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133rd General Assembly
Regular Session
2019-2020

. R. No.

A R E S O L U T I O N

To exhibit articles of impeachment against Governor 1
Richard Michael DeWine in support of impeachment 2
of him for misdemeanors in office. 3

ARTICLES OF IMPEACHMENT 4

Exhibited by the House of Representatives of the State of 5
Ohio against Governor Richard Michael DeWine in support of its 6
impeachment of him for misdemeanors in office. 7

WHEREAS, "Article I, Section 1 of the Ohio Constitution 8
states that, "All men are, by nature, free and independent, and 9
have certain inalienable rights, among which are those of 10
enjoying and defending life and liberty, acquiring, possessing, 11
and protecting property, and seeking and obtaining happiness and 12
safety."; and 13

WHEREAS, Article I, Section 2 of the Ohio Constitution 14
states that, "All political power is inherent in the people. 15
Government is instituted for their equal protection and benefit, 16
and they have the right to alter, reform, or abolish the same, 17
whenever they may deem it necessary; and no special privileges 18
or immunities shall ever be granted, that may not be altered, 19
revoked, or repealed by the general assembly."; and 20



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WHEREAS, The General Assembly has attempted to work with
Richard Michael DeWine, who has vetoed reasonable legislation to
reign in his power, such as S.B. 55 of the 133rd General
Assembly, and has threatened to veto other reasonable
legislation, such as S.B. 1, S.B. 311, and H.B. 618 of the 133rd
General Assembly, which assert the legislature's role in
safeguarding Ohioans; and

WHEREAS, Article II, Section 23 of the Ohio Constitution
states that, "The house of Representatives shall have the sole
power of impeachment, but a majority of the members elected must
concur therein. Impeachments shall be tried by the senate; and
the senators, when sitting for that purpose, shall be upon oath
or affirmation to do justice according to law and evidence. No
person shall be convicted without the concurrence of two-thirds
of the senators."; and

WHEREAS, Article II, Section 24 of the Ohio Constitution
states that, "The governor, judges, and all state officers, may
be impeached for any misdemeanor in office; but judgment shall
not extend further than removal from office, and
disqualification to hold any office under the authority of this
state. The party impeached, whether convicted or not, shall be
liable to indictment, trial, and judgment, according to law";
and

WHEREAS, At the time of the writing of the Ohio
Constitution, "misdemeanor" was not necessarily a crime and was
defined in Webster's 1828 dictionary as: MISDEME'ANOR, noun: Ill
behavior; evil conduct; fault; mismanagement. 1. In law, an
offense of a less atrocious nature than a crime. Crimes and
misdemeanors are mere synonymous terms; but in common usage, the
word crime is made to denote offenses of a deeper and more
atrocious dye, while small faults and omissions of less
consequence are comprised under the gentler name of
misdemeanors."; and

WHEREAS, United States Supreme Court Justice Joseph Story (1812-1845) stated: "The offences to which the power of impeachment has been and is ordinarily applied as a remedy are of a political character. Not but that crimes of a strictly legal character fall within the scope of the [impeachment] power...; but that it has a more enlarged operation, and reaches what are aptly termed political offences, growing out of personal misconduct or gross neglect, or usurpation, or habitual disregard of the public interests, in the discharge of the duties of political office."; and

WHEREAS, Ohio history and precedents verify that no actual crime needs to be alleged for the purposes of impeachment and removal from office, e.g., Judges William Irvin and Robert Slaughter for being absent without leave, Judges Calvin Pease and George Tod for holding statutes unconstitutional and unenforceable, Judge John Thompson for judicial arrogance, Judge James Ferguson for judicial arrogance and incompetence, and Judges George Brown and William Smith for judicial incompetence; and

WHEREAS, Impeachment of a state officer is not subject to executive veto or judicial review.

ARTICLE I

WHEREAS, Richard Michael DeWine has been and continues to be, either intentionally or with reckless disregard of his constitutional authority, violating the Separation of Powers Doctrine of the Ohio Constitution, in that Articles II, III, and IV of this Constitution establishes three branches of state government, respectively, the legislative branch for making laws, the executive branch for enforcing laws, and the judicial branch for applying laws, and that this Separation of Powers Doctrine was designed and continues to be interpreted by Ohio courts to prevent any governor or other person from assuming

lawmaking powers or otherwise any kind of dictatorial powers 86
over the people, and in that Richard Michael DeWine has acted 87
and continues to act beyond the scope of the executive branch; 88
and 89

