



Arizona House of Representatives
Phoenix, Arizona 85007

ARIZONA HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE ON ETHICS – JUNE 9, 2023

MR. SPEAKER,

Your Committee on Ethics (“Committee”) has considered the Ethics Complaint (“Complaint”) filed on May 1, 2023 (updated May 8, 2023), by Representatives Justin Heap, David Marshall, and Lupe Diaz against Representative Stephanie Stahl Hamilton. The Complaint alleges that on three separate occasions in March and April 2023, Representative Stahl Hamilton moved two Holy Bibles from their locations in the Members’ Lounge and hid them under the Lounge’s couch cushions and in a refrigerator in the shared Coffee Bar.

This Report summarizes the Committee’s investigation and factual findings. The Committee unanimously concludes that Representative Stahl Hamilton engaged in disorderly behavior, thereby violating Rule 1 of the Rules of the Arizona House of Representatives and damaging the institutional integrity of the House.

Consistent with the text of the Arizona Constitution, *see* Ariz. Const. art. 4, part 2, § 11 (empowering the House to “punish its members for disorderly behavior”), the Committee refers this Report to the House to determine what disciplinary measures, if any, should be taken.

I. BACKGROUND

The Members’ Lounge is a room directly adjacent to the House Floor, which all Members and staff may access with their badges. *Ethics Hearing Video* at 16:39. The Lounge is considered a “secure place” where Members may leave their belongings while they are on the Floor, conduct meetings with each other or with visitors, or take calls. *Id.* at 17:25. Various items are displayed in the Lounge, some of which have been loaned from other organizations, including artwork from the Capitol Museum and minerals from the Mineral and Mining Museum. *Id.* at 17:39. The two Bibles in the Members’ Lounge, however, are property of the House. *Id.* at 18:20. Although all staff can access the Lounge, typically only senior-level staff enter and use it. *Id.* at 16:59. Members of the public must be escorted. *Id.* at 18:50.

In the afternoon of March 23, 2023, the House Sergeant at Arms, Chuck Fitzgerald, noticed that the two Bibles that were normally on the tables in the Members’ Lounge were missing from their usual locations. *Id.* at 19:20. As the Sergeant at Arms, Mr. Fitzgerald oversees the Members’ Lounge and readies it before each Floor session, including ensuring that “everything is in its place.” *Id.* at 19:33. Believing that someone might have walked out with the Bibles, he checked the Lobby security camera footage but did not see anything. *Id.* at 19:53. The following day, he conducted a thorough

search of the Members' Lounge for the Bibles and found the books underneath the cushions of the Lounge's chairs. *Id.* at 20:20. He returned the Bibles to their usual places. *Id.* at 20:35.

Just five days later, on March 29, 2023, Mr. Fitzgerald received a report that a Bible had been found in the refrigerator located on the second-floor Coffee Bar. *Id.* at 20:40. The Bible was one from the Members' Lounge. Mr. Fitzgerald became "very concerned," returned the Bible to its usual place in the Members' Lounge, and informed the House's Chief of Staff about the incidents. *Id.* at 20:54. The Chief of Staff instructed Mr. Fitzgerald to "solve the mystery" and granted him permission to install a camera in the Members' Lounge. *Id.* at 21:41. Mr. Fitzgerald did so on April 4, 2023. *Id.* at 23:05. Throughout Mr. Fitzgerald's 5 ½ years of employment and experience at the House, he had never encountered a situation like this one. *Id.* at 16:02-16:20.

On April 10, 2023, Mr. Fitzgerald noticed that the Bibles were again missing. He checked the camera's footage and saw that at about 1:18 p.m., as Members were arriving for the Floor session, Representative Stahl Hamilton entered the Members' Lounge from the east doors, appeared to take a mint out of a jar, then took the Bible sitting on the same table and pushed it under a couch cushion. *See Exhibit C.* She then walked to the west side of the room and took the second Bible and similarly put it under the couch or its cushion. *See id.*

On April 25, 2023, a portion of the camera footage was publicized by a local news outlet. *See* <https://www.azfamily.com/2023/04/26/arizona-democrat-minister-lawmaker-caught-camera-hiding-bibles/>.

The following day, Representative Stahl Hamilton rose for a point of personal privilege on the House Floor to "acknowledge the offense that [she] committed by [her] actions of hiding Bibles in the Members' Lounge." *House Floor Session*, 4/26/23 at 07:52. She stated that her intent was not to be destructive, desecrate, or offend. She further stated, "I acknowledge that a conversation about the separation of church and state should have begun with a conversation, and for that, I apologize." *Id.* at 08:30. She also apologized for the offense that she caused those who were "deeply offended" by her actions. *Id.* at 09:00. Representative Stahl Hamilton characterized her actions as "playful commentary" on the separation of church and state and a peaceful protest.

