assaulted these two women. Judge Kent did not
403 admit everything that the victims have alleged.

404 Nonetheless, his admission that he had nonconsensual
405 sexual contacts with the women is indeed a powerful one.
406 Indeed, any unwanted sexual touching can be considered a
407 sexual assault.

408 So Judge Kent, by his very words, has come close to
409 admitting that he assaulted the women. The only question is
410 the extent of the assault, and that question has been
411 addressed by the sworn testimony of the women before the task
412 force.

413 In short, the executive branch may prosecute a federal
414 judge if his behavior violates the criminal laws and the
415 judicial branch may punish that federal judge upon his
416 conviction.

417 But only the Congress can remove a federal judge if it
418 determines that his behavior renders him unfit to hold his
419 office.

420 In circumstances such as these, where Judge Kent has
421 undermined rather than upheld the law and where he has abused
422 his power as a federal judge by assaulting subordinates, our
423 duty to impeach is clear.

424 For these reasons, I intend to vote in favor of each of
425 the articles of impeachment now before the committee. I urge
426 the members of the committee to do likewise.

427 I now recognize our distinguished ranking member, Lamar
428 Smith of Texas, for an opening statement.

429 Mr. Smith. Thank you, Mr. Chairman.

430 Mr. Chairman, we are here today to consider and vote on
431 articles of impeachment following Judge Samuel Kent's guilty
432 plea and sentencing.

433 Judge Kent is a convicted felon, having pleaded guilty
434 to obstruction of justice. As part of the plea agreement,
435 five counts of the indictment charging Judge Kent with the
436 sexual assault of two court employees were dismissed.

437 Last week, we heard from the two women that Judge Kent
438 sexually assaulted. Their testimony about Judge Kent's
439 conduct was troubling, especially because Samuel Kent abused
440 his authority as a federal judge to intimidate his staff into
441 silence.

442 Judge Kent continues to abuse his position of authority
443 by refusing to resign immediately.

444 On June 15, Judge Kent will start serving a 33-month
445 prison sentence. By resigning effective June 1, 2010, Judge
446 Kent is attempting to collect his full judicial salary, for
447 another year, even while he sits in a federal prison.

448 Judge Kent and his lawyer are banking on the fact that
449 impeachments take time, literally. Every day he remains in
450 office, Judge Kent receives his taxpayer-funded salary.

451 His continued attempts to game the judicial system are
452 an affront to America's system of justice.

453 That is why we are here today to put an end to Judge
454 Kent's abuse of authority and exploitation of American
455 taxpayers.

456 I am not unsympathetic to the claims that Judge Kent
457 endured difficult personal tragedies and may suffer from

458 mental illness. However, he does not have the right to
459 continue to serve as a federal judge.

460 Judge Kent has remained on the bench long after he
461 sexually assaulted two women and lied to law enforcement
462 officials. It is now time for justice—justice for the
463 American people who have been exploited by a judge who
464 violated his oath of office and obstructed justice by lying,
465 and justice for the victims who were subjected to abuse and
466 humiliation.

467 Judge Kent's behavior has made him unworthy to serve on
468 the federal bench. Ensuring that a federal judge convicted
469 of a felony does not receive a taxpayer-funded salary while
470 sitting in jail is important to our system of justice and is
471 of real interest to this Judiciary Committee.

472 Mr. Chairman, I will yield back.

473 Mr. Nadler. I thank the gentleman.

474 I now recognize Adam Schiff of California, chair of the
475 impeachment task force, for an opening statement.

476 Mr. Schiff. Thank you, Mr. Chairman.

477 Pursuant to House Resolution 424, passed unanimously by
478 the House last month, the task force on judicial impeachment
479 was directed to inquire whether Judge Kent should be
480 impeached.

481 As chairman of the task force, I would like to report on
482 our work and provide the members of the full committee with a

483 brief procedural history of this matter, as well as an
484 overview of the relevant facts.

485 As a task force, we have worked to proceed in a fair,
486 open, deliberate and thorough manner and we have done so on a
487 bipartisan basis.

488 In August of 2008, a federal grand jury returned a
489 three-count indictment against Judge Samuel Kent after a
490 Department of Justice criminal investigation.

491 A superseding indictment filed in January of 2009 added
492 three additional counts, for a total of six charged.

493 According to the indictment, Judge Kent is alleged to
494 have committed acts constituting abusive sexual contact and
495 attempted aggravated sexual abuse in 2003 and 2007 against
496 Ms. Cathy McBroom, a deputy clerk occasionally assigned to
497 Judge Kent's courtroom.

498 Judge Kent is also alleged to have committed acts
499 constituting aggravated sexual abuse and abusive sexual
500 contact from 2004 through at least 2005 with Ms. Donna
501 Wilkerson, Judge Kent's secretary.

502 Aggravated sexual abuse is a crime punishable under 18
503 USC Section 2241 by up to life in prison.

504 Finally, the indictment charged Judge Kent with one
505 count of obstruction of justice for corruptly obstructing,
506 influencing and impeding an official proceeding by making
507 false statements to the special investigative committee of

508 the U.S. court of appeals for the fifth circuit regarding his
509 unwanted sexual contact with Ms. Wilkerson.

510 On February 23, 2009, the day his criminal trial was set
511 to begin, Judge Kent pled guilty to obstruction of justice.
512 As part of his plea, he admitted to engaging in nonconsensual
513 sexual contact with Ms. McBroom without her permission in
514 2003 and 2007.

515 Judge Kent also admitted to engaging in nonconsensual
516 sexual contact with Ms. Wilkerson without her permission from
517 2004 through at least 2005.

518 Finally, he admitted that he falsely testified before
519 the special investigative committee of the fifth circuit
520 regarding his unwanted sexual contact with Ms. Wilkerson.

521 In particular, Judge Kent admitted making false
522 statements with regard to his repeated nonconsensual contact
523 with Ms. Wilkerson.

524 On May 11, 2009, Judge Kent was sentenced to a term of
525 33 months in prison and ordered to pay fines and restitution
526 to Ms. McBroom and Ms. Wilkerson.

527 Judge Kent is ordered to surrender himself on June 15
528 for incarceration.

529 Article I, Section 2 of the Constitution vests the sole
530 power of impeachment in the House of Representatives. On
531 June 3, 2009, the task force on judicial impeachment held an
532 evidentiary hearing to determine whether Judge Kent's conduct

533 provides a sufficient basis for impeachment and to develop a
534 record upon which to recommend articles of impeachment to the
535 full committee.

536 At the hearing, a number of official documents related
537 to the matter were submitted into the record. These
538 included, among other things, Judge Kent's plea agreement,
539 where he pled guilty to obstruction of justice.

540 The task force also received testimony from the
541 following witnesses: Ms. McBroom, Ms. Wilkerson, and
542 Professor Arthur Hellman, a judicial impeachment scholar from
543 the University Of Pittsburgh School Of Law.

544 Ms. McBroom and Ms. Wilkerson both testified that they
545 were sexually assaulted by Judge Kent on a number of
546 occasions and detailed a number of these incidents for the
547 task force.

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

553 In particular, Professor Hellman noted that historical
554 precedent provides that the phrase "high crimes and
555 misdemeanors," the constitutional standard to justify
556 impeachment, generally describes acts that constitute an
557 abuse of power or otherwise render the judge unfit to hold

558 office.

559 Professor Hellman, in his expert opinion, concluded that
560 the facts in the record rose to the level as to warrant Judge
561 Kent's impeachment.

562 The task force invited Judge Kent to testify, but he
563 declined our offer.

564 The task force received correspondence from Judge Kent
565 that was made available to all members and entered into the
566 record.

567 The task force also invited Judge Kent's counsel to
568 participate in the hearing and present arguments on behalf of
569 his client, as well as to provide the opportunity to question
570 any of the witnesses. Judge Kent's counsel also declined to
571 appear or participate in the hearing.

572 Yesterday, Judge Kent's counsel sent a letter to the
573 committee questioning the veracity of the two women, claiming
574 that there are others who contradict them, and stating that
575 their testimony was unnecessary because "Judge Kent's guilty
576 plea to the felony of obstruction presents sufficient grounds
577 for impeachment." I ask that that letter be made a part of
578 the record.