WHEREAS, Richard Michael DeWine has been and continues to 90
be, either intentionally or in reckless disregard of his 91
constitutional authority, infringing upon the state's 92
constitutionally established rights of the people in that 93
Article I, Section 20 of the Ohio Constitution, in its 94
enumeration of powers given to government, states that, "This 95
enumeration of rights shall not be construed to impair or deny 96
others retained by the people; and all powers, not herein 97
delegated, remain with the people," and in that the governor has 98
been and continues to be impairing or denying the rights of the 99
people; and 100

WHEREAS, Generally, Richard Michael DeWine has violated the 101
separation of powers doctrine by directing, or allowing, the 102
Ohio Department of Health to issue orders outside the scope of 103
its authority for administering legislation, which is tantamount 104
to creating new laws, a duty exclusively reserved to the General 105
Assembly per Article II, Section 1 which states in part, "The 106
legislative power of the state shall be vested in a general 107
assembly consisting of a senate and house of representatives.."; 108
and 109

WHEREAS, Specifically, Richard Michael DeWine directed or 110
allowed the Director of Health to impose penalties for 111
noncompliance with its mandates, relying upon section 3701.13 of 112
the Revised Code to do so, even though Ohio courts have 113
concluded that section 3701.13 of the Revised Code does not give 114
the Director the authority to impose any penalties for 115
noncompliance with sweeping health orders: *Rock House v. Acton* 116
(Court of Common Pleas, Lake County, 20-CV-631), *Kalahari v.* 117
Acton (Court of Common Pleas, Erie County, 20-CV-0201), and 118

Cattlemans Restaurant v. Ashland County Health Department (Court of Common Pleas, Ashland County, 20-CIV-099). 119
120

ARTICLE II 121

WHEREAS, Richard Michael DeWine violated his oath of office 122
when he conspired with Secretary of State Frank LaRose to cancel 123
the March 17, 2020, primary election in violation of section 124
3501.01 of the Revised Code. 125

ARTICLE III 126

WHEREAS, Richard Michael DeWine violated his oath of office 127
when he conspired with Secretary of State Frank LaRose to 128
schedule and publish the date of the 2020 primary election as 129
June 2, 2020, an authority that belongs solely to the General 130
Assembly under Article I, Section 4 of the United States 131
Constitution; Article II, Section 27 and Article V, Section 7 of 132
the Ohio Constitution; and division (E) (2) of section 3501.01 of 133
the Revised Code. 134

ARTICLE IV 135

WHEREAS, Generally, Richard Michael DeWine has directly or 136
indirectly, and in violation of his constitutional authority, 137
closed and restricted private sector businesses and medical 138
care, which action has inflicted and continues to inflict 139
irreversible economic hardship and injury to health on a growing 140
number of Ohioans; and 141

WHEREAS, Richard Michael DeWine authorized Amy Acton, MD, 142
MPH, former Director of the Department of Health, and her 143
successor, Lance D. Himes, Interim Director of the Department of 144
Health, and his successor, Stephanie McCloud, Director of the 145
Department of Health, to order the closing and restriction of 146
private businesses, which closure was beyond the quarantine and 147
isolation powers granted to the Department by the Revised Code, 148
and which closure violated the Fourth, Fifth, and Fourteenth 149

Amendments to the United States Constitution and Article I, 150
Section 10 of the Ohio Constitution, and which actions resulted 151
in record-high unemployment, causing not only increased poverty, 152
increased depression, increased despair, and increased suicides, 153
but also the necessity for state budget cuts impacting schools 154
and social programs when they are needed most; and 155

WHEREAS, Richard Michael DeWine, having caused massive 156
unemployment, failed to anticipate or plan for more than a 157
million newly unemployed Ohioans who suffered the additional 158
indignity of being unable to communicate with an overwhelmed 159
Department of Job and Family Services to file claims, creating 160
additional and unnecessary hardship; and 161

WHEREAS, Richard Michael DeWine has both violated the civil 162
liberties of the general population and demonstrated gross 163
disregard for the general population's medical health and 164
welfare by shutting down nonemergency healthcare, including 165
dental and vision, and routine maintenance of serious health 166
conditions, which resulted in needless suffering, worsening of 167
treatable conditions, unnecessary reliance on opiates to mask 168
treatable pain, increased poverty due to the higher cost of 169
delayed treatment, increased depression, increased despair, and 170
increased suicides; and 171

WHEREAS, In *Steele v. Hamilton Cty. Cmty. Mental Health* 172
Bd., 90 Ohio St.3d 176, the Supreme Court of Ohio held that 173
"[t]he right to refuse medical treatment" is "inherent in every 174
individual," and Article I, Section 1 of the Ohio Constitution 175
ensures that every Ohioan is provided with "personal security, 176
bodily integrity, and autonomy"; and 177

