

Final - Gagle Ethics.mp3

Mary Jo Pitzl This month, two Democratic representatives in Tennessee were expelled over their involvement in gun protests following a deadly school shooting in Nashville. Another barely stayed on by a one vote margin. The two representatives who happened to be black, Justin Jones and Justin Pearson, accused the GOP led House in Tennessee of racism and oppression following their expulsion.

House Speaker Cameron Sexton Aye 69 - 26 Nays. I received the consent, the concurrence of two thirds of the members to which the House is entitled on the Constitution, stated Tennessee. House Resolution 63 is hereby adopted. Without objection, the motion requires table. Pursuant to Article two, Section 12 of. Agency. I hereby declare Representative Justin J. Pierson of the 86 Representative expelled from the House of Representatives of the 103rd General Assembly of the State of Tennessee, next door to Mr. Carter.

Mary Jo Pitzl House Republicans said it was their leadership during gun control protests that took place on the House floor that led to the two lawmakers removal not race. But a few days later, they were voted back in. In Arizona, a representative in the state house is in a similar position. There is a decision yet on whether she will be let back in, but we should know something by early next week. Representative Liz Harris, a Republican from Chandler, was expelled from the House of Representatives for disorderly behavior after allowing her guest on an election panel that Harris organized to falsely accuse lawmakers and other officials of taking bribes from a drug cartel.

Jacqueline Breger In addition to impacting local elections, bribes and infiltration were used to affect the outcome of the races during the November 3rd, 2020 election, including the outcome of the race for Maricopa County Recorder and the outcome of the November 8th, 2022 election. Race for Governor, Secretary of State and Attorney General.

Mary Jo Pitzl Expulsion is the strictest form of discipline a member of the legislature can face, and it hasn't happened in Arizona in five years. As Representative Harris awaits potential reinstatement and the two lawmakers from Tennessee swiftly rejoined their colleagues, it begs the question, is there a better way to put guardrails on ethical behavior by elected officials? Welcome to the gaggle, a politics podcast for the Arizona Republic and azcentral.com. I'm Mary Jo Pitzl. I covered state politics and government for the Republic. Today we're joined by two guests to help us make sense of what's going on. First, I chatted with my Republic colleague Ray Stern. Ray covers the legislature and has been covering the Representative Liz Harris case closely. Later, ethics scholar John Pelissero discusses the similarities and differences between what happened with the representatives in Tennessee and what happened in Arizona. Ray, welcome to the show.

Ray Stern Thanks. Good to be here.

Mary Jo Pitzl Well, let's start at the top, right. Republican Representative Liz Harris was expelled from the legislature after an ethics probe found her engaging in disorderly behavior. What exactly happened and how did this unravel?

Ray Stern Liz Harris, she just got elected in November and she's a new lawmaker who campaigned heavily on election conspiracy ideas. So I'll just leave it at that there. There's kind of a back story there. But when she came in, she vowed that she would not vote for anything unless they redid the election because she was so concerned about how the

2022 election had gone. Even though she won in her race. And so she proceeded to vote no on a budget and it sunk this Republican budget. But then something happened where apparently she was told that she could have this election presentation as long as she started voting yes on the budget and other things. I talked to Ben Toma, the House speaker, about that, and he said that, yeah, that's pretty much the way it happened, although he was pretty sure that she was going to start voting yes on the budget, even if they hadn't agreed to give this presentation. So they gave her this time for a presentation and it followed some presentations on the election conspiracy theories that the Senate Election Committee had been having. But in this case, Liz was allowed to sort of prepare her own agenda, and it was the last person on the list for the day in this daylong hearing that really just opened up the fireworks basically on February 23rd. They had this presentation and Liz had invited this woman named Jacqueline Prager in to talk about what was supposed to be election conspiracy stuff. And this woman, Jacqueline, didn't talk about that. She started talking about this vast criminal conspiracy, and it was all run by these two very powerful women, apparently, who worked with the Sinaloa cartel. And they were engaged in bribing people from lawmakers to the Mesa City Council. And the entire LDS Church is somehow involved in this as well. When she started talking about this bribery case and how lawmakers were involved, things started blowing up on this panel that she was addressing this to in a public hearing at the Senate. And, well, it all went south from there.