579 I want to reiterate to the committee that the task force
580 invited Judge Kent's counsel to participate in the task force
581 hearing, where he would have had an opportunity to present
582 arguments and evidence on behalf of his client and to cross-

583 examine the witnesses. He declined.

584 Finally, the task force—

585 Mr. Gohmert. Will the gentleman yield?

586 Mr. Schiff. Yes.

587 Mr. Gohmert. We know in the letter from Judge Kent, he
588 said it was his health that prevented him from being here.

589 Was it his attorney's health that prevented him from
590 being here? I haven't seen the letter.

591 Mr. Schiff. Responding to the gentleman from Texas, I
592 believe that the counsel, in his letter, said that he would
593 not participate in the proceeding and used a pejorative
594 description of the proceeding to explain why he would not—

595 Mr. Gohmert. So his health was not an issue.

596 Mr. Schiff. Not that he informed the—

597 Mr. Gohmert. Thank you.

598 Mr. Schiff. Neither the judge's surrender to custody in
599 5 days nor his stated intention to resign a year from now
600 affect his current status as a federal judge or our
601 constitutional obligation to whether impeachment is
602 warranted.

603 Each member has the following materials before them:
604 the original indictment dated August 8, 2008; the superseding
605 indictment; the plea agreement; the factual basis of the
606 plea; a transcript of the plea hearing; the court's judgment
607 dated May 11, 2009; a letter from Chief Judge Jones of the

608 U.S. court of appeals for the fifth circuit denying Judge
609 Kent's disability claim dated May 27th of this year; a
610 statement of Judge Kent provided to the task force I lieu of
611 appearing, dated June 1; a letter from Judge Kent to the
612 White House, purporting to resign effective June 1, 2010;
613 written testimony of Ms. McBroom and Ms. Donna Wilkerson;
614 memos of interview by Alan Baron and Kirsten Conner, counsel
615 to the task force; letter from Judge Kent's counsel to the
616 committee, dated June 9, 2009; letter from the judicial
617 conference to the speaker of the House, dated June 9th of
618 this year; a transcript of the task force hearing that took
619 place on June 3.

620 The following materials have been cited to the members,
621 as well, and are available for their review: a transcript of
622 the sentencing hearing; the grand jury testimony related to
623 Ms. Wilkerson; two FBI 302s relating to Judge Kent; and,
624 medical and psychological opinions provided by Judge Kent's
625 counsel.

626 Article III, Section 1, provides that "The judges of
627 both the Supreme and inferior courts shall hold their offices
628 during good behavior and shall, at stated times, receive for
629 their services a compensation which shall not be diminished
630 during their continuance in office."

631 Article II, Section 4 of the Constitution provides that
632 "All civil officers of the United States shall be removed

633 from office on impeachment for and conviction of treason,
634 bribery, or other high crimes and misdemeanors."

635 According to testimony received by the task force,
636 historical precedence indicates that there are two categories
637 of conduct that may justify impeachment—serious abuse of
638 power and conduct that demonstrates that an official is
639 unworthy to fill the office that he holds.

640 The task force has concluded that the full record before
641 us establishes that Judge Samuel Kent should be impeached for
642 high crimes and misdemeanors.

643 Yesterday, the task force met and unanimously voted in
644 favor of recommending for articles of impeachment for
645 consideration by the full committee. These articles were
646 subsequently introduced in the House by full committee
647 Chairman Conyers, Ranking Member Smith, along with the full
648 membership of the task force in the form of House Resolution
649 520.

650 Judge Kent entered into his position as a district
651 judge, engaged in deplorable conduct with respect to
652 employees associated with the court. Such conduct is
653 incompatible with the trust and confidence placed in him as a
654 judge.

655 In particular, the record demonstrates that Judge Kent
656 sexually assaulted Ms. McBroom and Ms. Wilkerson, both
657 employees of the court, on one or more occasions.

658 Furthermore, Judge Kent corruptly obstructed, influenced
659 or impeded an official proceeding when he made false
660 statements to the fifth circuit special investigative
661 committee.

662 And, finally, the record demonstrates that Judge Kent
663 made material false and misleading statements about the
664 nature and extent of his nonconsensual sexual contact with
665 Ms. McBroom and Ms. Wilkerson to agents of the FBI and to
666 representatives of the Department of Justice.

667 These acts of sexual assault and obstruction of justice
668 are, as the judge who sentenced Mr. Kent to incarceration
669 stated, a stain on the justice system itself.

670 Were the House of Representatives to sit idly by and
671 allow Mr. Kent to continue to hold the office of U.S.
672 district judge while sitting in prison and after committing
673 such high crimes and misdemeanors, it would be a stain on the
674 Congress, as well.

675 Accordingly, I urge the committee to approve the
676 articles of impeachment including in House Resolution 520.

677 And I yield back.

678 Mr. Nadler. I thank the gentleman.

679 I ask unanimous consent that the letter that Mr. Schiff
680 referred to, the June 9 letter from Judge Kent's attorney, be
681 entered into the record.

682 Without objection.

683 [The information follows:]

684 ***** INSERT *****

685 Mr. Nadler. I now recognize Bob Goodlatte of Virginia,
686 ranking member of the impeachment task force, for a
687 statement.

688 Mr. Goodlatte. Thank you, Mr. Chairman.

689 And, Mr. Chairman, I ask unanimous consent that my full
690 written statement be a part of the record, and I will only
691 refer to part of it.

692 Mr. Nadler. Without objection.

693 [The statement of Mr. Goodlatte follows:]

694 ***** INSERT *****

695 Mr. Goodlatte. Thank you, Mr. Chairman.

696 Mr. Chairman, the impeachment of a federal judge is a
697 very infrequent occurrence within the halls of Congress. In
698 fact, no federal judge has been impeached in the last 20
699 years.

700 It is a power that Congress utilizes only in cases
701 involving very serious allegations of misconduct.

702 However, when evidence emerges that an individual is
703 abusing his judicial office for his own advantage, the
704 integrity of the judicial system becomes compromised, then
705 the House of Representatives has the duty to investigate the
706 matter and take the appropriate actions to end the abuse and
707 restore confidence in the judicial system.

708 The impeachment task force has taken the testimony of
709 two women victimized by Judge Kent. The task force has also
710 taken other expert testimony and has conducted its own
711 investigation, including working with the fifth circuit, the
712 Department of Justice, the Federal Bureau of Investigation,
713 and other parties to gather relevant evidence.

714 These efforts have yielded information that paints a
715 clear picture that Judge Kent ha engaged in conduct,
716 including obstruction of justice and repeated sexual assaults
717 on court employees, which merit the very serious step of
718 issuing articles of impeachment against Judge Kent.

719 Specifically, by his own admission, Judge Kent lied to

720 the investigating committee of the fifth circuit, which was
721 looking into his misconduct involving two court employees.

722 Judge Kent pled guilty to the felony obstruction of
723 justice charge and will serve 33 months in federal prison
724 beginning next Monday. However, the evidence has shown that
725 Judge Kent also separately lied to the Department of Justice
726 and the FBI when questioned about the nature of his contacts
727 with these women.

728 In addition, Judge Kent has admitted to engaging in
729 nonconsensual sexual contact with at least two court
730 employees.

731 At a hearing convened by the task force on June 3, 2009,
732 we heard the stories of the two women that Judge Kent
733 victimized. These stories filled in the gaps in Judge Kent's
734 admission and showed the repeated violent sexual abuse of
735 these two women.

736 It is worth noting again that Judge Kent was invited to
737 appear at the hearing before the task force and explain why
738 his conduct does not justify impeachment.

739 His attorney was also invited to participate. However,
740 both Judge Kent and his attorney declined to attend.

741 Based on the evidence gathered by the task force during
742 its investigation, the task force voted unanimously yesterday
743 to recommend to the full committee four articles of
744 impeachment against Judge Kent, which we are considering

745 today.

746 The first article describes the repeated sexual assault
747 on Donna Wilkerson, a court employee.

748 The second article describes the repeated sexual assault
749 of Cathy McBroom, another court employee.

750 The third article describes the obstruction of justice
751 with respect to Judge Kent's false statements during the
752 fifth circuit special investigatory committee proceeding.