WHEREAS, The shutdown of healthcare services violates 178
Article I, Section 21 of the Ohio Constitution and resulted in 179
massive financial losses for healthcare providers, creating 180
additional unemployment and economic despair; and 181

WHEREAS, Enforcing the mandates listed in this article 182
under penalty of a second-degree misdemeanor carrying a ninety- 183
day jail sentence and a \$750 fine violates civil liberties and 184
due process rights. 185

ARTICLE V 186

WHEREAS, Richard Michael DeWine exceeded his executive 187
authority by ordering the shutdown of schools, a power that 188
belongs exclusively to the State Board of Education; and 189

WHEREAS, After schools reopened, Richard Michael DeWine 190
further exceeded his executive authority and infringed upon 191
constitutionally protected liberty interests of students and 192
their parents by directing or permitting the Department of 193
Health to order that all students wear face coverings; and 194

WHEREAS, Richard Michael DeWine is engaged in continuous 195
infringement upon protected liberty interests of students and 196
their parents, in that the order of the Department of Health 197
requiring students to wear face coverings makes no provision for 198
notice and a hearing both with respect to its general imposition 199
and, specifically, with respect to the Department's denial of 200
exemptions, even though the Supreme Court of Ohio, in *State v.* 201
Hochhausler, 1996-Ohio-374, declared that the Ohio Constitution 202
demands that the right to notice and an opportunity to be heard 203
must be granted at a meaningful time and in a meaningful manner 204
where the state seeks to infringe upon a protected liberty or 205
property interest; and 206

WHEREAS, The Supreme Court of Ohio has long acknowledged 207
that "[p]arents enjoy a well-established legal right to make 208
important decisions for their children," and "the State is 209
simply not an adequate surrogate for the judgment of a loving, 210
nurturing parent" and, regarding the liberty interest infringed 211
upon when overruling the educational and health choices parents 212
make for their children, "the interest of parents in the care, 213

custody, and control of their children...is perhaps the oldest 214
of the fundamental liberty interests recognized by the Supreme 215
Court of the United States." 216

ARTICLE VI 217

WHEREAS, Richard Michael DeWine has continuously 218
demonstrated gross negligence and corresponding gross reckless 219
disregard for the welfare of Ohio's citizenry by promulgating 220
wildly inaccurate forecasts and repeatedly misleading COVID-19 221
data; and 222

WHEREAS, Richard Michael DeWine has committed misfeasance 223
and malfeasance with his policy prescriptions, which have proven 224
to be far worse than the virus itself. 225

ARTICLE VII 226

WHEREAS, Richard Michael DeWine acted beyond the scope of 227
his constitutional authority by imposing the requirement of face 228
coverings by executive order, which order has no executive 229
authority, violates civil liberties of those required to wear 230
them, and foments public backlash; and 231

WHEREAS, Richard Michael DeWine demonstrated the enormous 232
danger of executive overreach and abuse of executive power in 233
that his requirement of face coverings was preceded by his 234
questioning the value of face coverings and declaring their use 235
to be voluntary, which shifting position reveals why executive 236
power is a constitutionally prohibited method for infringing 237
upon civil liberties; and 238

WHEREAS, Richard Michael DeWine authorized the Department 239
of Health to mandate that nearly twelve million Ohioans stay at 240
home twenty-four hours per day, seven days per week, with a list 241
of government-approved exceptions, thereby violating their civil 242
liberties and due process rights and effectively placing them 243
under house arrest; and 244

WHEREAS, Richard Michael DeWine has violated due process 245
rights under the Fifth and Fourteenth Amendments to the United 246
States Constitution and under Article I, Section 16 of the Ohio 247
Constitution in that he has directed or permitted the Department 248
of Health to create the Dispute Resolution Commission, which 249
consists of three members of the executive branch of government, 250
namely, Director of Commerce Sheryl Maxfield, Director of 251
Development Services Lydia Mihalik, and Public Utilities 252
Commission of Ohio Chairman Sam Randazzo, which commission makes 253
arbitrary decisions about conditions under which businesses may 254
stay open and under which they must close, and which commission 255
has been granted unilateral power; and 256

WHEREAS, Enforcing the mandates listed in this article 257
under penalty of a second-degree misdemeanor carrying a ninety- 258
day jail sentence and a \$750 fine violates civil liberties and 259
due process rights; and 260

WHEREAS, Richard Michael DeWine violated section 2921.45 of 261
the Revised Code, which provides that, 262

"(A) No public servant, under color of his office, 263
employment, or authority, shall knowingly deprive, or conspire 264
or attempt to deprive any person of a constitutional or 265
statutory right. 266