II. ETHICS COMMITTEE PROCEEDINGS

Complaint and Response

On May 1, 2023, Representatives Justin Heap, David Marshall, and Lupe Diaz filed an Ethics Complaint against Representative Stahl Hamilton, then filed an Amended Complaint on May 8, 2023, which included the required notarizations that were missing from the original complaint and is the operative version of the Complaint the Ethics Committee considered. The Complaint alleges that Representative Stahl Hamilton engaged in disorderly behavior in violation of House Rule 1 and potentially both committed theft under Arizona Revised Statutes § 13-1802(A)(1) and created a hostile work environment as defined by state and federal law. The Representatives alleged that her actions demonstrated "a lack of respect for other members of the Legislature, staff, visitors, and their property, and the rule of law" and "may have caused offense to the practicing Christians in Arizona,

who hold the Bible as a sacred text and expect their elected officials to uphold basic principles of respect and civility.” *Complaint* at 5-6.

Pursuant to the House Ethics Committee Rule of Procedure 13, the Committee provided Representative Stahl Hamilton, who elected to exercise her right under Rule 15 to engage legal counsel, with an opportunity to respond to the Complaint in writing. She did so, submitting an Initial Response on May 8, 2023, and a Supplemental Response (to the Amended Complaint) on May 11, 2023. Although the Supplemental Response was submitted two days after the Chairman’s deadline to respond to the Amended Complaint, the Chairman accepted the Supplemental Response and the Committee considered it.

In her Initial Response, Representative Stahl Hamilton asserted that she “is an ordained Presbyterian minister” and that “[h]er actions were a peaceful protest regarding the separation of church and state, and in response to the weaponizing of religion in politics.” However, she did not provide further explanation for the proposition that the mere presence of Bibles in the Members’ Lounge violates the separation of church and state or any of her constitutional rights. She further asserted that her conduct did not constitute theft because “she has the legal right to use items in the members’ lounge,” but she did not articulate how using a Bible is equivalent to removing Bibles from their designated locations and concealing them in a disrespectful manner. Representative Stahl Hamilton’s actions made it impossible for other members to exercise their legal right to use the House’s Bibles in the Members’ Lounge.

Representative Stahl Hamilton also posited that “[u]nder relevant case law, it is legally impossible” for her to create a hostile work environment for other sitting Members because “she is neither an employer nor supervisor of legislators,” but no case law or other legal authority was submitted to the Committee to support this contention. *Id.*

In her Supplemental Response, Representative Stahl Hamilton submitted a typed statement, which she signed and dated May 11, 2023, she “acknowledge[d] those [she] offended by [her] actions of hiding Bibles” and apologized for not having “a conversation about the separation of church and state[.]” Representative Stahl Hamilton wrote that she “recognize[d] that [her] actions could have been seen as something less than playful” and that she was sorry “for those [Members]” whom she had “deeply offended.” *Id.*

Rule 15 Evidentiary Hearing

On May 25, 2023, the Committee held an evidentiary hearing open to the public and press pursuant to Rule 15 of the Committee’s Rules of Procedure. In anticipation of that hearing, four exhibits were submitted for the Committee’s consideration:

- A. A tweet by Representative Stahl Hamilton dated June 2, 2020, at 12:51 p.m. This was also attached as “Exhibit A” to the Complaint.
- B. Photographs of the Bibles found in the Members’ Lounge couch cushion and Coffee Bar refrigerator.
- C. Security video footage, approximately five minutes in length, dated April 10, 2023, from the House Members’ Lounge.

- D. Legislative Video Clip, approximately three minutes in length, dated April 1, 2021, of Representative Stahl Hamilton raising a point of personal privilege on the Floor to make religious comments in reference to the crisis at the border.

During the hearing, the Ethics Committee played the videos of Exhibits C and D. Additionally, the Committee heard testimony from Mr. Fitzgerald and Representative Heap. Representative Stahl Hamilton exercised her right to be represented by counsel and did not appear at the hearing.

Given the fact-intensive allegations in the Complaint, the Committee would have preferred to hear testimony from Representative Stahl Hamilton. Indeed, the Committee had prepared questions for Representative Stahl Hamilton relevant to this investigation. Representative Stahl Hamilton's counsel declined to substantively answer some of the Committee's questions, but instead deferred to Representative Stahl Hamilton's previous statements.

Nonetheless, the Committee made best efforts to determine the facts and deems its investigation complete and final.

III. COMMITTEE'S FINDINGS OF FACT

As the Chairman emphasized at the evidentiary hearing, the sole issue for the Committee's consideration is whether Representative Stahl Hamilton violated House Rule 1, which prohibits members from engaging in disorderly behavior. In undertaking that inquiry, the Committee makes the following factual findings, accompanied by the Committee's reasoning to support each finding.

1. THE COMMITTEE FINDS that Representative Stahl Hamilton purposely removed the Bibles from their locations within the Members' Lounge on three separate occasions.