753 The fourth article describes the false statements Judge
754 Kent made to the Department of Justice and the Federal Bureau
755 of Investigation when they questioned him about his conduct.

756 It is my strong recommendation that the members of this
757 committee adopt these articles of impeachment.

758 And I yield back.

759 Mr. Nadler. Thank you.

760 Without objection, other members' statements will be
761 included in the record.

762 We will now proceed through the articles in turn. For
763 each article, the clerk will read the article. We will
764 consider any amendments, then have a roll call on adopting
765 the article.

766 We will first start with Article I, which alleges, in
767 essence, that Judge Kent sexually assaulted a courthouse
768 employee.

769 The clerk will read the article.

770 The Clerk. "Article I. Incident to his position as a
771 United States district court judge, Samuel B. Kent has
772 engaged in conduct with respect to employees associated with
773 the court that is incompatible with the trust and confidence
774 placed in him as a judge, as follows.

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

780 (2) Cathy McBroom was an employee of the Office of the
781 Clerk of Court for the Southern District of Texas and served
782 as a Deputy Clerk in the Galveston Division assigned to Judge
783 Kent's courtroom.

784 (3) On one or more occasions between 2003 and 2007,
785 Judge Kent sexually assaulted Cathy McBroom by touching her
786 private areas directly and through her clothing against her
787 will and by attempting to cause her to engage in a sexual act
788 with him.

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

791 Mr. Nadler. Are there any amendments to Article I?

792 Ms. Jackson Lee. Mr. Chairman?

793 Mr. Nadler. For what purpose does the gentlelady seek
794 recognition?

795 Ms. Jackson Lee. I would like to move to strike the
796 last word.

797 Mr. Nadler. The gentlelady is recognized for 5 minutes.

798 Ms. Jackson Lee. I thank the distinguished chairman.

799 I would like to, again, offer public apologies, as I did
800 in the task force meeting, not only to the witnesses, but
801 certainly to the American people, for having to exercise our
802 responsibilities in an impeachment proceeding for the first
803 time in 20 years and to suggest that, in fact, this is not a
804 reflection on the integrity of the judiciary of the United
805 States of America, but it is a reflection on the
806 responsibility of this committee to perform its duties and to
807 ensure that we can hold up the higher standards.

808 And so I simply want to refer us to the Constitution and
809 why, in my assessment, we are where we are today.

810 Particularly, I want to take note of the fact that the
811 Constitution starts with the language "We the people" and
812 whatever we do under the Constitution, we are dictated by
813 adhering to the values of the American people.

814 And Article III specifically notes that a judge holds
815 his or her position during good behavior. We also are drawn
816 to Section 4 of Article II, which indicates that those who
817 hold civil offices are to be impeached for the conviction of
818 treason, bribery or other high crimes and misdemeanors.

819 So the troubling part of this while story is the

820 opportunity that this judge had to correct his ways, and I,
821 too, am sympathetic for the representations of the mental
822 issues that this judge faced during the loss of his first
823 wife.

824 However, it should have been characterized in treatment,
825 but yet it seemed to be characterized as evidence in the
826 superseding plea, in count six, where it is admitted that two
827 judiciary officers to the investigative committee of the
828 United States court of appeals, this judge indicated a
829 falsehood, in essence, did not tell the truth, and indicated
830 that allegations of sexual improprieties were consensual,
831 they were voluntary. And in essence, that proved to not be
832 the case.

833 In a plea agreement that took place subsequently, the
834 defendant then agreed to plead guilty to count 6, and that was
835 the count that indicated that "I did not tell the truth to
836 this established committee that was to hear me out. Maybe
837 that could have been the committee where I expressed the
838 concerns of my own physical state."

839 Apparently, that was not the case. Only a denial that
840 we did not touch this particular complainant or this
841 particular witness B in any way other than that it was
842 consensual.

843 And so we have a plea agreement that indicates that
844 count six, declared as an obstruction of justice because of

845 falsely indicating facts that were not true.

846 Then we went to the actual sentencing, and I want to
847 share these words with my colleagues.

848 In the sentencing hearing, the judge presiding made the
849 point that "Under the law and the Constitution, you are
850 presumed to be innocent, which means you do not have to prove
851 your innocence or prove anything at all. You simply must be
852 present for the trial and the burden of proof lies entirely
853 on the government. Do you understand? In this instance,
854 Judge Kent said, "Yes, sir."

855 The court said, "However, if I accept your guilty plea
856 this morning, each of those rights that I have just
857 identified for you will be waived and given up. Do you fully
858 understand that?" "Yes, sir."

859 "And knowing that it is your intent to enter a plea of
860 guilty this morning to this charge"—"Is it your intent to
861 enter a plea of guilty this morning to this charge?" "Yes,
862 sir."

863 "Finally, the plea of guilty has a legal effect of
864 saying the charge is true. You understand that." "Yes,
865 sir."

866 To my great disappointment, this judge has admitted to
867 the falsity of his statements, admitted to the fact that he
868 has agreed to the truth of an obstruction of justice charge,
869 and, therefore, is a convicted felon.

870 And all the constitutional protection that we could
871 offer to this individual has been waved and given up and,
872 frankly, what we see is the fact that someone has established
873 themselves as being unworthy of holding this office.

874 And more importantly, as an individual who believes in
875 the sanctity of the workplace in terms of the rights of women
876 and others who are sometimes openly, if you will, eliminated
877 from the rights of the Constitution and the rights of law,
878 the fact that these women had to be subjected to sexual
879 confrontation is a statement which we wish to extinguish and
880 to be protected-

881 Mr. Nadler. The gentlelady's time has expired.

882 Ms. Jackson Lee. May I just conclude my remarks, Mr.
883 Chairman, an additional 30 seconds?

884 Mr. Nadler. Without objection, an additional 30 seconds
885 is granted.

886 Ms. Jackson Lee. I thank the chairman very much.

887 I believe the workplace should be a place of which
888 individuals can continue to be protected by the Constitution
889 and protected by the rights offered by the body of law that
890 says that, in fact, you are to be secure in your workplace.

891 These women were not secure in their workplace, and
892 there were repeated opportunities for this judge to correct
893 his ways.

894 I wish for these women the best for the courage, but I

895 believe that, as I started out, the Constitution says "We the
896 people," we are mandated by the constitutional
897 responsibilities to, in fact, vote on impeachment today—on
898 the articles of impeachment today, and I will do so and
899 encourage my colleagues to consider that, as well.

900 With that, I yield back.

901 Mr. Nadler. I thank the gentlelady.

902 Without objection, we will enter into the record a
903 letter from the secretary of the Judicial Conference of the
904 United States to the speaker of the House and its
905 accompanying determination that consideration of impeachment
906 may be warranted.

907 Without objection.

908 [The information follows:]

909 ***** INSERT *****

910 Mr. Nadler. I understand that the gentlelady from
911 California has to go to a markup on her bill.

912 So without objection, I will recognize her out of order.

913 Ms. Lofgren. Thank you, Mr. Chairman. I do have to go
914 to a competing markup on my bill in the House Administration
915 Committee.

916 I would like to note, however, that I support each of
917 the amendments and the resolution, articles and the
918 resolution.

919 I think that there will be a large vote, and my absence
920 will not affect the outcome, but I want it on the record that
921 I support the measure.

922 And I yield back and appreciate the recognition.

923 Mr. Nadler. I thank the gentlelady.

924 Are there any other amendments?

925 Mr. Watt. Mr. Chairman?

926 Mr. Nadler. For what purpose does the gentleman seek
927 recognition?

928 Mr. Watt. Move to strike the last word.

929 Mr. Nadler. The gentleman is recognized.

930 Mr. Watt. Just for a brief moment to get something into
931 the record.

932 I think I have gotten an explanation, but I raised a
933 question about the wording on lines 1 through 3 of page 3,
934 lines 1 through 3 of page 4, lines 20 to 22 of page 5, and

935 lines 7 through 9 of page 6.

936 The question I raised was whether—the role of this
937 committee and the House's role I had understood was to find
938 probable cause or, in effect, probable cause and the Senate's
939 role was to find guilt.

940 And the question I raised is why are we saying that we
941 find guilt here and, apparently, there is historical
942 justification that I thought needed to be put into the
943 record.

