

## Wait, Wait... Don't Expel Me!

### Characters:

Announcer/Judge Lucero  
Host/Jo Posey  
P1/Nina Meadow—Tex  
P2/Buck McKinley—P2/Josh  
P3/Madyson—Margie  
Caller 1/Malcom-Brian  
Caller 2/Blaine from Drain—Eric  
Caller 3/Floyd—Brian

### [SLIDE 1 – Title page and intro music]

#### Intro Music

**Announcer/Judge Lucero [Judge Lucero]:** Recording live from the April Pupilage Group and WGJS Portland, this is “Wait, Wait... Don't *Expel* Me!” the Gus J. Solomon Inn of Court News Quiz! Sounds like we played the wrong pre-taped introduction! Bill Kurtis and Peter Sagal can't be here today because they both got called in for jury duty, but we have some exciting fill-ins for tonight's show. Take cover from sharp objects flying through the air, it's me, Judge Loose-arrow! Now don't just stand there, let's get to it, strike a pose, there's nothing to it. It's your host Jo Posey!

**Host/Jo:** Thank you, Judge Lucero! And thanks to our audience for being here today! On today's episode—as with every episode of Wait, Wait... Don't Expel Me! —we're going to be talking about our elected representatives, the crimes they sometimes commit, and what happens to them when they get caught. Let's go to our first caller. Hello there!

### [SLIDE 2 – Caller No. 1!]

**Caller 1/Brian:** *(in a nerdy and/or condescending voice)* Hi. My name is Malcolm and I'm calling in from my vacation home in charming Chugwater, Wyoming!

**Host/Jo:** Welcome Malcolm! What do you do for work in Chugwater?

**Caller 1/Brian:** Nothing, I only vacation here. But during the rest of the year, I teach political science at Georgetown, with an emphasis on current events in American politics.

**Host/Jo:** Well, that's rather on the nose given our topic. I have a feeling you are going to ace this quiz. Let me introduce you to our panel this week. First up is Nina Meadow, a regular contributor on MSABC and author of the Newbury award-winning children's book, “Goodnight, Earth: A Climate Change Disaster Story.”

**P1/Tex/Nina Meadow:** Hello!

**Host/Jo:** Next up is former NASCAR driver turned host of the Freedom Hour talk show on Ox News, Buck McKinley!

**P2/Josh/Buck McKinley:** Howdy.

**Host/Jo:** And finally, we have Madyson, an 11<sup>th</sup> grader from Portland who just won first place in her school talent show, and for some reason her prize was a guest appearance as a panelist on our show. Welcome Madyson.

**P3/Margie/Madyson:** Ummm... Hi? I guess? Not sure what I'm doing here. I thought the prize was a 24-hour takeover of Khloe Kardashian's Instagram feed. I don't know what this show even is.

**Host/Jo:** OK, Malcolm, the game you are going to play is called "Fill in the Blank!"

**[SLIDE 3 – Fill in the Blank!]**

**Host/Jo:** Various efforts to expel legislators have been in the news lately, both in Oregon and nationwide. Judge Lucero is going to read three quotes about recent headlines, and you are going to try to fill in the blank. If you can get just two of them correct, you will win our prize: Judge Lucero's voice on your land line answering machine! Are you ready?

**Caller 1/Brian:** Yes, I'm ready.

**[SLIDE 4 – Fill in the Blank! – with words below on the screen]**

**Announcer/Judge Lucero:** In January 2021, House Resolution 25, directing the Committee on Ethics to investigate and issue a report on whether lawmakers had violated their oath of office to uphold the constitution as a result of their efforts to overturn the 2020 U.S. presidential election results, was introduced by Congresswoman BLANK, a newly elected Democrat from Missouri.

**Caller 1/Brian:** That would be Congresswoman Cori Bush.

**[SLIDE 5 – Fill in the Blank! – with answer filled in]**

**Host/Jo:** Correct!

**Caller 1/Brian:** And actually, the bill was co-authored by nearly 50 other prominent House Democrats, including New York's Alexandria Ocasio-Cortez, Minnesota's Ilhan Omar, and Florida's Val Demings.

**Host/Jo:** Also correct! But if you are trying to earn bonus points for providing additional information, that's not how this game works.

**Caller 1/Brian:** If passed, the resolution would task the House Ethics Committee with conducting the investigation and recommending sanctions, which could include removal from office.

**Host/Jo:** Ok, show off. I was going to mention that but now you've beaten me to it.

**P1/Tex:** Doesn't the bill specifically cite efforts to overturn Biden's win as a violation? Like for trying to invalidate votes in Arizona, Michigan, Pennsylvania, and Wisconsin?

**P3/Margie:** Um, I saw on TikTok that people of color were instrumental to the election outcome in many of those states.

**P2/Josh:** You mean, it could be unethical for congresspersons to try to suppress the votes of millions of Americans? Whoops!