Mary Jo Pitzl And that led then to this ethics complaint. How did that come about?

Ray Stern The ramifications of these charges that were made by this guest of Les Harris were huge. The allegations mentioned specifically in both the presentation that woman put on and also in this packet of material that she gave specific names of people who had supposedly, you know, were involved in this bribery thing. And it was like the governor and the secretary of state, Adrian Fontaine's. Republicans might not have cared if she had just left it there and just sort of smeared the Democrats. But the presentation material also talked about how House Speaker Ben Toma was involved in this bribery scheme as well as others. And so there was a sort of a ruckus about it. And a Democrat during one of the open House floor sessions tried to do a censure vote that was shut down by Republicans. And it was kind of unclear whether they really wanted to do something about what Liz had done. But then the Democrat who made the censure vote, Representative Stephanie Stall Hamilton, from Tucson, she filed an official ethics complaint with the House Ethics Committee.

Mary Jo Pitzl So that leads to the ethics investigation, which then led to last week's vote to expel Harris. I'm wondering how common are situations like this? What's the history in the Arizona legislature for expulsions?

Ray Stern Well, in the House, there's one other example of it in recent times, and that was in 2018 when Representative Don Shooter from Yuma was accused of and an investigation showed he had sexually harassed several other members of the legislature. So they booted him out in 2018. And if you want to look at just the house, they didn't kick someone out going all the way back to the 1940s. So this is not something that happens a lot. There was at least one person removed in the Senate in the early nineties because of the Abscam scandal that happened there. But this is not something that happens frequently.

Mary Jo Pitzl And this happened pretty quickly in the House. After all, Hamilton made her complaint to the Ethics Committee. We've seen other similar issues play out on a longer

time frame, like with Shooter. As you mentioned, he didn't come up for an ethics complaint until an investigation had been done, which started months before the actual expulsion vote came about. And Senator Wendy Rogers over in the Senate was referred for an ethics complaint last spring, but nothing came of it. So why did things move so seemingly quick in Harris's case?

Ray Stern That's a good question, and I'm not exactly sure why they put this on the fast track. But when you just look at the events as they occurred, it seemed like something had to be done, I think, to the leadership in the Republican Party. During the ethics hearing, Liz Harris was allowed to defend herself and she was asked questions and she just looked like the biggest liar. Honestly, during this session, for instance, there had been some text messages that were dropped off to the house, and those became really key in terms of just damning things that were against Liz. And one of them was Liz had told this woman who had brought in the presentation that she thought that she was never going to be allowed to return to the House after this happened. And when asked about that during the Ethics Committee hearing, she said, Well, I thought the cartel was going to behead me after that. And so it was answers like that that just there were several other things that were just sort of outlandish and you just couldn't sit on that for a long time. It was it was clearly not the truth about what she knew and when she knew it. And so they made their move.

Mary Jo Pitzl Well, and Harris certainly isn't the first legislative member to raise election conspiracy theories. I know that this ethics complaint went beyond conspiracy theories that were raised at the hearing that she headed up. But are there wider implications for this vote for the legislature or does it seem like it's a one off? Is there anything sort of bubbling that you know of in the background where we might see more such complaints come forward?

Ray Stern Hmm, I don't think so. There's there's just nothing on the horizon that's quite like this. This was a unique situation in so many ways. And you can just get on the Internet today and to something like Twitter and you see that hashtag arrest. Katie Hobbs is still popular right now. There's apparently still many people that believe that there was a cartel bribe. In fact, I was just communicating with one of Liz Harris supporters that is steeped in this conspiracy. She believes that these things should be investigated, not to kick Les Harris out, but Liz Harris is doing the work of the people. But really, it's ludicrous when you really look at the facts, because this entire scheme that Liz Harris's guest brought in is all related to this lawyer's divorce case, basically. And the two women that I was talking about, these powerful women that that were behind this Sinaloa cartel and forging all these deeds to make the bribes from the lawmakers. Well, that just happens to be the lawyers, ex-wife and mother in law who he's really ticked at because of he's had a tough divorce and child custody case.