944 And so I would direct that question to Mr. Schiff, the
945 chair of the task force, just for an explanation of—

946 Mr. Nadler. Will the gentleman yield to Mr. Schiff?

947 Mr. Watt. Yes, I yield to Mr. Schiff.

948 Mr. Schiff. I thank the gentleman for yielding.

949 Because these cases are so extraordinary, there only
950 have been, I think, a dozen impeachment proceedings involving
951 federal judges in the history of the country, we have relied
952 very heavily on the limited precedent that we have.

953 And in the last three judicial impeachments, this
954 language is identical to how it was pleaded in the former
955 article.

956 So in the case of Judge Nixon, the language was similar,
957 "Wherefore Judge Walter L. Nixon, Jr. is guilty of an
958 impeachable office and should be removed from office."

959 Similarly, with respect to the impeachment of Judge

960 Hastings, the same language was used. And similarly, in the
961 impeachment of Judge Claiborne, the very same language was
962 used.

963 I suspect if we go back beyond those precedents, we will
964 find others, as well.

965 But you are right, our obligation here is to return
966 articles of impeachment, if there is a sufficient basis for
967 members to believe that conduct has been committed that
968 warrants a judge's removal from office.

969 Ultimately, it will be the Senate that will try and
970 reach a resolution of whether the judge is found guilty. But
971 this language is a term of art and by pleading it this way,
972 we don't presume that we have found this in a trial, but
973 rather that we have found sufficient evidence to believe that
974 he is guilty, to pass the articles on to the Senate for
975 trial.

976 Mr. Watt. I thank the gentleman for his explanation and
977 felt it worthwhile to get that explanation into the record.

978 I had had it explained to me off record, but thought
979 that other members who may be questioning the wording of the
980 articles and the findings might find it helpful to have that
981 explanation, also.

982 I yield back, Mr. Chairman.

983 Mr. Nadler. I thank the gentleman.

984 And at this point, because he also has to go to another

985 meeting, we will recognize out of order Mr. Harper, the
986 gentleman from Mississippi.

987 Mr. Harper. Thank you, Mr. Chairman.

988 I would also like to state that if I were here and
989 didn't have a competing markup in the House Administration, I
990 do fully support these articles of impeachment.

991 Thank you.

992 Mr. Nadler. I thank you.

993 Does anyone else seek recognition on Article I?

994 There being no others seeking recognition on Article I,
995 the question is on adopting Article I.

996 As your name is called, those in favor will say "aye,"
997 opposed "no." The clerk will call the roll.

998 The Clerk. Mr. Conyers?

999 [No response.]

1000 Mr. Berman?

1001 [No response.]

1002 Mr. Boucher?

1003 [No response.]

1004 Mr. Nadler?

1005 Mr. Nadler. Aye.

1006 The Clerk. Mr. Nadler votes aye.

1007 Mr. Scott?

1008 Mr. Scott. Aye.

1009 The Clerk. Mr. Scott votes aye.

1010 Mr. Watt?

1011 Mr. Watt. Aye.

1012 The Clerk. Mr. Watt votes aye.

1013 Ms. Lofgren?

1014 [No response.]

1015 Ms. Jackson Lee?

1016 Ms. Jackson Lee. Aye.

1017 The Clerk. Ms. Jackson Lee votes aye.

1018 Ms. Waters?

1019 Ms. Waters. Aye.

1020 The Clerk. Ms. Waters votes aye.

1021 Mr. Delahunt?

1022 [No response.]

1023 Mr. Wexler?

1024 [No response.]

1025 Mr. Cohen?

1026 Mr. Cohen. Aye.

1027 The Clerk. Mr. Cohen votes aye.

1028 Mr. Johnson?

1029 Mr. Johnson. Aye.

1030 The Clerk. Mr. Johnson votes aye.

1031 Mr. Pierluisi?

1032 Mr. Pierluisi. Aye.

1033 The Clerk. Mr. Pierluisi votes aye.

1034 Mr. Quigley?

1035 Mr. Quigley. Aye.
1036 The Clerk. Mr. Quigley votes aye.
1037 Mr. Gutierrez?
1038 Mr. Gutierrez. Aye.
1039 The Clerk. Mr. Gutierrez votes aye.
1040 Mr. Sherman?
1041 Mr. Sherman. Aye.
1042 The Clerk. Mr. Sherman votes aye.
1043 Ms. Baldwin?
1044 [No response.]
1045 Mr. Gonzalez?
1046 Mr. Gonzalez. Aye.
1047 The Clerk. Mr. Gonzalez votes aye.
1048 Mr. Weiner?
1049 [No response.]
1050 Mr. Schiff?
1051 Mr. Schiff. Aye.
1052 The Clerk. Mr. Schiff votes aye.
1053 Ms. Sanchez?
1054 [No response.]
1055 Ms. Wasserman Schultz?
1056 [No response.]
1057 Mr. Maffei?
1058 Mr. Maffei. Aye.
1059 The Clerk. Mr. Maffei votes aye.

1060 Mr. Smith?

1061 Mr. Smith. Aye.

1062 The Clerk. Mr. Smith votes aye.

1063 Mr. Goodlatte?

1064 Mr. Goodlatte. Aye.

1065 The Clerk. Mr. Goodlatte votes aye.

1066 Mr. Sensenbrenner?

1067 Mr. Sensenbrenner. Aye.

1068 The Clerk. Mr. Sensenbrenner votes aye.

1069 Mr. Coble?

1070 Mr. Coble. Aye.

1071 The Clerk. Mr. Coble votes aye.

1072 Mr. Gallegly?

1073 Mr. Gallegly. Aye.

1074 The Clerk. Mr. Gallegly votes aye.

1075 Mr. Lungren?

1076 Mr. Lungren. Aye.

1077 The Clerk. Mr. Lungren votes aye.

1078 Mr. Issa?

1079 [No response.]

1080 Mr. Forbes?

1081 Mr. Forbes. Aye.

1082 The Clerk. Mr. Forbes votes aye.

1083 Mr. King?

1084 Mr. King. Aye.

1085 The Clerk. Mr. King votes aye.
1086 Mr. Franks?
1087 Mr. Franks. Aye.
1088 The Clerk. Mr. Franks votes aye.
1089 Mr. Gohmert?
1090 Mr. Gohmert. Aye.
1091 The Clerk. Mr. Gohmert votes aye.
1092 Mr. Jordan?
1093 Mr. Jordan. Aye.
1094 The Clerk. Mr. Jordan votes aye.
1095 Mr. Poe?
1096 [No response.]
1097 Mr. Chaffetz?
1098 Mr. Chaffetz. Aye.
1099 The Clerk. Mr. Chaffetz votes aye.
1100 Mr. Rooney?
1101 Mr. Rooney. Aye.
1102 The Clerk. Mr. Rooney votes aye.
1103 Mr. Harper?
1104 [No response.]
1105 Mr. Weiner. Mr. Chairman, how am I recorded?
1106 The Clerk. Mr. Weiner is not recorded.
1107 Mr. Weiner. Aye.
1108 The Clerk. Mr. Weiner votes aye.
1109 Ms. Baldwin. Aye.

1110 The Clerk. Ms. Baldwin votes aye.

1111 Mr. Poe. Aye.

1112 The Clerk. Mr. Poe votes aye.

1113 Mr. Nadler. The clerk will report.

1114 The Clerk. Mr. Chairman, 30 members voted aye, and we
1115 did not have any members voting nay.

1116 Mr. Nadler. -assaulted his courthouse secretary. The
1117 clerk will read Article II.

1118 The Clerk. "Article II. Incident to his position as a
1119 United States district court judge, Samuel B. Kent has
1120 engaged in conduct with respect to employees associated with
1121 the court that is incompatible with the trust and confidence
1122 placed in him as a judge, as follows:

1123 (1) Judge Kent is a United States District Judge in the
1124 Southern District of Texas. From 1990 to 2008, he was
1125 assigned to the Galveston Division of the Southern District
1126 and his chambers and courtroom were located in the United
1127 States Post Office and Courtroom in Galveston, Texas.

1128 (2) Donna Wilkerson was an employee of the United
1129 States District Court for the Southern District of Texas.