*[laughs/chuckles/etc]*

**Host/Jo:** Ok, Caller, are you ready for your next question?

**[SLIDE 6 – Fill in the Blank!]**

**Caller 1/Brian:** Hit me.

**[SLIDE 7 – Fill in the Blank! – with words below on the screen]**

**Announcer/Judge Lucero:** On the date she introduced the resolution, Congresswoman Bush released a statement calling the legislators' acts BLANK, saying "there is no place in the People's House for these heinous acts."

**Caller 1/Brian:** That's an easy one. Sedition.

**[SLIDE 8 – Fill in the Blank! – with answer filled in]**

**P1/Tex:** The most googled word of January 2021.

**P2/Josh:** How can sedition be a crime if no one knew what it was until after seeing it happen on live TV?

**P3/Margie:** Oh! I know that word. *[like at a spelling bee]* Sedition. S.E.D.I.T.I.O.N. Sedition.

**Host/Jo:** Final question, let's see if you can get a perfect score.

**[SLIDE 9 – Fill in the Blank!]**

**Caller 1/Brian:** I'm ready.

**[SLIDE 10 – Fill in the Blank! – with words below on the screen]**

**Announcer/Judge Lucero:** In support of her resolution, Congresswoman Bush cites Section Three of the BLANK Amendment to the Constitution, which says “no person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States...who...shall have engaged in insurrection or rebellion against the same.”

**Caller 1/Brian:** Oh no. I teach current events, not Constitutional Law so I’m not sure of the answer on this one. I’m going to have to make an educated guess. I know there are like ten Amendments to the Constitution....

**P2/JOSH:** Com on, son! Everybody knows there are 27 Amendments to the Constitution.

**C1/Brian:** Yikes. My students are not going to let me live that one down. Well, I suppose I have a 1 in 27 percent chance of getting this right. Let’s go with... the 21<sup>st</sup>!

**Host/Jo:** Sorry, that is incorrect. We were looking for lucky number 14, which is the Amendment that extends constitutional due process protections to state actions.

**[SLIDE 11 – Fill in the Blank! – with answer filled in]**

**P1/Tex:** They really buried the lead on that one, didn’t they? It’s like, no State shall deprive any person of life, liberty, or property without due process of law, and, oh yeah, you can’t hold public office in America if you have engaged in insurrection or rebellion against it.”

**P3/Margie:** By the way, what does the 21<sup>st</sup> amendment do again?

**P2/Josh:** It abolished prohibition.

**P3/Margie:** Maybe they shouldn’t have done that. America has been acting WAY too drunk lately.

**Host/Jo:** Judge Lucero, how did Malcolm do?

**Announcer/Judge Lucero:** He got two out of three. An almost perfect score and enough points to win the prize. Hooray!

**Host/Jo:** Great! To celebrate, let’s watch a clip of Congresswoman Bush!

**[SLIDE 12 – Play clip about Congresswoman Cori Bush]**

**Announcer/Judge Lucero:** Welcome back! And here again is your Host/Jo, Jo Posey!

**Host/Jo:** Now it’s time for our panelists to answer some questions about how many legislators it takes to expel a member of Congress.

**[SLIDE 13 – Title Page – How Many Legislators Does it Take?]**

**P2/JOSH:** Is this similar to how many legislators it takes to screw in a lightbulb?

**[SLIDE 14 – Light Bulb Graphic]**

**P3/Margie:** I think that takes a two-thirds majority!

**P2/Josh:** To expel a member of Congress, or screw in a lightbulb?

**Host/Jo:** The answer is the same for both questions! A two-thirds majority!

**[SLIDE 15 – 2/3 graphic]**

**P1/ Tex:** Wait, is that under federal law or Oregon state law?

*Put up slide with text of both laws mentioned below.*

**Host/Jo:** It doesn't matter, because the answer is the same under both federal and Oregon law.

**[SLIDE 16 – Oregon Constitution]**

**Host/Jo:** The Oregon Constitution provides, "Either house may punish its members for disorderly behavior, and may with the concurrence of two thirds, expel a member."

**[SLIDE 17 – US Constitution]**

And the US Constitution similarly says, "Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member."

**P1/Tex:** In either case, it seems like it'd be really tough to get two-thirds of any legislative body to agree on anything. I mean, look how many Republicans refused to vote to confirm Judge Ketanji Brown Jackson's nomination to the U.S. Supreme Court two weeks ago!

**[SLIDE 18 – Division Image]**

**Host/Jo:** Right? Political polarization in America is such a huge issue, it could be the subject of its very own weekly quiz show. At any rate, let's get to the questions. Judge Lucero?

**Announcer/Judge Lucero:** The first question is for Nina Meadow. Nina, tell me everything you know about the rules in the US House of Representatives related to the expulsion of congresspersons.

**[SLIDE 19 – Title slide]**

**P1/Tex:** Sorry, was that supposed to be a question? Because it sounded more like a microaggression. Lucky for you, one of my favorite ways to unwind is to read and summarize all kinds of procedural rules, and I happened to be studying the rules for the US House only yesterday. So I can tell you that the House Rules only mention expulsion in three places.