Mary Jo Pitzl So maybe this is the last we'll hear of a Sinaloan cartel conspiracy for a while.

Ray Stern Yeah, could be. Although this lawyer, John Taylor, he had also accused his wife and mother in law of dealing with the Russian mafia. So who knows what's going to come next out of his mouth?

Mary Jo Pitzl Oh, goodness. We're recording this before the precinct. Committee members in legislative District 13 meet. They're tasked with coming up with three names to submit to the Maricopa County Board of Supervisors to replace Harris. What are you hearing about potential replacements?

Ray Stern Well, there's a couple of potential ideas, basically, but no one knows for sure what the 13 GOP officials would do until tonight. A former representative, Steve Yarbrough, who's strong conservative but isn't really steeped in this election, conspiracy ideas like Liz Harris, he said that he would be interested. There's another possibility that Julie Willoughby, who's an emergency trauma nurse that ran against Liz Harris and only lost to her by a couple of hundred votes, she could be potentially considered. But it'll be interesting to see who they pick because L.D., 13 GOP officials apparently are not very happy about what happened to Liz Harris. And it's possible that they can nominate people who are like her, you know a little bit of Q and on and election conspiracy and whatnot. But because each of the three nominees has to get over 50% of a vote from all of these people, it's probably not likely that all three of them would. Like Liz Harris. And there might be a moderate so-called moderate in the group. And that's important because the board of supervisors will pick which one they want. And the supervisor who covers that, says Harris, this district. Jack Sellers, he was targeted by these election conspiracy people during the 2020 election aftermath. And he is not happy whatsoever about this tack that some Republicans have taken. So he would be more likely to choose a moderate, I would say.

Mary Jo Pitzl I should ask, is it possible that Liz Harris could be renominated?

Ray Stern It absolutely is. And she could be one of the three. And that would certainly give Jack Sellers an interesting choice that would probably make in about 2 seconds. As I know, the law pretty much tells exactly how much time needs to happen, and it usually has to happen pretty quick. In fact, the GOP officials from legislative District 13 have to make their decision within five days since the legislature is in session. If it wasn't in session, they would have 21 days. But because it's in session, things have to move pretty quick because the Republicans can't vote on party line votes right now, for instance, they need 31 votes and they only have 30 members.

Mary Jo Pitzl Ray, thanks so much for joining us. If people want to follow your work online, where can they find you?

Ray Stern You can still find me at Twitter at @raystern.

Mary Jo Pitzl Thanks very much for coming in. And we look forward to seeing what the next chapter in legislative District 13 brings us.

Ray Stern Thank you.

Mary Jo Pitzl Joining us now is Dr. John Pelissero. He's the senior scholar in government ethics at the Marcus Center for Applied Ethics at Santa Clara University. He talked to the gaggle virtually from Illinois. John, thanks for taking time to talk to the gaggle.

Dr. John Pelissero Thanks for having me on, Mary Jo.

Mary Jo Pitzl You bet. So we're here to talk about legislative ethics. We've had elected representatives expelled from their legislatures in Arizona and Tennessee in the last two weeks. That's a pretty rare event. Yeah, we've had three happen, as I said in the last couple of weeks. What do you make of that?

Dr. John Pelissero Well, it is it's unusual. It's very rare for legislators to legislatures, I should say, to expel members. But it's a course of action that's usually reserved for some sort of major violation of one's oath of office or the procedures that undergird the work of a legislative body.

Mary Jo Pitzl And in this case, the expulsions played out differently in the two states. In Tennessee, the two Democratic officials were removed by Republicans who hold a supermajority. But here in Arizona, where the GOP legislative majority is very thin, we saw a majority of the members of Liz Harris's own Republican Party reject her. So I'm wondering, to what extent does a party's grip on control affect disciplinary decisions? Does the supermajority, for example, provide a buffer while a narrow margin demands more accountability?

