

133rd General Assembly  
Regular Session  
2019-2020

. R. No.

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**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revoked, or repealed by the general assembly."; and 20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 and H.B. 618 of the 133rd General  
Assembly, which assert the legislature's role in safeguarding  
Ohioans; and

WHEREAS, The Ohio Supreme Court has long acknowledged that  
"[p]arents enjoy a well-established legal right to make  
important decisions for their children," and "the State is  
simply not an adequate surrogate for the judgment of a loving,  
nurturing parent" and, regarding the liberty interest infringed  
upon when overruling the educational and health choices parents  
make for their children, "the interest of parents in the care,  
custody, and control of their children...is perhaps the oldest  
of the fundamental liberty interests recognized by the U.S  
Supreme Court"; and

WHEREAS, In *Steele v. Hamilton Cty. Cmty. Mental Health  
Bd.*, the Ohio Supreme Court held that "[t]he right to refuse  
medical treatment" is "inherent in every individual," and  
Article I, Section 1 of the Ohio Constitution ensures that every  
Ohioan is provided with "personal security, bodily integrity,  
and autonomy"; 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 53  
be impeached for any misdemeanor in office; but judgment shall 54  
not extend further than removal from office, and 55  
disqualification to hold any office under the authority of this 56  
state. The party impeached, whether convicted or not, shall be 57  
liable to indictment, trial, and judgment, according to law"; 58  
and 59

WHEREAS, At the time of the writing of the Ohio 60  
Constitution, "misdemeanor" was not necessarily a crime and was 61  
defined in Webster's 1828 dictionary as: MISDEME'ANOR, noun: Ill 62  
behavior; evil conduct; fault; mismanagement. 1. In law, an 63  
offense of a less atrocious nature than a crime. Crimes and 64  
misdemeanors are mere synonymous terms; but in common usage, the 65  
word crime is made to denote offenses of a deeper and more 66  
atrocious dye, while small faults and omissions of less 67  
consequence are comprised under the gentler name of 68  
misdemeanors."; and 69

WHEREAS, United States Supreme Court Justice Joseph Story 70  
(1812-1845) stated: "The offences to which the power of 71  
impeachment has been and is ordinarily applied as a remedy are 72  
of a political character. Not but that crimes of a strictly 73  
legal character fall within the scope of the [impeachment] 74  
power...; but that it has a more enlarged operation, and reaches 75  
what are aptly termed political offences, growing out of 76  
personal misconduct or gross neglect, or usurpation, or habitual 77  
disregard of the public interests, in the discharge of the 78  
duties of political office."; and 79

WHEREAS, Ohio history and precedents verify that no actual 80  
crime needs to be alleged for the purposes of impeachment and 81  
removal from office, e.g., Judges William Irvin and Robert 82  
Slaughter for being absent without leave, Judges Calvin Pease 83  
and George Tod for holding statutes unconstitutional and 84  
unenforceable, Judge John Thompson for judicial arrogance, Judge 85

James Ferguson for judicial arrogance and incompetence, and 86  
Judges George Brown and William Smith for judicial incompetence; 87  
and 88

WHEREAS, Impeachment of a state officer is not subject to 89  
executive veto or judicial review. 90

ARTICLE I 91

WHEREAS, Article 1, Section 20 of the Ohio Constitution states 92  
that, "This enumeration of rights shall not be construed to 93  
impair or deny others retained by the people; and all powers, 94  
not herein delegated, remain with the people"; and 95

WHEREAS, No single person or governor shall be permitted to 96  
assume dictatorial powers over the people; and 97

WHEREAS, Ohio courts, in cases such as *Rock House v. Acton* 98  
(Court of Common Pleas, Lake County, 20-CV-631), *Kalahari v.* 99  
*Acton* (Court of Common Pleas, Erie County, 20-CV-0201), and 100  
*Cattlemans Restaurant v. Ashland County Health Department* (Court 101  
of Common Pleas, Ashland County, 20-CIV-099), have concluded 102  
that section 3701.13 of the Revised Code, which the Director of 103  
Health relies upon, does not give the Director the authority to 104  
impose any penalties for noncompliance with sweeping health 105  
orders; and 106

WHEREAS, Richard Michael DeWine has violated the separation 107  
of powers by directing, or allowing, the Ohio Department of 108  
Health to issue orders outside the scope of its authority for 109  
administering legislation, which is tantamount to creating new 110  
laws, a duty exclusively reserved to the General Assembly per 111  
Article II, Section 1 which states in part, "The legislative 112  
power of the state shall be vested in a general assembly 113  
consisting of a senate and house of representatives...". 114