**[SLIDE 20 – Answers slide]**

First, the rules charge the House Committee on Ethics to investigate unauthorized disclosures of intelligence and, if it finds a significant breach has occurred, to report its findings to the House and recommend appropriate action, which could include censure, removal from committee membership, or expulsion.

Second, the rules require adjustments to the number of Members required for voting and determining a quorum anytime a Member is added or removed from the body, including if a Member is expelled.

And finally, the Rules direct the Clerk of the House to supervise the staff and manage the office of a Member who has died, resigned, or been expelled until a successor is elected.

**Host/Jo:** Wow, Nina. Did someone slip you an advance copy of the script because your answer was verbatim what is written on my card!

**P1/Tex:** Assuming that a woman cannot come up with the right answer without cheating? Yet another microaggression!

**Host/Jo:** Oh, my apologies. I didn't mean to micro-aggress you. Let us make it up to you with a follow-up question. Judge?

**Announcer/Judge Lucero:** The House Ethics Committee has its own set of rules which specify five types of sanctions that can be levied against a Member who has committed a violation. Can you list the five types of sanctions available?

**[SLIDE 21 – Title slide]**

**P1/Tex:** Why sure I can. In addition to expulsion, Members can be reprimanded, fined, or censured, or they could be denied of certain rights, powers, privileges, or immunities otherwise enjoyed by members of the House.

**[SLIDE 22 – Answers slide]**

**Host/Jo:** That is the correct answer, and you deserve full credit for getting it right because you are a strong and intelligent person who I take very seriously. Judge Lucero, let's check in on Nina's score?

**Announcer/Judge Lucero:** Well, Jo, Nina answered both questions correctly, for a total of two points.

**Host/Jo:** Wonderful. The next question is for Buck McKinley.

**Announcer/Judge Lucero:** Buck, now that we know all about sanctioning legislators in the House of Representatives, can you fill me in on what the Senate Rules have to say about expulsion of its members?

**[SLIDE 23 – Senate Rules slide]**

**P2/Josh:** Well, Judge, they don't say much. Expulsion is only explicitly mentioned once in the Senate Rules, which say that any Senator who discloses the secret or confidential business or proceedings of the Senate shall be liable to suffer expulsion from the body.

**[SLIDE 24 – Senate Select Committee on Ethics slide]**

But similar to what Nina said about the House, the Senate Select Committee on Ethics has its own rules which empower it to receive complaints and investigate allegations of improper conduct which may reflect upon the Senate. This would include violations of the law, violations of the Senate Code of Official Conduct, or violations of other rules and regulations of the Senate. The Ethics Committee can recommend disciplinary action based upon a majority vote of the full committee.

**[SLIDE 24 – Answers slide]**

**Host/Jo:** Correct. And thorough!

**Announcer/Judge Lucero:** Buck, you also get a bonus question! Do the rules of the Senate Select Committee on Ethics specify any particular disciplinary action? And if so, what do they say?

**[SLIDE 25 – Sanctions slide]**

**P2/Josh:** In fact, they do, Judge. The committee can recommend expulsion, censure, or payment of restitution, or it can make a recommendation to the Member's party conference to strip their seniority or take away their positions of responsibility. It can also recommend a combination of those sanctions.

**[SLIDE 26 – Standards and Conduct Committee slide]**

**P2/Josh:** And just to flesh this out a little more, another committee, the Senate Select Committee on Standards and Conduct is charged with investigating unauthorized disclosures of intelligence and can recommend sanctions such as censure, removal from committee membership, or expulsion from the Senate if a breach is found.

**Host/Jo:** Yet another comprehensive and correct answer! Judge Lucero let's check in again on the scores.

**Announcer/Judge Lucero:** Buck got both questions right, Jo. So Nina and Buck are currently tied with two points each. Let's see how Madyson does on our quiz.

**Host/Jo:** All right, Madyson, for your questions, we are focusing on how things work locally here in Oregon. Are you ready?

**P3/Margie:** Ummmm, I guess? I still don't know what I'm doing here. But I did recently serve as Secretary of the Senate in Oregon's statewide Youth Legislature competition, and we had to expel one of the students for trying to get the other kids to do the Tide Pod Challenge.

**Host/Jo:** Another amazing coincidence! Here's your question.

**Announcer/Judge Lucero:** Madyson, the Oregon Constitution gives lawmakers the power to expel members of their own body with a two-thirds vote. But does Oregon law require a committee to investigate allegations of improper conduct before such a vote?

**[SLIDE 27 – Oregon slide slide]**

**P3/Margie:** Actually, no. Technically, members of Oregon's House and Senate don't have to wait on the conduct committee and its slow timetables. Any legislator can, in theory, make a motion to expel a member any time the House or Senate convenes. But, unless someone does something really really bad, like trying to get his colleagues to eat Tide Pods on the floor of the Senate, no legislator is likely to straight up move for a vote to expel a colleague. Instead, out of deference to the Legislature's personnel rules and to each other, they are likely to use the conduct committee hearing process, which is laid out in Legislative Branch Personnel Rule 27, which specifically addresses issues involving misconduct, harassment, sexual harassment, discrimination, and retaliation by members of the legislature, legislative staff, lobbyists, and others.