Dr. John Pelissero Well, I would say that the larger the majority that a party has in the legislative body, the more it's incumbent upon them to ensure fairness in the treatment of the members of the minority party. What is bothersome about what happened in the case of Tennessee is you have this Republican control of the Tennessee House acting in a way to exact political retribution against legislators who ignored, if you will, some House rules of decorum about being recognized to speak and engaging in a form of protest on the floor of the chamber. These kinds of actions by the three Democratic legislators, our representatives Justin Jones and Justin Pearson and Representative Gloria Johnson probably warranted some kind of a response from the legislative leadership. But expulsion really seemed to rise far above the gravity of the rule violations that they committed. So you you have some political issues at work in what happened in Tennessee in which the Republicans essentially used their majority to take political revenge against Democrats, three Democrats in this case, and ended up using their actions as a basis to expel two of the three members to happen to be African-American legislators. Whereas Representative Johnson, who is a white representative, was not expelled.

Mary Jo Pitzl So could you expound a little bit on why you think it's even more important and incumbent on a body when it has when a party has a pretty decisive control to be more vigilant in in those kind of ethics matters.

Dr. John Pelissero From both a political and an ethical set of perspectives. It's very important to an element of fairness that an elected majority never utilize their majority in ways that are designed to punish or take revenge, political revenge against a minority serving in the same legislative body. When our country was founded, the founders knew that there would be times in which there would be a majority that would rule over a small minority. And no matter how small the founders felt, that it was important to always be judicious and fair in dealing with a members of the minority party and not to exhibit any pattern of bias against their ability to discharge their duties to represent the minority. And what you saw happen in Tennessee is that public officials were using their authority as the legislative majority to not promote what's best for citizens, but rather to advance their own partizan interests and try to reduce the presence of the minority party by expelling potentially three members of the Democratic Party from participating in the legislative body. And the problem with that is that it also violates the rights of. Voters who chose those individuals to represent them and to raise their voices when they felt it necessary to speak to issues such as the question of gun safety and gun violence that had so recently impacted the citizens of Nashville and Tennessee in that school shooting.

Mary Jo Pitzl So in Arizona, where the situation is different with a very narrow majority, does that speak better of how they conducted themselves, given that it was a majority of

the Republican members, along with all the Democrats that voted to expel. Representative Harris.

Dr. John Pelissero Well, I think there are a couple of differences in Arizona from what happened in Tennessee. First of all, the representative, Liz Harris, who was removed from the Arizona house, had actually misused her legislative power and had abused a legislative hearing on a public policy question by inviting testimony from an individual who is a known conspiracy theorist and allowed lies, mistruths and discredited conspiracy theories to be introduced into the legislative deliberations. The Ethics Committee of the Arizona House actually found that she had violated at least five of the rules of either her office as an elected official or the rules of the Arizona House. And they judge that misuse of public authority to be some serious as to rise to the level where their representatives should be removed from the Arizona House. You know, one of the things they pointed to and that is the the Ethics Committee of the Arizona House, which is a Republican majority controlled, and the person they removed is a Republican, But they did so in a bipartisan way because the evidence suggested that she had misled the committee, the committees that the testimony was being presented to. She had misled the Ethics Committee about her knowledge of what this conspiracy theorist would be saying to the legislative committee. And, you know, she ignored her office to fairly represent the citizens of her district and Arizona in a fair way. I think one of the contrasts here, Mary Jo, between the two cases is that in the case of Arizona, the legislator was acting in an unethical fashion. And in the case of Tennessee, it's really the legislature, the legislative body controlled by the Republican majority that acted in an unethical fashion.

Mary Jo Pitzl That's a really good point. If it's the legislature that acted unethically, what's the check on that?

Dr. John Pelissero Well, the check on that is going to be the voters in the next election. And they'll have to decide whether they believe they have enough trust in the Republicans to serve as the majority and to be able to make these kinds of decisions in a fair and impartial way. And I think the protests that we saw as a result of what happened in Tennessee suggests that the trust that the public presently had in the Tennessee legislators has been seriously eroded as a result of the actions they took against the two representatives.

Mary Jo Pitzl You know, it strikes me that in Arizona there was a committee process which resulted in a recommendation which then led to the expulsion vote. I don't know what the process was in Tennessee. Did they have a similar kind of vetting?

