

Speaker Cupp, Minority Leader Sykes, and members of the Committee, thank you for your time and attention as you consider whether to expel a House member for the first time since the Civil War.

This resolution pending before the Committee presents only one question: are unproven accusations sufficient to expel a member for “disorderly conduct”? This isn’t about whether I’m guilty or not guilty. We have a court system in place that will decide that question after a jury hears *evidence*—not unproven accusations. This Committee hasn’t heard any evidence. It has simply heard unproven accusations.

The plain fact is we have a system in place to address these accusations. We even have a process in Ohio to automatically remove me if I’m convicted. Revised Code Section 2961.01 automatically removes me from office if I’m convicted.

This resolution seeks to shortcut the legal system, denies me due process, subverts the will of the People, subverts the principle that you are innocent until proven guilty, and is an unprecedented action by this House.

To say the resolution pending before this Committee is unprecedented is an understatement. Ohioans were traveling around in buggies and carriages the last time the House exercised its authority to expel a member. And the member expelled, John P. Slough, was expelled for punching a fellow legislator on the House floor—perhaps the very definition of “disorderly conduct,” which the General Assembly has said means “[e]ngaging in fighting.” R.C. 2917.11(A)(1).

Even casting a broader net reveals how unprecedented any expulsion effort is. Only 5 U.S. congressmen have ever been expelled from the U.S. House of Representatives. Three were expelled for supporting the Confederacy and the other two were removed after they were *convicted* of felonies.¹ None were removed based on *allegations* of wrongdoing.

The House should not take such unprecedented action. To do so here would disenfranchise the 32,000 District 72 voters that made their choice in the 2020 election—even after these unfounded allegations were publicly revealed and even after daily, widespread coverage in every known type of media in Ohio from our Great Lake to our Great River, the voters in the 72nd House District affirmed that they wanted me to remain as their representative in the Ohio House. And taking this unprecedented action to overturn the will of the People would also destroy the presumption of innocence afforded to all U.S. citizens.

No doubt the House has exercised caution in expelling members for good reason. A fundamental principle in our representative democracy is that the People elect their

¹ The U.S. Constitution permits Congress to expel a member, upon a two-thirds vote, for “disorderly Behavior.” U.S. Const. art. I, § 5, cl. 2. This language mirrors the language in Ohio’s Constitution, which permits the expulsion of a House member, upon a two-thirds vote, for “disorderly conduct.” Ohio Const. art. II, § 6. Just like this House has never expelled a member based on unproven allegations of wrongdoing, the Congress has not either. This precedent across nearly two and half centuries of our history demonstrates the high bar imposed on expelling an elected representative. This House would be trekking entirely new ground by expelling a member based on mere allegations that have not been proved.

representatives. The members of this House do not. Over 32,000 voters voted for me in the 2020 election—more than what I received in 2018. Yes, I received more votes in this election cycle than I did in 2018. Tens of thousands of voters voted for me even after these unfounded allegations came to light. These voters were well aware I was under indictment and they chose to stand with me even stronger than they had in the past. What’s more, these voters were well aware too that both Jeff Longstreth and Juan Cespedes pleaded guilty.² Yet, the People elected me as their representative. I always stood behind the People of my district, and the People of my district have always stood with me. For that I am blessed. 99 House members do not elect their colleagues. Instead, the People do. The People of District 72 voted for me. To remove me now subverts the will of the voters and it would disenfranchise the 32,000 people that made their choice.

Next, consider the presumption of innocence. Every citizen is presumed innocent until proven guilty. That hasn’t happened. I have not been tried or convicted of any crime. Instead, I face unsupported accusations. That is not enough to remove any one from office. There were several times during my three tours as Speaker that a member had been charged or accused of a felony. Each time I was approached by members asking to expel a member or begin impeachment proceedings, and each time—including once just last session—I explained to the members that representatives are afforded the same rights as any other citizen; they don’t live above or below the law. Each time, I refused to act based on the presumption of innocence and the lack of disorderly conduct, and each time that member was found not to have committed the felony they were accused of.

Just think of the precedent this will set: allegations are enough to remove any one from office. That’s absurd. For the Ohio Legislature to expel me or any member based on unproven allegations completely undermines the presumption of innocence. Further by broadening the definition of disorderly conduct to force it to mean whatever you want it to mean, places every member into a situation where even though the People chose you, your colleagues can un-choose you. Perhaps disorderly conduct might be broadened to include heated floor debate, or mis-chosen words during a committee meeting. Unproven allegations are not enough to expel a member of this House.