**Host/Jo:** That's right! Judge, do we have a follow-up for Madyson?

**Announcer/Judge Lucero:** Madyson, what does the procedure look like under Rule 27?

**[SLIDE 28 – Oregon Rule 27 slide]**

**P3/Margie:** Well, if it's the same rule we have in Youth Legislature, people can send complaints to the Legislative Equity Office, which we call the LEO for short. Then the LEO refers the matter to an independent investigator who must conduct an inquiry within a certain amount of time, subject to approved extensions. The investigator is charged with keeping both the complainant and the respondent apprised of the status of the investigation on a regular basis or upon request. Then they have to prepare a draft written report prior to the conclusion of the investigation, and provide that to the complainant and the respondent, who then get a chance to submit responses. If the respondent is a member of the Legislature, then the final report must be delivered to the complainant, the respondent, the LEO, and the Conduct Committee for the chamber in which the respondent serves. Then the complainant and Respondent can submit written challenges to the factual findings in the final report to the Conduct Committee.



**Host/Jo:** That's right!

**[SLIDE 29 – Continuation of Oregon Rule 27 slide]**

**P3/Margie:** *[Interrupting Host]* I'm not finished! After all that stuff, the Conduct Committee has to hold a hearing where the complainant and the respondent can appear and present documents and physical evidence and suggest witnesses. The Conduct Committee decides whether to hear witnesses, and if they do, only members of the Conduct Committee can question them. After the hearing, the Conduct Committee makes a final determination of the facts and whether those facts constitute a violation of Rule 27. If the respondent is a member of the Legislature and if the Committee's recommendation is that the member be expelled, then the Committee reports that to the chamber in which the member serves. THEN that Chamber will act on the recommendation at the earliest opportunity and can expel the respondent by a majority vote of two-thirds.

**Host/Jo:** Ok! You really know your stuff, and that sounds like quite an involved process. Judge Lucero, please update us on the scores.

**Announcer/Judge Lucero:** Well, Madyson also got both of her questions right, which means we currently have a three-way tie with two points all around. Let's celebrate with a quick commercial break.

**[SLIDE 30 – Show Commercial Break Slide]**

**Announcer/Judge Lucero:** Welcome back everybody! You are still listening to Wait, Wait... Don't Expel Me! Here again is your host, Jo Posey.

**[SLIDE 31 – Bluff the Listener Title Slide]**

**Host/Jo:** It's time to play **BLUFF THE LISTENER**! Let's check in with our caller. Hello, Caller, you are on Wait, Wait... Don't Expel Me!

**[SLIDE 32 – Caller No. 2]**

**Caller 2/Eric:** Fantastic! I'm Blaine from Drain, Oregon—the Gateway to the Pacific—and I love this game and I'm so glad to be here!

**Host/Jo:** Welcome to the show, Blaine from Drain. What do you do in Drain?

**Caller 2/Eric.** Well, I'm a pastor at the First Baptist Church of Drain, and I also work as a librarian.

**Host/Jo:** – Fascinating. We are going to play the game where you must tell truth from fiction. Judge Lucero, what is his topic?

**[SLIDE 33 – Title Slide]**

**Announcer/Judge Lucero:** Today's topic is.... "One of these legislators is more stubborn than the other!"

**Host/Jo:** Ok, Blaine—each of our panelists is going to tell you about a legislator who got into some hot water. You need to pick the one that actually got expelled from office for their misdeeds, and if you get it right, you will win our prize. Nina, take it away!

**[SLIDE 34 – Picture of Packwood]**

**P1/Tex:** A political boy wonder turned popular United States Senator was accused of assaulting dozens of women, including staffers, restaurant hosts, and even an elevator operator, with unwanted kisses, gropes, and more. After denials, the senator was hoisted on a petard of his own words—an exhaustive, preening diary transcribed by a secretary from daily dictation spanning over thirty years. He boasted of "22 staff members I'd made love to and probably 75 others I've had a passionate relationship with," of copulation on his office rug with "a very sexy woman," and of sympathy sex with a lonely hearted staffer as an act of "Christian duty." In one of his final entries, he acknowledged "perhaps overeagerly kissing women." He was also accused of trying to destroy evidence by altering his private diaries before they were subpoenaed by the Senate Ethics Committee, and of seeking to use his official capacity to solicit a job for his then-wife.