1130 (3) On one or more occasions between 2001 and 2007,
1131 Judge Kent sexually assaulted Donna Wilkerson, by touching
1132 her in her private areas against her will and by attempting
1133 to cause her to engage in a sexual act with him.

1134 Wherefore, Judge Samuel B. Kent is guilty of high crimes

1135 and misdemeanors and should be removed from office."

1136 Mr. Nadler. Are there any amendments to Article II?

1137 Does anyone seek to be recognized on Article II?

1138 The gentleman from Texas.

1139 Mr. Gohmert. Thank you, Mr. Chairman.

1140 I am looking this morning, for the first time, at the
1141 letter dated yesterday from counsel of Judge Kent, and he
1142 mentions a couple of—well, actually three different names,
1143 Teri Bonura, Joe Maffei, Cathy Eaton, who are supposedly
1144 outraged about the allegations against Judge Kent.

1145 If I might yield to Mr. Schiff. Do you know if anybody
1146 has attempted to contact these individuals since his attorney
1147 made them known after the hearing yesterday?

1148 Mr. Schiff. If the gentleman will yield.

1149 Mr. Gohmert. Yes, sir.

1150 Mr. Schiff. I would imagine, although I don't know for
1151 sure, that these witnesses were interviewed during the course
1152 of the criminal investigation.

1153 As we received counsel's letter only yesterday afternoon
1154 or evening, we have not had a chance to interview them.

1155 I would, again, say that we invited Judge Kent and his
1156 counsel to appear before the task force and present any
1157 evidence, such as he alludes to in his letter, and he
1158 declined to do so.

1159 Much of the contents of that letter is based on an

1160 anonymous caller who evidently called the judge's counsel at
1161 some point earlier in the week, and I don't know what that
1162 anonymous caller is referenced in the letter or is a third
1163 party.

1164 But we will certainly endeavor to follow up.

1165 Mr. Gohmert. He doesn't say that the federal employee
1166 called the office was unknown to him or anonymous. He just
1167 says the federal employee who called his office, which I
1168 guess then someone in his office relayed this to the
1169 attorney.

1170 So that would be secondhand hearsay and then that was
1171 relaying information from other people in the courthouse, I
1172 guess would be third-hand hearsay. And there may be some
1173 fourth-hand hearsay in here, as well.

1174 But anyway, I appreciate the gentleman's response.

1175 I also can't help but wonder, Mr. Chairman, again, out
1176 of an abundance of fairness, if—as upset and outraged as I
1177 have been about a judge who would abuse his authority and
1178 mistreat people within his control, if there is some type of
1179 recognized sexual orientation of someone toward those who are
1180 vulnerable of a specific gender within your employment, I
1181 just don't want to run afoul of any potential the crime laws
1182 if it turns out he is sexually oriented toward vulnerable
1183 women underneath his control.

1184 But with that, I will yield back.

1185 Mr. Nadler. The gentleman from California, Mr. Lungren,
1186 is recognized.

1187 Mr. Lungren. Thank you very much, Mr. Chairman.

1188 I had hoped that I could stay through the entire
1189 proceedings, but I have a bill that is up right now, I have
1190 been informed, in another committee.

1191 As a member of the task force, I would like to say that
1192 I support every single article of impeachment here. There
1193 was more than enough to impeach this judge and to have him
1194 removed from office, and I hope to be back after I take care
1195 of my other business to be engaged in this, as well.

1196 Thank you very much, Mr. Chairman.

1197 Mr. Nadler. I thank you.

1198 Mr. Coble. Mr. Chairman?

1199 Mr. Nadler. The gentleman from South Carolina is
1200 recognized.

1201 Mr. Coble. North Carolina, Mr. Chairman.

1202 Mr. Nadler. North Carolina, excuse me.

1203 Mr. Coble. Mr. Chairman, very briefly, I, too, have a
1204 hearing, a meeting I have got to go to, and I would like to
1205 be recorded as having supported all the charges.

1206 Mr. Nadler. Well, I thank you. That does bring up the
1207 question that I hope we don't lose a reporting quorum as
1208 people keep leaving for hearings, and we are going to have
1209 votes on the floor soon. So we are going to try to move this

1210 along.

1211 Are there any other people seeking to comment on Article
1212 II?

1213 Mr. King. Mr. Chairman?

1214 Mr. Nadler. Mr. King?

1215 Mr. King. Thank you, Mr. Chairman. Move to strike the
1216 last word.

1217 Mr. Nadler. The gentleman is recognized.

1218 Mr. King. Thank you, Mr. Chairman.

1219 Just listening to the gentleman from Texas, it raised a
1220 point that piqued my curiosity about this, and I noticed the
1221 absence of a response.

1222 And I would pose a question, if the gentleman from
1223 California would yield. Do we know or have, in the process
1224 of this investigation, we have we identified the sexual
1225 orientation of Judge Kent?

1226 And I would yield to the gentleman from California, Mr.
1227 Schiff.

1228 Mr. Schiff. I am not sure whether the gentleman's
1229 question is a rhetorical question or not, but I think—

1230 Mr. King. I would suggest it is not, actually.

1231 Mr. Schiff. Well, I am going to rely on the record to
1232 speak for itself.

1233 Mr. King. And reclaiming my time. I am going to take
1234 that as a—since I don't find that answer in the record, that

1235 that would be a no.

1236 And I would point out that we had an intensive debate in
1237 this Congress and we have identified 547 different
1238 paraphilias and it seems to me that Judge Kent does have a
1239 problem, and it was raised by our judge from Texas, Mr.
1240 Gohmert, and, surely, in that list of 547, which have been
1241 apparently protected by this committee and by the full House
1242 of Representatives, there must be a clinical definition of
1243 Judge Kent's paraphilia.

1244 And I would point out that we may be finding ourselves
1245 crossways with a conclusion of this committee, although I
1246 support this impeachment hearing for all of its reasons, and
1247 I bring this issue up because I believe that when we start
1248 protecting people based upon their self-alleged behavior, we
1249 bring up this very kind of—

1250 Ms. Jackson Lee. Would the gentleman yield?

1251 Mr. King. —problem for this committee at a later date,
1252 which came much sooner than I thought.

1253 And I would be happy to yield to wherever the request
1254 came from.

1255 Ms. Jackson Lee. I respect you greatly, distinguished
1256 gentleman from Iowa. However, this is too important a
1257 proceeding to—

1258 Mr. King. Reclaiming my time.

1259 Ms. Jackson Lee. —interject things that are not

1260 relevant to the issue.

1261 I would ask the gentleman for his courtesy.

1262 Mr. King. This is the point that I am—

1263 Ms. Jackson Lee. I yield back.

1264 Mr. King. —the hate crimes hearing, and it has come
1265 home to roost to this committee already.

1266 So I believe I have made my point, and I will support
1267 this impeachment.

1268 And I yield back the balance of my time.

1269 Mr. Nadler. The question is on the article, Article No.

1270 II. The question is on adopting Article II.

1271 As your name is called, those in favor will say "aye,"
1272 opposed "no." The clerk will call the roll.

1273 The Clerk. Mr. Conyers?

1274 [No response.]

1275 Mr. Berman?

1276 [No response.]

1277 Mr. Boucher?

1278 [No response.]

1279 Mr. Nadler?

1280 Mr. Nadler. Aye.

1281 The Clerk. Mr. Nadler votes aye.

1282 Mr. Scott?

1283 [No response.]

1284 Mr. Watt?

1285 Mr. Watt. Aye.

1286 The Clerk. Mr. Watt votes aye.

1287 Ms. Lofgren?

1288 [No response.]

1289 Ms. Jackson Lee?

1290 Ms. Jackson Lee. Aye.

1291 The Clerk. Ms. Jackson Lee votes aye.

1292 Ms. Waters?

1293 Ms. Waters. Aye.

1294 The Clerk. Ms. Waters votes aye.

1295 Mr. Delahunt?

1296 [No response.]

1297 Mr. Wexler?

1298 [No response.]