It is of course no response to say, as Rep. Stewart did, that Longstreth’s and Cespedes’s guilty pleas mean that the allegations in the federal indictment are admitted facts. That is false. I will have my day in court to contest the allegations and to confront both Longstreth and Cespedes. The allegations in the federal indictment are not admitted facts. And this Committee has done nothing to investigate those allegations. It has not subpoenaed witnesses or documents—even though both actions are well within this Committee’s power. Indeed, it was reported just last week that the federal government has disclosed over 1.2 million pages of documents to my attorneys. Yet, this Committee has not seen any of those documents, or heard from any witness with knowledge of the unproven allegations.³

² Longstreth and Cespedes pleaded guilty on October 29, 2020—*before* the November 2020 election.

³ In contrast, when the U.S. House investigated whether to expel Representative Michael Myers, who had been convicted of bribery, the House sought and received an order from the “Eastern District of New York [federal court] ... to grant the Committee access to certain information and materials in the custody of the Grand Jury and

To be clear, I have pleaded not guilty to the allegations contained in the federal indictment. I did not nor I have ever solicited or accepted bribe payments. I did not nor have I ever sold legislation. I am innocent of the conduct alleged in the indictment. I will have my day in court and am confident that when a jury of my peers hears all the evidence, they will return a not guilty verdict.

Next, I want to turn back to the Constitution, which only permits expulsion if the House finds that I engaged in “disorderly conduct.” I listened closely to Rep. Stewart’s and Rep. Frazier’s testimony, but I did not hear them articulate any coherent definition for “disorderly conduct.” Instead, what I heard them say are same things that Adam Schiff and Nancy Pelosi said when the Democrats tried to remove President Trump: that “disorderly conduct” is whatever two-thirds of this House says it is. That’s not a conservative reading of the Constitution. Real conservatives know that we look at the original understanding and the text of the Constitution to find its meaning—not resort to ad hoc interpretations that fit our preferences. It is no surprise that it was reported recently that one of the sponsors of this resolution has ties to George Soros, a well-known, self-proclaimed international proponent of socialism. My guess is that the Constitution that my colleagues interpret is the same as the one Mr. Soros only dreams of.

It cannot be repeated enough, being accused of a crime is not disorderly conduct; it is not sufficient to remove a member. How do we know this? As I have emphasized, throughout Ohio’s history and the history of the U.S. Congress, no legislator has ever been removed because they were accused of a crime. Instead, and this precedent is instructive, the U.S. House of Representatives only expelled two members after they were *convicted* of bribery. The Congress did not expel them because they were *accused* of bribery.

In short, the House has before it an unprecedented resolution. It is purely politically motivated. It subverts the will of the People, subverts the presumption of innocence, and subverts two centuries of history. It was poorly thought through and presents dangers and unintended consequences to all members and future members. If passed, it espouses a broad definition of a well-defined term in Ohio law (namely, disorderly conduct). The General Assembly has defined disorderly conduct in Revised Conduct Section 2917.11.⁴ Ask yourself: how does the definition of disorderly conduct in the Revised Code fit this situation? It doesn’t. Instead, the broad definition espoused by the sponsors of this resolution sets a precedent that will be broadened further in the future, further politicizing and polarizing the legislative process.

We are in a very dangerous time in our country. The tactics and tools of the socialists who try to undermine our democratic process are predicable. Just like they tried to do with President Trump, they will try to defeat you at the ballot box. When that doesn’t work, they will defame you and try to ruin your reputation; they will initiate baseless and politically motivated investigations. And when all of that still doesn’t work, they will concoct novel and unprecedented attempts to subvert the will of the People and remove you from office. We saw

the Department [of Justice] relating to [the criminal investigation].” *In the Matter of Representative Michael J. Meyers*, Rept. 96-1337, Vol. 1 (Sept. 24, 1980).

⁴ See Exhibit 1.

these tactics used to try to take down President Trump. It would be a shame if conservative Republicans in this House allow these tactics to gain a foothold in Ohio.

Finally, I am compelled to warn you that suspending Rules and passing resolutions to play politics or seek revenge is not what the People of this State elected you to do. You should concentrate on fixing a totally broken unemployment system that saw millions in fake claims being paid while needy and well deserving Ohioans with legitimate claims have gone six months to nearly a year without payment; you should concentrate on fixing a higher education system that is rapidly becoming a non-option for a majority of Ohio students; and you should concentrate on fixing a workers compensation system that has overcharged Ohio employers millions of dollars over the past twenty years, as Ohio has gone from the greatest state in the greatest nation on Earth, to the Mississippi of the Midwest.

In the end, this is about the citizens of Ohio. That's where we should put our focus. The People of District 72 made their choice in November 2020. None of you live in District 72. You should not attempt to subvert the choice that they made. The People have spoken. Let's get back to work..