**Host/Jo.** Disgusting! Here comes our next story. Buck?

**[SLIDE 35 – Picture of Neuman]**

**P2/Josh:** This gravedigger turned politician was elected to the Oregon House, representing portions of Benton, Marion, Polk, and Yamhill counties. One day, when the House was in special session, this rabble-rousing Congressman decided to play hooky and was caught on camera slipping out the side door. To his alleged surprise, throngs of Patriot Prayer protestors—some armed—rushed into the Capitol building which had been closed to the public due to a worldwide pandemic. The Congressman refused to accept accountability for his actions, opining that it wasn't his fault the protestors took advantage of the swinging door to gain entry. But his goose was cooked when a video surfaced of him discussing a covert operation he had dubbed "Operation Hall Pass" with a group of his constituents. Using language so thinly veiled you could only wear it to a nudist colony, he gave constituents his cell phone number and offered to let them inside if they texted him.

**Host/Jo:** Despicable! What do you have for our third and final story, Madyson?

**[SLIDE 36 – Picture of Hernandez]**

**P3/Margie:** During his fourth year in office, this junior Oregon congressman was reelected to office despite being under investigation by the Oregon Interim House Conduct Committee for harassing seven women, and being the subject of a Family Abuse Prevention Act restraining order filed against him by his then girlfriend, in which she alleged he was prone to violent

outbursts, including throwing things while under the influence, and that he like to mixed alcohol, narcotic pills, and marijuana. When asked about the House investigation, this Representative stated, “I have no idea what the concerns raised are or by whom. I do know that there has been an organized campaign against me recently to get me out of the office I was duly elected to, and I was threatened this would happen if I didn’t resign.”

**Host/Jo:** Depressing! So, what do you think Blaine? Which of these politicians was ultimately expelled from their post? Was it the sleazy Senator who had his secretary transcribe his illicit sexual conquests, the feckless Congressman who let armed protestors into the Oregon Capitol? Or the re-elected partier who likes to get high and throw stuff?

**Caller 2/Eric.** Wow. I can’t believe all of these things really happened, but I’m pretty sure I know the right answer. Since I’ve been stuck in pandemic purgatory and the world has turned into an even bigger dumpster fire, I’ve developed an insatiable appetite for reading the news, and I know that a politician was recently expelled from the Oregon House for letting protestors in through a side door.

**[SLIDE 37 – Picture of only Nearman ]**

**Host/Jo.** Correct! That scenario describes former Representative Mike Nearman, who opened the door to dozens of protestors on December 21, 2020. The protestors skirmished with Capitol police for over ten minutes before hitting the police with bear mace, causing them to retreat. Eventually though, demonstrators—some in military gear, some bearing the Confederate flag, many unmasked, and some armed with assault rifles did eventually make it deeper into the Capitol where they engaged in a standoff with police for nearly an hour.

**Announcer/Judge Lucero:** Shall we roll a clip?

**[SLIDE 38 – Video from Oregon State Legislature]**

**P2/Josh:** Well, after looking at that video, the protestors were certainly in the wrong, but I’m not convinced Nearman actually meant to let them in the building.

**P1/Tex:** Yeah, that was Nearman’s story at first, and most of his Republican colleagues backed him... until this video surfaced.

**[SLIDE 39 – Video of “Operation Hall Pass”]**

**P2/Josh:** I wish I could unsee that.

**P1/Tex:** A police investigation also turned up records that Nearman had been texting with at least two supporters that morning, instructing each to show up to a specific entrance as lawmakers convened for a special session. Less than 20 minutes later, he opened that locked door for the crowd waiting outside.

**P3/Margie:** Whoa. Really a prime example of being caught red-handed. So, what happened to Nearman?

**P1/Tex:** Well, after seeing that video, every Oregon Republican turned against him. Nearman refused to resign, so the House voted to expel him. The final tally was 59-1, with Nearman being the only legislator voting against his own expulsion.

**P2/Josh:** This keeps getting more embarrassing.

**P1/Tex:** Nearman is the only Oregon legislator who has refused to resign in the face of an expulsion vote. In July of 2021, he pled guilty to a charge of first-degree official misconduct and, in exchange for prosecutors dropping a second charge of criminal trespassing, he accepted a sentence of 18 months of probation, 80 hours of community service, and \$2,900 in fines and restitution for damage to the Capitol building.

**P3/Margie:** I read his AMA on Reddit. He is STILL claiming he did nothing wrong, that he was just upholding the Oregon constitution by allowing citizens to access their capitol.

**Caller 2/Eric:** Wait, so if all of the scenarios are real, what happened to the other two legislators?

#### **[SLIDE 40 – Slide of Packwood]**

**P1/Tex:** Ah, well the first scenario was about Republican Senator Bob Packwood (no pun intended), who just couldn't keep his tongue out of other people's mouths. Despite testimony from 18 separate women, the DOJ declined to prosecute. Thankfully, the Senate Ethics Committee stepped in and voted unanimously to recommend expulsion of Packwood, finding he "engaged in a pattern of abuse of his position of power and authority as a United States Senator by repeatedly committing sexual misconduct, making at least 18 separate unwanted and unwelcome sexual advances between 1969 and 1990." And that in most of the instances, "the victims were members of Senator Packwood's staff or individuals whose livelihoods were dependent upon or connected to the power and authority held by Senator Packwood."