1299 Mr. Cohen?

1300 Mr. Cohen. Aye.

1301 The Clerk. Mr. Cohen votes aye.

1302 Mr. Johnson?

1303 Mr. Johnson. Aye.

1304 The Clerk. Mr. Johnson votes aye.

1305 Mr. Pierluisi?

1306 Mr. Pierluisi. Aye.

1307 The Clerk. Mr. Pierluisi votes aye.

1308 Mr. Quigley?

1309 Mr. Quigley. Aye.

1310 The Clerk. Mr. Quigley votes aye.
1311 Mr. Gutierrez?
1312 Mr. Gutierrez. Aye.
1313 The Clerk. Mr. Gutierrez votes aye.
1314 Mr. Sherman?
1315 Mr. Sherman. Aye.
1316 The Clerk. Mr. Sherman votes aye.
1317 Ms. Baldwin?
1318 [No response.]
1319 Mr. Gonzalez?
1320 Mr. Gonzalez. Aye.
1321 The Clerk. Mr. Gonzalez votes aye.
1322 Mr. Weiner?
1323 Mr. Weiner. Aye.
1324 The Clerk. Mr. Weiner votes aye.
1325 Mr. Schiff?
1326 Mr. Schiff. Aye.
1327 The Clerk. Mr. Schiff votes aye.
1328 Ms. Sanchez?
1329 [No response.]
1330 Ms. Wasserman Schultz?
1331 [No response.]
1332 Mr. Maffei?
1333 Mr. Maffei. Aye.
1334 The Clerk. Mr. Maffei votes aye.

- 1335 Mr. Smith?
- 1336 Mr. Smith. Aye.
- 1337 The Clerk. Mr. Smith votes aye.
- 1338 Mr. Goodlatte?
- 1339 Mr. Goodlatte. Aye.
- 1340 The Clerk. Mr. Goodlatte votes aye.
- 1341 Mr. Sensenbrenner?
- 1342 Mr. Sensenbrenner. Aye.
- 1343 The Clerk. Mr. Sensenbrenner votes aye.
- 1344 Mr. Coble?
- 1345 Mr. Coble. Aye.
- 1346 The Clerk. Mr. Coble votes aye.
- 1347 Mr. Gallegly?
- 1348 Mr. Gallegly. Aye.
- 1349 The Clerk. Mr. Gallegly votes aye.
- 1350 Mr. Lungren?
- 1351 [No response.]
- 1352 Mr. Issa?
- 1353 [No response.]
- 1354 Mr. Forbes?
- 1355 Mr. Forbes. Aye.
- 1356 The Clerk. Mr. Forbes votes aye.
- 1357 Mr. King?
- 1358 Mr. King. Aye.
- 1359 The Clerk. Mr. King votes aye.

1360 Mr. Franks?

1361 Mr. Franks. Aye.

1362 The Clerk. Mr. Franks votes aye.

1363 Mr. Gohmert?

1364 [No response.]

1365 Mr. Jordan?

1366 Mr. Jordan. Aye.

1367 The Clerk. Mr. Jordan votes aye.

1368 Mr. Poe?

1369 Mr. Poe. Aye.

1370 The Clerk. Mr. Poe votes aye.

1371 Mr. Chaffetz?

1372 Mr. Chaffetz. Aye.

1373 The Clerk. Mr. Chaffetz votes aye.

1374 Mr. Rooney?

1375 Mr. Rooney. Aye.

1376 The Clerk. Mr. Rooney votes aye.

1377 Mr. Harper?

1378 [No response.]

1379 Mr. Nadler. Are there any members who haven't voted?

1380 Mr. Scott. Mr. Chairman, how am I recorded?

1381 The Clerk. Mr. Scott is not recorded.

1382 Mr. Scott. Aye.

1383 The Clerk. Mr. Scott votes aye.

1384 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

1385 The Clerk. Ms. Jackson Lee is recorded as voting aye.

1386 Mr. Nadler. Are there any other members who wish to

1387 vote?

1388 The clerk will report.

1389 Oh, I am sorry, the gentleman from Texas.

1390 Mr. Gohmert. Aye.

1391 The Clerk. Mr. Gohmert votes aye.

1392 Mr. Nadler. Are there any other members?

1393 The clerk will report.

1394 The Clerk. Mr. Chairman, 28 members voted aye. We did

1395 not have any members voting nay.

1396 A majority having voted in favor, Article II is adopted.

1397 We will now turn to Article III, alleging, in essence,

1398 that Judge Kent made false statements to a committee of the

1399 fifth circuit, which was investigating allegations of sexual

1400 misconduct by Judge Kent.

1401 The clerk will read the article.

1402 The Clerk. "Article III. Samuel B. Kent corruptly

1403 obstructed, influenced or impeded an official proceeding, as

1404 follows:

1405 (1) On or about May 21, 2007, Cathy McBroom filed a

1406 judicial misconduct complaint with the United States Court of

1407 Appeals for the Fifth Circuit. In response, the Fifth

1408 Circuit appointed a Special Investigative Committee

1409 (hereinafter in this article referred to as "the Committee")

1410 to investigate Cathy McBroom's complaint.

1411 (2) On or about June 8, 2007, at Judge Kent's request
1412 and upon notice from the Committee, Judge Kent appeared
1413 before the committee.

1414 (3) As part of its investigation, the Committee sought
1415 to learn from Judge Kent and others whether he had engaged in
1416 unwanted sexual contact with Cathy McBroom and individuals
1417 other than Cathy McBroom.

1418 (4) On or about June 8, 2007, Judge Kent made false
1419 statements to the Committee regarding his unwanted sexual
1420 contact with Donna Wilkerson, as follows:

1421 (A) Judge Kent falsely stated to the Committee that the
1422 extent of his unwanted sexual contact with Donna Wilkerson
1423 was one kiss, when in fact and as he knew, he had engaged in
1424 repeated sexual contact with Donna Wilkerson without her
1425 permission.

1426 (B) Judge Kent falsely stated to the Committee that
1427 when told by Donna Wilkerson his advances were unwelcome no
1428 further contact occurred, when in fact and as he knew, Judge
1429 Kent continued such advances even after she asked him to
1430 stop.

1431 (5) Judge Kent was indicted and pled guilty and was
1432 sentenced to imprisonment for the felony of obstruction of
1433 justice and violation of section 1512(c)(2) of title 18,
1434 United States Code, on the basis of false statements made to

1435 the Committee. The sentencing judge described his conduct as
1436 a stain on the justice system itself.

1437 Wherefore, Judge Samuel B. Kent is guilty of high crimes
1438 and misdemeanors and should be removed from office."

1439 Mr. Nadler. Are there any amendments to Article III?

1440 Does anyone seek recognition on Article III?

1441 The question is on adopting Article III. As your name
1442 is called, those in favor will say "aye," opposed "no."

1443 The clerk will call the roll.

1444 The Clerk. Mr. Conyers?

1445 [No response.]

1446 Mr. Berman?

1447 [No response.]

1448 Mr. Boucher?

1449 [No response.]

1450 Mr. Nadler?

1451 Mr. Nadler. Aye.

1452 The Clerk. Mr. Nadler votes aye.

1453 Mr. Scott?

1454 [No response.]

1455 Mr. Watt?

1456 Mr. Watt. Aye.

1457 The Clerk. Mr. Watt votes aye.

1458 Ms. Lofgren?

1459 [No response.]

1460 Ms. Jackson Lee?
1461 Ms. Jackson Lee. Aye.
1462 The Clerk. Ms. Jackson Lee votes aye.
1463 Ms. Waters?
1464 Ms. Waters. Aye.
1465 The Clerk. Ms. Waters votes aye.
1466 Mr. Delahunt?
1467 [No response.]
1468 Mr. Wexler?
1469 [No response.]
1470 Mr. Cohen?
1471 Mr. Cohen. Aye.
1472 The Clerk. Mr. Cohen votes aye.
1473 Mr. Johnson?
1474 Mr. Johnson. Aye.
1475 The Clerk. Mr. Johnson votes aye.
1476 Mr. Pierluisi?
1477 Mr. Pierluisi. Aye.
1478 The Clerk. Mr. Pierluisi votes aye.
1479 Mr. Quigley?
1480 Mr. Quigley. Aye.
1481 The Clerk. Mr. Quigley votes aye.
1482 Mr. Gutierrez?
1483 Mr. Gutierrez. Aye.
1484 The Clerk. Mr. Gutierrez votes aye.