ARTICLE II 115

WHEREAS, Richard Michael DeWine violated his oath of office 116

when he conspired with Secretary of State Frank LaRose to cancel 117  
the March 17, 2020, primary election in violation of section 118  
3501.01 of the Revised Code. 119

ARTICLE III 120

WHEREAS, Richard Michael DeWine violated his oath of office 121  
when he conspired with Secretary of State Frank LaRose to 122  
schedule and publish the date of the 2020 primary election as 123  
June 2, 2020, an authority that belongs solely to the General 124  
Assembly under Article I, Section 4 of the United States 125  
Constitution; Article II, Section 27 and Article V, Section 7 of 126  
the Ohio Constitution; and division (E)(2) of section 3501.01 of 127  
the Revised Code. 128

ARTICLE IV 129

WHEREAS, Richard Michael DeWine has inflicted and continues 130  
to inflict irreversible economic hardship on a growing number of 131  
Ohioans; and 132

WHEREAS, Richard Michael DeWine authorized Amy Acton, MD, 133  
MPH, former Director of the Department of Health, and her 134  
successor, Lance D. Himes, Interim Director of the Department of 135  
Health, to order the closing and/or restriction of private 136  
businesses, which closure was beyond the quarantine and 137  
isolation powers granted to the Department by the Revised Code, 138  
and which closure violated the Fourth, Fifth, and Fourteenth 139  
Amendments to the United States Constitution and Article I, 140  
Section 10 of the Ohio Constitution, and which closure resulted 141  
in record-high unemployment, causing not only increased poverty, 142  
increased depression, increased despair, and increased suicides, 143  
but also the necessity for state budget cuts impacting schools 144  
and social programs when they are needed most; and 145

WHEREAS, Richard Michael DeWine failed to anticipate or 146  
plan for more than a million newly unemployed Ohioans who 147

suffered the additional indignity of being unable to communicate 148  
with an overwhelmed Department of Job and Family Services to 149  
file claims, creating additional and unnecessary hardship; and 150

WHEREAS, Richard Michael DeWine demonstrated grotesque 151  
discrimination against the medical health and welfare of the 152  
general population by denying nonemergency healthcare, including 153  
dental and vision, by which discrimination resulted in needless 154  
suffering, worsening of treatable conditions, unnecessary 155  
reliance on opiates to mask treatable pain, increased poverty 156  
due to the higher cost of delayed treatment, increased 157  
depression, increased despair, and increased suicides; and 158

WHEREAS, The denial of healthcare services violates Article 159  
1, Section 21 of the Ohio Constitution and resulted in massive 160  
financial losses for healthcare providers creating additional 161  
unemployment and economic despair; and 162

WHEREAS, Enforcing the mandates listed in this article 163  
under penalty of a second-degree misdemeanor carrying a ninety- 164  
day jail sentence and a \$750 fine violates civil liberties and 165  
due process rights. 166

ARTICLE V 167

WHEREAS, Richard Michael DeWine ordered the shutdown of 168  
schools, a power that belongs exclusively to the State Board of 169  
Education; and 170

WHEREAS, After schools reopened, Richard Michael DeWine 171  
ordered that all students wear face coverings, which violates 172  
students' civil liberties; and 173

WHEREAS, The Ohio Constitution demands that the right to 174  
notice and an opportunity to be heard must be granted at a 175  
meaningful time and in a meaningful manner where the state seeks 176  
to infringe a protected liberty or property interest, as 177  
described in State v. Hochhausler, 1996-Ohio-374, and despite 178

the important liberties at stake, the Director of Health's Order 179  
masking others' children provides no opportunity for a hearing 180  
when access to an exemption is denied. 181

ARTICLE VI 182

WHEREAS, Richard Michael DeWine has repeatedly proven his 183  
incompetence by providing wildly inaccurate forecasts and 184  
repeatedly misleading COVID-19 data; and 185

WHEREAS, Richard Michael DeWine has committed misfeasance 186  
and malfeasance with his policy prescriptions, which have proven 187  
to be far worse than the virus itself. 188

ARTICLE VII 189

WHEREAS, Richard Michael DeWine shifted his position from 190  
supporting voluntary use of face coverings while questioning 191  
their value to imposing the requirement of face coverings by 192  
executive order, which order has no executive authority, 193  
violates civil liberties of those required to wear them, and 194  
foments public backlash; and 195