**P3/Margie:** Eeeeeew. I don't think I'm old enough to watch this movie. And one of his victims was a congressional elevator operator? Could you imagine being stuck alone in a metal box every day with a creep like that?

**P1/Tex:** I can only imagine the feeling of dread that must have come over her every time the doors were about to open.

**P2/Josh:** I feel bad for his poor secretary, forced to listen to him blather on and on about his exaggerated sexual conquests and then transcribe them.

**P1/Tex:** At any rate, Packwood announced his resignation before the Senate could hold a vote on his expulsion, so he resigned rather than being expelled.

**P2/Josh:** By the way, wasn't the great Mitch McConnell the chair of the Senate Ethics Committee back then?

**P1/Tex:** Why yes, he was.

**P2/Josh:** Finally! I was hoping at some point in this episode we could talk about a Republican getting something right. Seems like all of these stories are about conservatives acting crazy. Aren't there any examples of democratic legislators being expelled or coming close?

**P3/Margie:** Well, I just learned in A.P. U.S. History that a bunch of democrats were expelled in the 1860s for supporting the Confederate rebellion, but that was before the parties switched platforms.

**P1/Tex:** Actually, the third scenario, the one about the congressman who got reelected while under investigation for harassment is about a democrat, Oregon State Representative Diego Hernandez.

**[SLIDE 41 – Slide of Diego Hernandez]**

**P2/Josh:** That's right. I remember that story. He tried to sue the state legislature to block the vote on his expulsion. He claimed he was denied constitutional due process rights under House Rule 27, but a federal judge rejected his argument to block the vote, finding that he received notice of the allegations against him, was given an opportunity to review and respond to the investigator's report, appeared through counsel before the Conduct Committee, and was allowed to present evidence and argument during a five day hearing.

**P3/Margie:** So did he get expelled?

**P2/Josh:** No, he also resigned before the matter could be brought for debate and vote on the House floor, which, as the federal judge pointed out, would have provided yet another opportunity for him to defend against the claims. At any rate, it seems like these days the government is falling apart! I mean, who ever heard of trying to expel legislators for behavior like this! It's unprecedented! Unheard of!

**P3/Margie:** Ummmmm.... Helloooooooo. Did you not hear what I just said? Ugh! Grownups never listen to me. I just said that a lot of democrats were expelled during the Civil War. In 1861, the House expelled three congressmen for "disloyalty to the Union and fighting for the Confederacy." And in 1862, the Senate expelled fourteen U.S. Senators for support of the confederate rebellion, including former Vice President John C. Breckenridge, who served under James Buchanan.

**[SLIDE 42 – Photo of VP John C. Breckenridge]**

**P2/Josh:** So how many expulsions have there been outside of the Civil War Era?

**P3/Margie:** Only three.

**[SLIDE 43 – Photo of William Blount]**

United States Senator William Blount from Tennessee was expelled in 1797 for treason and conspiracy to incite a rebellion (sound familiar?)

In 1980, the House expelled Michael Myers **[SLIDE 44 – Not these guys slide]**

—no not the comedian or the masked slasher, but the Democratic Representative from Pennsylvania—

**[SLIDE 45 – actual Michael J. Myers slide]**

after he was convicted of bribery in connection with the Abscam scandal. And in 2002, House Democrat Jim Traficant from Ohio was expelled after being convicted on ten counts including bribery, racketeering, and tax evasion.

**Host/Jo:** Thanks for the history lesson, Madyson. I think it's time for another game! Let's welcome our next caller. Hello, you are on the air.

**[SLIDE 46 – Caller No. 3]**

**Caller 3/Brian:** Hello? Can you hear me? Am I on the air?

**Host/Jo:** Yes, we can hear you just fine. What's your name caller?

**Caller 3/Brian:** My name's Floyd, and I'm calling in from beautiful Bucksnot, Tennessee!

**Host/Jo:** Welcome, Floyd! What do you do for a living?

**Caller3/Brian:** I'm a cross word puzzle editor for the local paper, the Bucksnot Beacon.

**[SLIDE 47 – Limerick Title Slide]**

**Host/Jo:** That. Is. Excellent. Ok, Floyd, you are going to play the listener limerick challenge! Judge Lucero is going to read you three limericks, and you need to guess the correct last word or phrase to complete each one. If you get two right, you win our prize! Are you ready?

**Caller 3/Brian:** I love rhymes. I'm psyched!

**Host/Jo:** Take it away, Judge Lucero!

**[SLIDE 48 – Limerick Slide]**

**Announcer/Judge Lucero:**

There once was a fellow named Bright,  
Who thought slavery was more than all right  
He thought it'd be fun  
To sell Davis some guns,  
But the Senate said no, we'll \_\_\_\_\_!