1485 Mr. Sherman?
1486 Mr. Sherman. Aye.
1487 The Clerk. Mr. Sherman votes aye.
1488 Ms. Baldwin?
1489 [No response.]
1490 Mr. Gonzalez?
1491 Mr. Gonzalez. Aye.
1492 The Clerk. Mr. Gonzalez votes aye.
1493 Mr. Weiner?
1494 Mr. Weiner. Aye.
1495 The Clerk. Mr. Weiner votes aye.
1496 Mr. Schiff?
1497 Mr. Schiff. Aye.
1498 The Clerk. Mr. Schiff votes aye.
1499 Ms. Sanchez?
1500 [No response.]
1501 Ms. Wasserman Schultz?
1502 [No response.]
1503 Mr. Maffei?
1504 Mr. Maffei. Aye.
1505 The Clerk. Mr. Maffei votes aye.
1506 Mr. Smith?
1507 Mr. Smith. Aye.
1508 The Clerk. Mr. Smith votes aye.
1509 Mr. Goodlatte?

1510 Mr. Goodlatte. Aye.

1511 The Clerk. Mr. Goodlatte votes aye.

1512 Mr. Sensenbrenner?

1513 Mr. Sensenbrenner. Aye.

1514 The Clerk. Mr. Sensenbrenner votes aye.

1515 Mr. Coble?

1516 Mr. Coble. Aye.

1517 The Clerk. Mr. Coble votes aye.

1518 Mr. Gallegly?

1519 [No response.]

1520 Mr. Lungren?

1521 [No response.]

1522 Mr. Issa?

1523 Mr. Issa. Aye.

1524 Mr. Forbes?

1525 Mr. Forbes. Aye.

1526 The Clerk. Mr. Forbes votes aye.

1527 Mr. King?

1528 [No response.]

1529 Mr. Franks?

1530 [No response.]

1531 Mr. Gohmert?

1532 [No response.]

1533 Mr. Jordan?

1534 Mr. Jordan. Aye.

1535 The Clerk. Mr. Jordan votes aye.
1536 Mr. Poe?
1537 Mr. Poe. Aye.
1538 Mr. Chaffetz?
1539 Mr. Chaffetz. Aye.
1540 The Clerk. Mr. Chaffetz votes aye.
1541 Mr. Rooney?
1542 Mr. Rooney. Aye.
1543 The Clerk. Mr. Rooney votes aye.
1544 Mr. Harper?
1545 [No response.]
1546 Ms. Baldwin. Aye.
1547 The Clerk. Ms. Baldwin votes aye.
1548 Mr. Scott. Aye.
1549 Mr. Scott votes aye.
1550 Mr. Gallegly. Aye.
1551 The Clerk. Mr. Gallegly votes aye.
1552 Mr. King. Aye.
1553 The Clerk. Mr. King votes aye.
1554 Mr. Franks. Aye.
1555 The Clerk. Mr. Franks votes aye.
1556 Mr. Gohmert. Aye.
1557 The Clerk. Mr. Gohmert votes aye.
1558 Mr. Nadler. The clerk will report.
1559 The Clerk. Mr. Chairman, 30 members voted aye. We did

1560 not have any members voting nay.

1561 Mr. Nadler. A majority having voted in favor, Article
1562 III is adopted.

1563 We will now turn to Article IV, alleging, in essence,
1564 that Judge Kent, on two occasions, lied to the FBI and to
1565 officials of the Department of Justice about the nature and
1566 extent of his sexual misconduct.

1567 The clerk will read Article IV.

1568 The Clerk. "Article IV. Judge Samuel B. Kent made
1569 material false and misleading statements about the nature and
1570 the extent of his nonconsensual contact with Cathy McBroom
1571 and Donna Wilkerson to agents of the Federal Bureau of
1572 Investigation on or about November 30, 2007, and to agents of
1573 the Federal Bureau of Investigation and representatives of
1574 the Department of Justice on or about August 11, 2008.

1575 Wherefore, Judge Samuel B. Kent is guilty of high crimes
1576 and misdemeanors and should be removed from office."

1577 Mr. Nadler. Are there any amendments to Article IV?

1578 Do any members wish to be recognized on Article IV?

1579 The gentleman from Texas.

1580 Mr. Gohmert. Mr. Chairman, thank you.

1581 One of the reasons I was late on the last two counts, I
1582 was able to get a hold of one of the three people listed in
1583 Mr. DeGuerin's letter. Joe Maffei, he was an employee of the
1584 U.S. Marshals Service as a court security officer.

1585 And so I wanted to pass on—he had indicated to me that
1586 he was a little confused why he would be said to be outraged.

1587 He is disappointed that it came to this, where a federal
1588 judge would be charged, and he said he is disappointed the
1589 whole thing happened, He considered the judge a friend and
1590 that he obviously committed the crime, because he pled
1591 guilty.

1592 He was disappointed he didn't—the judge didn't get a
1593 medical disability, but the does not request that the judge
1594 be allowed to be paid as a judge while he is serving time in
1595 prison, that he had no special information, that he was
1596 interviewed by the fifth circuit judges, interviewed by the
1597 grand jury, and that he didn't know of any other special
1598 information he had.

1599 So I wanted to pass that on.

1600 Thank you. I yield back.

1601 Mr. Nadler. Thank the gentleman.

1602 Anyone else to be recognized on Article IV?

1603 The question, in that case, is on adopting Article IV.
1604 As your name is called, those in favor will say "aye."

1605 Let me just caution, before we go to the roll call,
1606 after Article IV, we still have to have another roll call on
1607 adopting the entire resolution. So we are not finished.

1608 As your name is called, those in favor of Article IV
1609 will say "aye," opposed "no." The clerk will call the roll.

1610 The Clerk. Mr. Conyers?
1611 [No response.]
1612 Mr. Berman?
1613 [No response.]
1614 Mr. Boucher?
1615 [No response.]
1616 Mr. Nadler?
1617 Mr. Nadler. Aye.
1618 The Clerk. Mr. Nadler votes aye.
1619 Mr. Scott?
1620 Mr. Scott. Aye.
1621 The Clerk. Mr. Scott votes aye.
1622 Mr. Watt?
1623 Mr. Watt. Pass.
1624 The Clerk. Mr. Watt passes.
1625 Ms. Lofgren?
1626 [No response.]
1627 Ms. Jackson Lee?
1628 [No response.]
1629 Ms. Waters?
1630 Ms. Waters. Aye.
1631 The Clerk. Ms. Waters votes aye.
1632 Mr. Delahunt?
1633 [No response.]
1634 Mr. Wexler?

1635 [No response.]
1636 Mr. Cohen?
1637 Mr. Cohen. Aye.
1638 The Clerk. Mr. Cohen votes aye.
1639 Mr. Johnson?
1640 Mr. Johnson. Aye.
1641 The Clerk. Mr. Johnson votes aye.
1642 Mr. Pierluisi?
1643 Mr. Pierluisi. Aye.
1644 The Clerk. Mr. Pierluisi votes aye.
1645 Mr. Quigley?
1646 Mr. Quigley. Aye.
1647 The Clerk. Mr. Quigley votes aye.
1648 Mr. Gutierrez?
1649 Mr. Gutierrez. Aye.
1650 The Clerk. Mr. Gutierrez votes aye.
1651 Mr. Sherman?
1652 Mr. Sherman. Aye.
1653 The Clerk. Mr. Sherman votes aye.
1654 Ms. Baldwin?
1655 Ms. Baldwin. Aye.
1656 The Clerk. Ms. Baldwin votes aye.
1657 Mr. Gonzalez?
1658 Mr. Gonzalez. Aye.
1659 The Clerk. Mr. Gonzalez votes aye.