WHEREAS, Richard Michael DeWine authorized the Department 196  
of Health to mandate nearly twelve million Ohioans to stay at 197  
home twenty-four hours per day, seven days per week, with a list 198  
of government-approved exceptions, thereby violating their civil 199  
liberties and due process rights and effectively placing them 200  
under house arrest; and 201

WHEREAS, Because the Department of Health created the 202  
Dispute Resolution Commission, which consists of three members 203  
of the executive branch of government - namely, Director of 204  
Commerce Sheryl Maxfield, Director of Development Services Lydia 205  
Mihalik, and Public Utilities Commission of Ohio Chairman Sam 206  
Randazzo - and which makes arbitrary decisions about the 207  
conditions under which businesses may stay open and under which 208  
they must close, Richard Michael DeWine has violated due process 209

rights under the Fifth and Fourteenth Amendments to the United States Constitution and under Article I, Section 16 of the Ohio Constitution by granting unilateral power to the Dispute Resolution Commission; and

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

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

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

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

ARTICLE VIII

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

WHEREAS, Enforcing this mandate under penalty of a second-degree misdemeanor carrying a ninety-day jail sentence and a \$750 fine violates civil liberties and due process rights; and

WHEREAS, The Supreme Court of Ohio has determined that the Ohio Constitution's Free Exercise Clause "goes beyond that provided by the federal Constitution's Free Exercise Clause." *Humphrey v. Lane*, 89 Ohio St.3d 62, 67, 2000-Ohio-435, which case stated that "the standard for reviewing a generally applicable, religion-neutral state regulation that allegedly

violates a person's right to free exercise of religion is 241  
whether the regulation serves a compelling state interest and is 242  
the least restrictive means of furthering that interest." 243

ARTICLE IX 244

WHEREAS, Richard Michael DeWine's face covering mandate 245  
promotes fear, turns neighbors against neighbors, and contracts 246  
the economy by making people fearful to leave their homes, to 247  
the detriment of every Ohioan; and 248

WHEREAS, Healthcare professionals have stated that, for the 249  
general population wearing face coverings, people are more 250  
likely to infect themselves with COVID-19 because they will 251  
touch their face more often to adjust the covering, and that 252  
face coverings retain moisture, bacteria, and other viruses, in 253  
addition to re-breathing carbon dioxide, making them potentially 254  
dangerous for the general public to wear; and 255

WHEREAS, Healthcare professionals, as well as current 256  
studies, have contradicted themselves and each other regarding 257  
the ability (if any) of face coverings to materially slow the 258  
spread of COVID-19; and 259

WHEREAS, Many find the mandate to wear face coverings 260  
offensive, insulting, humiliating, degrading, and an indignity; 261  
and 262

WHEREAS, Richard Michael DeWine holds business licenses 263  
hostage and uses coercion to mandate face covering requirements 264  
on Ohio's workers, with few exceptions, making Ohio a hostile 265  
work environment; and 266

WHEREAS, enforcing the mandates listed in this article 267  
under penalty of a second-degree misdemeanor carrying a ninety- 268  
day jail sentence and a \$750 fine violates civil liberties and 269  
due process rights; and 270

WHEREAS, Richard Michael DeWine has abused section 3701.13 271

of the Revised Code and his power against the people and used 272  
the threat of shutting down the economy and destroying 273  
livelihoods by deploying state and local health commissioners as 274  
police officers to coerce the people into wearing face 275  
coverings. 276

ARTICLE X 277

WHEREAS, Richard Michael DeWine has banned liquor sales to 278  
non-Ohio residents in the Ohio border counties of Ashtabula, 279  
Trumbull, Mahoning, Columbiana, Jefferson, and Belmont, and 280  
therefore may be in violation of Article 1, Section 8, Clause 3 281  
of the United States Constitution, which grants Congress the 282  
power "to Regulate Commerce with foreign Nations, and among the 283  
several States." 284

And the House of Representatives saves to itself the 285  
liberty of exhibiting, at any time after the adoption of these 286  
Articles of Impeachment, any further causes for impeachment of 287  
Richard Michael DeWine of which it may become aware; 288

And the House of Representatives demands that the Senate 289  
summon Richard Michael DeWine to answer to these Articles of 290  
Impeachment, that the Senate put Richard Michael DeWine to trial 291  
on the Articles of Impeachment, and that the Senate enter 292  
judgment on the Articles of Impeachment; 293

And the House of Representatives demands the right to reply 294  
to any demurrer and any answer that Richard Michael DeWine may 295  
make to these Articles of Impeachment, and the right to present 296  
proof to the Senate of the matters stated in the Articles of 297  
Impeachment. 298