**Caller:** Indict?

**[SLIDE 49 – Limerick Slide with Answer]**

**Host/Jo:** Correct! That is the story of Indiana Senator Jesse Bright. A once powerful, pro-slavery “copperhead” democrat, he wanted the Union to appease the Confederacy and reach a peace agreement rather than going to war with the South.

**[SLIDE 50 – Photo of Jesse Bright]**

**P2/Josh:** You know, there were plenty of copperhead democrats who didn’t get expelled. But they weren’t dumb enough to get caught trying to broker an arms deal with the Confederacy!

**Host/Jo:** That’s right. Bright was busted when federal forces caught an arms merchant trying to cross into Confederate territory. They found a letter on him, written by Bright, and addressed to, “His Excellency Jefferson Davis, President of the Confederation of States.” The letter read:

**[SLIDE 51 – Copy of Letter]**

*My dear Sir:*

*Allow me to introduce to your acquaintance my friend, Thomas B. Lincoln of Texas. He visits your capital mainly to dispose of what he regards a great improvement in fire-arms.*

**P2/Josh:** Turns out, orchestrating arms deals with the Confederacy was too much for the majority of his colleagues in the Senate, because just over 2/3rds voted in favor of his expulsion.

**P1/Tex:** Yeah, not only was Bright expelled from the senate, but there was also a federal civil action against his property and the government seized his land.

**P3/Margie:** Just like they turned Robert E. Lee’s estate into the federal cemetery at Arlington.

**P2/Josh:** Really? I had no idea Arlington National Cemetery is located on land that once belonged to Robert E. Lee. But yes, they did the same thing to Bright’s homestead, turning it into one of the largest federal hospitals in the country at the time.

**P1/Tex:** You know, Bright tried to get back into office by running again for his former Indiana seat. He lost that election and moved to Kentucky, where he somehow managed to get elected to their state assembly.

**P3/Margie:** They should have cancelled him.

**Host/Jo:** Ok, it's time for our next limerick.

**[SLIDE 52 – Limerick Slide]**

**Announcer/Judge Lucero:**

There once was a Traficant named Jim.  
With fashion so unique to him  
From Youngstown to Congress  
He took bribes that were countless  
“Beam Me up” he said from the \_\_\_\_\_.

**C3/Brian:** Pen?

**[SLIDE 53 – Limerick Slide with Answer]**

**Host/Jo:** Another correct answer! As Madyson mentioned a moment ago, Jim Traficant was both a US Representative from Ohio and also a colorful character. democratic Representative from Ohio, was expelled from the House after being convicted on ten felony counts in 2002.

**[SLIDE 54 – Photo of Jim Traficant]**

**P2/Josh:** I remember him. He was expelled from the House in 2002 after being convicted of ten felony counts. In addition to the usual bribery, racketeering, and tax evasion charges, he also got in trouble for forcing his Congressional staff to perform chores at his farm in Ohio and on his houseboat in D.C.!

**P1/Tex:** Yup! One of his aides testified at his expulsion hearing that, though he was hired in 1990 to help constituents part time at Traficant's Youngstown office, he spent most of his time on his farm, sometimes working 16-hour days on plumbing and carpentry projects.

**P2/Josh:** So Traficant essentially hired aides to act as farmworkers while the tax payers footed the bill?

**P1/Tex:** Apparently, that's exactly what happened.

**P3/Margie:** What happened to Traficant after he was expelled?



**P2/Josh:** I heard he spent seven years in the slammer, where he was put in solitary confinement for incitement to riot, made friends with neo-Nazi David Duke, managed to run for reelection for his former seat (thankfully he lost to a former aide), aaaand he took up watercolor.

**P3/Margie:** Sounds like he did not learn his lesson from his time in prison.

**P2/Josh:** Not really. And when he got out, he was welcomed home with a banquet that included an Elvis impersonator and a Traficant lookalike contest. He worked part-time as a weekend talk radio host for a while, but quit when he decided to take another run at getting reelected to his former House seat.

**P3/Margie:** Tell me he did not get reelected.

**P2/Josh:** Thankfully, no. He lost a second time to his former aide.

**Host/Jo:** I think we have a clip of Traficant representing himself at 2002 expulsion hearing. Let's roll it.

**[SLIDE 55 – Video of Jim Traficant]**

**Host/Jo:** Errr... not really sure how to transition out of that clip. How about we just move on to the next limerick. Judge?

**[SLIDE 56 – Limerick Slide]**

**Announcer/Judge Lucero:**

There once was a woman from Shelby,  
Whose ethics do really repel me  
She dipped into a grant  
To fund her own extravagance  
And when busted cried "Wait.. Wait.. Don't \_\_\_\_\_"

**Caller 3/Brian:** EXPEL ME!!!

**[SLIDE 57 – Limerick Slide with Answer]**

**Host/Jo:** What an astute guess! For bonus points, does anyone know who is depicted in that limerick?

**Caller 3/Brian:** I sure do. Here in Bucksnot, we heard all about it. Katrina Robinson, a Senator from Shelby County, Tennessee was recently expelled from office after being convicted of wire fraud involving federal grant money.