(B) Whoever violates this section is guilty of interfering 267
with civil rights, a misdemeanor of the first degree." 268

ARTICLE VIII 269

WHEREAS, Richard Michael DeWine has imposed face covering 270
requirements on attendees in houses of worship, in violation of 271
the First Amendment to the United States Constitution, as well 272
as the protections guaranteed by Article I, Sections 1, 3, and 7 273
of the Ohio Constitution; and 274

WHEREAS, Enforcing the mandates listed in this article 275

under penalty of a second-degree misdemeanor carrying a ninety- 276
day jail sentence and a \$750 fine violates civil liberties and 277
due process rights; and 278

WHEREAS, The Supreme Court of Ohio has determined that the 279
Ohio Constitution's Free Exercise Clause "goes beyond that 280
provided by the federal Constitution's Free Exercise Clause." 281
Humphrey v. Lane, 89 Ohio St.3d 62, 67, 2000-Ohio-435, which 282
case stated that "the standard for reviewing a generally 283
applicable, religion-neutral state regulation that allegedly 284
violates a person's right to free exercise of religion is 285
whether the regulation serves a compelling state interest and is 286
the least restrictive means of furthering that interest." 287

ARTICLE IX 288

WHEREAS, Richard Michael DeWine's face covering mandate 289
promotes fear, turns neighbors against neighbors, and contracts 290
the economy by making people fearful to leave their homes, to 291
the detriment of every Ohioan; and 292

WHEREAS, Healthcare professionals have stated that, for the 293
general population wearing face coverings, people are more 294
likely to infect themselves with COVID-19 because they will 295
touch their face more often to adjust the covering, and that 296
face coverings retain moisture, bacteria, and other viruses, in 297
addition to re-breathing carbon dioxide, making them potentially 298
dangerous for the general public to wear; and 299

WHEREAS, Healthcare professionals, as well as current 300
studies, have contradicted themselves and each other regarding 301
the ability (if any) of face coverings to materially slow the 302
spread of COVID-19; and 303

WHEREAS, Many find the mandate to wear face coverings 304
offensive, insulting, humiliating, degrading, and an indignity; 305
and 306

WHEREAS, Richard Michael DeWine holds business licenses 307
hostage and uses coercion to mandate face covering requirements 308
on Ohio's workers, with few exceptions, making Ohio a hostile 309
work environment; and 310

WHEREAS, Enforcing the mandates listed in this article 311
under penalty of a second-degree misdemeanor carrying a ninety- 312
day jail sentence and a \$750 fine violates civil liberties and 313
due process rights; and 314

WHEREAS, Richard Michael DeWine has abused section 3701.13 315
of the Revised Code and his power against the people and used 316
the threat of shutting down the economy and destroying 317
livelihoods by deploying state and local health commissioners as 318
police officers to coerce the people into wearing face 319
coverings. 320

ARTICLE X 321

WHEREAS, Richard Michael DeWine has banned liquor sales to 322
non-Ohio residents in the Ohio border counties of Ashtabula, 323
Trumbull, Mahoning, Columbiana, Jefferson, and Belmont, and 324
therefore may be in violation of Article 1, Section 8, Clause 3 325
of the United States Constitution, which grants Congress the 326
power "to Regulate Commerce with foreign Nations, and among the 327
several States." 328

ARTICLE XI 329

WHEREAS, Richard Michael DeWine has arbitrarily, 330
capriciously, and illegally ordered a statewide curfew of 10:00 331
P.M. to 5:00 A.M. on businesses and citizens without regard to 332
possible infection, and has further abused his power under 333
section 3701.13 of the Revised Code. 334

ARTICLE XII 335

WHEREAS, Richard Michael DeWine has abused his power under 336
section 3701.28 of the Revised Code to weaponize the Ohio Bureau 337

of Workers Compensation against businesses to enforce orders 338
courts have found to be arbitrary, capricious, and illegal. 339

RESOLVED 340

And the House of Representatives saves to itself the 341
liberty of exhibiting, at any time after the adoption of these 342
Articles of Impeachment, any further causes for impeachment of 343
Richard Michael DeWine of which it may become aware; 344

And the House of Representatives demands that the Senate 345
summon Richard Michael DeWine to answer to these Articles of 346
Impeachment, that the Senate put Richard Michael DeWine to trial 347
on the Articles of Impeachment, and that the Senate enter 348
judgment on the Articles of Impeachment; 349

And the House of Representatives demands the right to reply 350
to any demurrer and any answer that Richard Michael DeWine may 351
make to these Articles of Impeachment, and the right to present 352
proof to the Senate of the matters stated in the Articles of 353
Impeachment. 354