Dr. John Pelissero The process that unfolded in Tennessee was much more abbreviated. The speaker of the Tennessee House took action immediately against the three representatives and canceled their access to the Tennessee House, while the Republican majority worked through a set of resolutions to remove them from office for what they participated in.

Mary Jo Pitzl And now, after all that, the two Tennessee lawmakers, as everybody probably knows, were pretty quickly reinstated in an Arizona. Harris is one of three candidates who will be considered to fill the vacancy that her expulsion created. I'm wondering what this immediate kind of bounce back says about trust in the decisions that the legislative body made.

Dr. John Pelissero It's a serious question of, you know, the virtues of protecting the right of the voters, the citizens who have chosen these individuals. The message that comes back from Nashville and Memphis in the quick response of their local governments to restore Representatives Jones and Pierson to office, really says that the constituents of these two. Our representatives rejected the partizan basis for their removal from office and believe that it should have been a decision that only the voters could make at an appropriate time when there is an election. The legislature in Tennessee really was unethical and violated the trust that people have in the role of a legislative body by using the power of the Republican majority to discharge two representatives who had been duly elected by the people and did not commit personal ethical violations or legal violations that would have risen to the level where their expulsion would be justified.

Mary Jo Pitzl You know, it's interesting. We have yet to see in Arizona what will happen with Liz Harris being one of the nominees to replace herself, if you would. But that certainly speaks to the will of the precinct committeemen in her legislative district who decided that they want to give her another go at the office. It does raise a question of like, you know, who who makes that decision ultimately?

Dr. John Pelissero Well, you know, ultimately and in a representative democracy, we'd like to believe that the people get to make those decisions. But if there is an egregious legal or ethical violation by a sitting public official in a legislative body, then it is oftentimes a role given to the elected representatives to make that decision in terms of what's best for the legislature as a whole. And, you know, in this case, they looked at the actions of Representative Harris in Arizona and judged her actions to be improper, unethical and perhaps illegal as well, and removed from office. And now, as a decision has to be made about how to fill her seat on an interim basis. It'll be interesting to see whether her actions will be taken into full account before a decision is made to determine who will succeed her and whether she would even be seriously considered to be selected to replace herself.

Mary Jo Pitzl Yeah, stay tuned for that. We might know that by early next week. And also been looking at this whole situation more broadly and what we've learned from this. Can we trust legislative bodies to police themselves and patrol themselves? Is there a better method than sort of self-governance on that issue?

Dr. John Pelissero Well, you could have an independent inspector general that would oversee the legislative body. But in most legislatures in the states, there is an ethics committee that serves typically in each of the chambers of the state legislature and has the duty to an objective fashion in as much as possible, in a nonpartisan fashion, to make decisions about ethical lapses or potential ethical lapses by legislators, and then use that as a basis to determine that the person is not suitable or remains suitable to represent the people of the district.

Mary Jo Pitzl Well, John, thanks for going over this with us. It's been a really hectic two weeks and we've yet to see the finale, I guess, in Arizona, if people want to follow you on social media. How do they do that?

Dr. John Pelissero I'm on Twitter @1pel.

Mary Jo Pitzl And is that with the numeral or spelled out.

Dr. John Pelissero With a numeral? Yes.

Mary Jo Pitzl Okay. Well, thank you very much again for joining us on the gaggle.

Dr. John Pelissero Thank you for having me.

Mary Jo Pitzl That is it for this week gaggle listeners. Do you have questions you want us to answer or topics you want us to cover? Reach out to us at the gaggle at Arizona Republican. Or give us a call at 6024440804. And if you like the show, please leave us a review and share it with a friend. To make sure you never miss an episode, follow the gaggle on your favorite podcast app. You can follow me on Twitter at Mary J. Pitzl That's pretty. P-I-T-Z-L. The editor and producer of today's episode is Amanda Luberto. You can follow her at. Amanda Luberto That's L. U. B. E. R. T. O. Thanks for listening to the gaggle. A podcast from the Arizona Republic and azcentral.com. We'll see you next week.