**[SLIDE 58 – Slide with Photo of Robinson]**

**Host/Jo:** Really? Do tell.

**Caller 3/Brian:** Well, apparently, in 2015, Robinson founded a nursing college called The Healthcare Institute. The business received \$2.2 million in federal grant money. But in 2016, she was accused of using \$550 of that grant money to buy a Louis Vuitton handbag, which ultimately led to her being indicted on 48 charges of wire fraud, theft, and embezzlement in 2020. She was accused stealing more than \$600,000 in federal grant money and using it to pay for campaign events and personal expenses, including her wedding, honeymoon, and subsequent divorce.

**P1/Tex:** Ok, that sounds bad, but weren't most of those charges eventually dropped? She only went to trial on five of them and was only found guilty of four charges related to less than \$3,500.

**Caller 3/Brian:** Yes, that's true. Robinson refused to resign, saying the Senate's actions were racist and misogynistic, and called her expulsion a "procedural lynching." She is the first Tennessee State Senator ever to be expelled from office. The vote went right down party lines, with 27 Republicans voting in favor of expulsion, and 5 democrats voting against.

**Host/Jo:** Well folks, that concludes the game portion of the show. Let's check in with Judge Lucero to find out who won.

**Announcer/Judge Lucero:** It was a fantastic showing all around! All of our panelists turned out to be experts on obscure legislative rules, the history of the US Senate and House of Representatives, and all-around good sports! Honestly, I was so enraptured by this fascinating subject, I lost track of the points and am just going to declare this a three-way tie! Congratulations to everyone.

**[SLIDE 59 – Celebration Photo]**

**Host/Jo:** What a momentous day! Does anyone have any key takeaways from our discussion today?

**P3/Margie:** Um. It seems almost impossible to expel a legislator these days, especially cuz politicians keep towing the party line so they can remain popular and get reelected. There have to be other ways to hold crooked legislators accountable for their misconduct!

**[SLIDE 60 – Options discussed below]**

**P2/Josh:** Well, there are a few things that can be done, some of which could even be more consequential than removal. For example, here in Oregon, we have legislation which specifically deals with government ethics that regulates public officials and establishes an ethics commission to handle complaints about local governments and monitors lobbying activities. (ORS Chapter 244) if you want to put it on a slide

**P1/Tex:** That's right. These laws prohibit the use of public office for financial gain, they require public disclosure of financial conflicts of interest, they require designated officials to file annual disclosures of sources of economic interest, and they limit gifts an official may receive in a calendar year.

**P3/Margie:** Whoa, that sounds comprehensive. Who do these laws apply to?

**P2/Josh:** They apply to all elected and appointed officials, employees, and volunteers at all levels of state and local government, in all three branches.

**P3/Margie:** But can they remove a legislator?

**P2/Josh:** No, but they can levy strong civil penalties and make findings of censure. They can also refer matters for criminal prosecution.

**P3/Margie:** Yeah, it seems like the most crooked legislators refuse to quite or accept responsibility for their actions until they are actually indicted.

**P1/Tex:** Additionally, both Federal and Oregon laws have criminal codes prohibiting the taking of bribes, public corruption, and influence peddling. The United States Department of Justice has an entire section of its criminal division devoted entirely to working Public Integrity cases.

**P2/Josh:** Some other illegal legislative activities could even be prosecuted under a more general frauds theory.

**P3/Margie:** I mean, if people know they have a corrupt legislator, can't they just vote them out of office?

**P1/Tex:** Sure, but that may be the slowest and most expensive option. Political campaigns are EXPENSIVE.

**P3/Margie:** So what happens if my crooked legislator is removed or resigns before an election can be held for her replacement?

**P2/Josh:** If there is a vacancy in the Oregon State Legislature, then the Board of County Commissioners representing district where the vacant seat was held must select a replacement.

But they can only do it when the Legislature is in session, or if the vacancy happens more than 61 days before the next scheduled general election.

**P3/Margie:** So the County Commissioners can just pick anybody they want in to fill an empty seat? That doesn't seem fair.

**P1/Tex:** No, the Board has to select a person from same political party that last held the vacant seat. They must consider three candidates who are members of that party, and they have to select a replacement within 30 days. Oregon Rev. Stat. §171.051 if you want to put up a slide

**Host/Jo:** So I guess we do have a lot of tools available to expel crooks and creeps from public office. If only we could figure out how to prevent them from getting elected in the first place.

**P2/Josh:** I would vote for that!

[groans at bad joke]

**P1/Tex:** Watch out for hanging chads!

[more groans]

**P3/Margie:** I want to EXPEL these jokes!

**Host/Jo:** I guess we still have a lot to learn!

**Announcer/Judge Lucero:** And a lot more to find out! From all of us here at WGJS Portland and the April Pupilage Group, this has been "Wait, Wait... Don't Expel Me!" Good Night!

**[SLIDE 61 – THE END]**