1660 Mr. Weiner?
1661 Mr. Weiner. Aye.
1662 The Clerk. Mr. Weiner votes aye.
1663 Mr. Schiff?
1664 Mr. Schiff. Aye.
1665 The Clerk. Mr. Schiff votes aye.
1666 Ms. Sanchez?
1667 [No response.]
1668 Ms. Wasserman Schultz?
1669 [No response.]
1670 Mr. Maffei?
1671 Mr. Maffei. Aye.
1672 The Clerk. Mr. Maffei votes aye.
1673 Mr. Smith?
1674 Mr. Smith. Aye.
1675 The Clerk. Mr. Smith votes aye.
1676 Mr. Goodlatte?
1677 Mr. Goodlatte. Aye.
1678 The Clerk. Mr. Goodlatte votes aye.
1679 Mr. Sensenbrenner?
1680 Mr. Sensenbrenner. Aye.
1681 The Clerk. Mr. Sensenbrenner votes aye.
1682 Mr. Coble?
1683 [No response.]
1684 Mr. Gallegly?

1685 Mr. Gallegly. Aye.

1686 The Clerk. Mr. Gallegly votes aye.

1687 Mr. Lungren?

1688 [No response.]

1689 Mr. Issa?

1690 Mr. Issa. Aye.

1691 The Clerk. Mr. Issa votes aye.

1692 Mr. Forbes?

1693 Mr. Forbes. Aye.

1694 The Clerk. Mr. Forbes votes aye.

1695 Mr. King?

1696 Mr. King. Aye.

1697 The Clerk. Mr. King votes aye.

1698 Mr. Franks?

1699 Mr. Franks. Aye.

1700 The Clerk. Mr. Franks votes aye.

1701 Mr. Gohmert?

1702 Mr. Gohmert. Aye.

1703 The Clerk. Mr. Gohmert votes aye.

1704 Mr. Jordan?

1705 Mr. Jordan. Aye.

1706 The Clerk. Mr. Jordan votes aye.

1707 Mr. Poe?

1708 Mr. Poe. Aye.

1709 The Clerk. Mr. Poe votes aye.

1710 Mr. Chaffetz?

1711 Mr. Chaffetz. Aye.

1712 The Clerk. Mr. Chaffetz votes aye.

1713 Mr. Rooney?

1714 Mr. Rooney. Aye.

1715 The Clerk. Mr. Rooney votes aye.

1716 Mr. Harper?

1717 [No response.]

1718 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

1719 The Clerk. Ms. Jackson Lee is not recorded.

1720 Ms. Jackson Lee. Aye.

1721 The Clerk. Ms. Jackson Lee votes aye.

1722 Mr. Watt. Mr. Chairman, how am I recorded?

1723 The Clerk. Mr. Watt passed.

1724 Mr. Watt. I continue to pass.

1725 Mr. Nadler. Mr. Scott? How is Mr. Scott recorded,

1726 Madam Clerk?

1727 The Clerk. Mr. Scott is recorded as voting aye.

1728 Mr. Nadler. The clerk will report.

1729 Excuse me. How is Ms. Baldwin recorded?

1730 The Clerk. Ms. Baldwin voted aye.

1731 Mr. Nadler. The clerk will report.

1732 The Clerk. Mr. Chairman, 28 members voted aye, one

1733 member passed.

1734 Mr. Nadler. A majority having voted in favor, Article

1735 IV is adopted.

1736 A reporting quorum being present, the question is now on
1737 reporting the resolution favorably to the House.

1738 As your name is called, those in favor will say "aye,"
1739 opposed "no." The clerk will call the roll.

1740 The Clerk. Mr. Conyers?

1741 [No response.]

1742 Mr. Berman?

1743 [No response.]

1744 Mr. Boucher?

1745 [No response.]

1746 Mr. Nadler?

1747 Mr. Nadler. Aye.

1748 The Clerk. Mr. Nadler votes aye.

1749 Mr. Scott?

1750 Mr. Scott. Aye.

1751 The Clerk. Mr. Scott votes aye.

1752 Mr. Watt?

1753 Mr. Watt. Aye.

1754 The Clerk. Mr. Watt votes aye.

1755 Ms. Lofgren?

1756 [No response.]

1757 Ms. Jackson Lee?

1758 [No response.]

1759 Ms. Waters?

1760 Ms. Waters. Aye.

1761 The Clerk. Ms. Waters votes aye.

1762 Mr. Delahunt?

1763 [No response.]

1764 Mr. Wexler?

1765 [No response.]

1766 Mr. Cohen?

1767 Mr. Cohen. Aye.

1768 The Clerk. Mr. Cohen votes aye.

1769 Mr. Johnson?

1770 Mr. Johnson. Aye.

1771 The Clerk. Mr. Johnson votes aye.

1772 Mr. Pierluisi?

1773 Mr. Pierluisi. Aye.

1774 The Clerk. Mr. Pierluisi votes aye.

1775 Mr. Quigley?

1776 Mr. Quigley. Aye.

1777 The Clerk. Mr. Quigley votes aye.

1778 Mr. Gutierrez?

1779 Mr. Gutierrez. Aye.

1780 The Clerk. Mr. Gutierrez votes aye.

1781 Mr. Sherman?

1782 Mr. Sherman. Aye.

1783 The Clerk. Mr. Sherman votes aye.

1784 Ms. Baldwin?

1785 Ms. Baldwin. Aye.
1786 Mr. Gonzalez?
1787 Mr. Gonzalez. Aye.
1788 The Clerk. Mr. Gonzalez votes aye.
1789 Mr. Weiner?
1790 Mr. Weiner. Aye.
1791 The Clerk. Mr. Weiner votes aye.
1792 Mr. Schiff?
1793 Mr. Schiff. Aye.
1794 The Clerk. Mr. Schiff votes aye.
1795 Ms. Sanchez?
1796 [No response.]
1797 Ms. Wasserman Schultz?
1798 [No response.]
1799 Mr. Maffei?
1800 Mr. Maffei. Aye.
1801 The Clerk. Mr. Maffei votes aye.
1802 Mr. Smith?
1803 Mr. Smith. Aye.
1804 The Clerk. Mr. Smith votes aye.
1805 Mr. Goodlatte?
1806 Mr. Goodlatte. Aye.
1807 The Clerk. Mr. Goodlatte votes aye.
1808 Mr. Sensenbrenner?
1809 Mr. Sensenbrenner. Aye.

1810 The Clerk. Mr. Sensenbrenner votes aye.
1811 Mr. Coble?
1812 [No response.]
1813 Mr. Gallegly?
1814 Mr. Gallegly. Aye.
1815 The Clerk. Mr. Gallegly votes aye.
1816 Mr. Lungren?
1817 [No response.]
1818 Mr. Issa: Yes.
1819 The Clerk. Mr. Issa votes aye.
1820 Mr. Forbes?
1821 The Clerk. Mr. Forbes votes aye.
1822 Mr. King?
1823 Mr. King. Aye.
1824 The Clerk. Mr. King votes aye.
1825 Mr. Franks?
1826 Mr. Franks. Aye.
1827 The Clerk. Mr. Franks votes aye.
1828 Mr. Gohmert?
1829 [No response.]
1830 Mr. Jordan?
1831 Mr. Jordan. Aye.
1832 The Clerk. Mr. Jordan votes aye.
1833 Mr. Poe?
1834 [No response.]

1835 Mr. Chaffetz?

1836 Mr. Chaffetz. Aye.

1837 The Clerk. Mr. Chaffetz votes aye.

1838 Mr. Rooney?

1839 Mr. Rooney. Aye.

1840 The Clerk. Mr. Rooney votes aye.

1841 Mr. Harper?

1842 [No response.]

1843 Mr. Nadler. Does any other member wish to vote?

1844 Ms. Jackson Lee. Chairman, how am I recorded?

1845 The Clerk. Ms. Jackson Lee is not recorded.

1846 Ms. Jackson Lee. Aye.

1847 The Clerk. Ms. Jackson Lee votes aye.

1848 Mr. Nadler. Does any other member wish to vote?

1849 Mr. Gohmert?

1850 Mr. Gohmert. Aye.

1851 The Clerk. Mr. Gohmert votes aye.

1852 Mr. Nadler. Anyone else?

1853 The clerk will report.

1854 The Clerk. Mr. Chairman, 29 members voted aye. We

1855 didn't have any members voting nay.

1856 Mr. Nadler. Thank you. A majority having voted in

1857 favor, the resolution is ordered reported favorably to the

1858 House.

1859 Members will have 2 days to submit views.

1860 There being no further business before us, the committee
1861 is adjourned.

1862 [Whereupon, at 11:30 a.m., the committee was adjourned.]