The Bibles are property of the House. The evidence also established that the Bibles were taken from tables in the Members' Lounge each time without notice or authorization from Mr. Fitzgerald—the person responsible for overseeing the Members' Lounge and the property within it—or anyone else. *See Ethics Hearing Video* at 26:18.

Mr. Fitzgerald testified that the Members' Lounge Bibles were removed from their respective locations a total of three times in a span of two and a half weeks. The first time occurred on March 23rd, the second occurred just five days after he found and replaced the Bibles, and the third incident on April 10th was recorded on camera and shows Representative Stahl Hamilton taking the Bibles.

Although no direct or recorded evidence exists for the former two occurrences, nothing presented to the Committee refutes the allegation in the Complaint that Representative Stahl Hamilton also removed the Bibles on those two earlier occasions as well. Indeed, she has never denied being responsible for all three incidents, and none of her written or public statements have suggested that she was responsible only for the third incident that was caught on camera.

At the hearing, Representative Stahl Hamilton's counsel did not deny sole responsibility for all three occurrences on her behalf. *Ethics Hearing Video* at 1:02:50. Thus, the Committee finds that Representative Stahl Hamilton was solely responsible for repeatedly removing the House's Bibles multiple times throughout March and April 2023.

2. THE COMMITTEE FINDS that Representative Stahl Hamilton purposely concealed the Bibles in a manner that was disrespectful to other Members.

Representative Stahl Hamilton's behavior included two separate sets of actions. First, as explained above, Representative Stahl Hamilton removed the Bibles from their usual places in the Members' Lounge. Second, she then repeatedly concealed the Bibles in a disrespectful manner.

Representative Stahl Hamilton could have placed the Bibles on a bookshelf or even placed them on the Sergeant at Arms' desk after removing them from their usual places and still accomplished her stated goal. Instead, she twice decided to put the Bibles within pieces of furniture where people—including her, as seen in Exhibit C—frequently sit. Her choice was not only disrespectful to the Bible itself but was deeply offensive to those Members who revere the Bible as their holy text.

After the Bibles were returned to their usual locations the first time, Representative Stahl Hamilton then chose to place a Bible in the refrigerator—a place unusual for any book, much less one that is considered by many to be sacred. Unlike the couches in the Lounge, the refrigerator is located in a separate room. This means that Representative Stahl Hamilton made a conscious decision to place the Bible there, then took the time and affirmative steps to take the Bible into her possession and walk out of the Members' Lounge and into the Coffee Bar.

Representative Stahl Hamilton not only moved the Bibles, she treated them in a manner that was disrespectful to others, including other Members of the House.

3. THE COMMITTEE FINDS that Representative Stahl Hamilton did not fully apologize for her conduct.

Representative Stahl Hamilton wrote in her Response to the Complaint that she had “apologized for her actions,” but after careful review of the verbal and written apologies, the Committee disagrees about the extent of those apologies. On the Floor, Representative Stahl Hamilton apologized for the fact that she realized that “a conversation about the separation of church and state should have begun with a conversation,” and for the offense that her actions caused, but never the actions themselves. Similarly, in her written letter, Representative Stahl Hamilton again apologized “for those [Members]” whom she had offended, but again did not apologize expressly for the actions themselves. She has maintained in her public comments that her actions were justified as a “peaceful protest.”

Considering all of Representative Stahl Hamilton's statements since the incidents occurred, the Committee has not been able to conclude that her apology was complete. On one hand, the Committee recognizes that Representative Stahl Hamilton might believe that her public acknowledgement of the matter and expressing remorse sufficiently addressed it. Conversely, the

Committee also recognizes that some might believe that her decision to apologize expressly for external reactions but not likewise do so for her personal actions falls short of fully taking responsibility for the behavior. To this end, the Committee again notes that it would have preferred to have heard from Representative Stahl Hamilton directly during the Ethics Committee hearing to help discern how to approach these competing inferences.

4. THE COMMITTEE FINDS that Representative Stahl Hamilton's repeated actions offended some Members of the House, violated the inherent obligation to protect the integrity of the House, and caused the House to expend resources.

As Representative Stahl Hamilton has acknowledged, her actions have deeply offended some Members of this body as well as others who revere the Bible as their holy text. Representative Stahl Hamilton intentionally placed Bibles in a refrigerator and under the cushions of chairs that are often sat upon. As presented in the Ethics Complaint and explained during Representative Heap's testimony, the latter has caused Members to struggle with the idea that a text that they consider holy and sacred has been disrespectfully sat upon, or worse, that they themselves might have unknowingly done so.

Further, by placing the Bibles in unknown locations, Representative Stahl Hamilton deprived Members who choose to exercise their religious beliefs by referring to the biblical text of any opportunity to do so during the time periods when the Bibles were missing. Indeed, Mr. Fitzgerald testified that he has seen Members read the Bibles in the Lounge, and Representative Heap testified that he has personally done so. In fact, Representative Heap even took notice once that the Bible was not available in its usual place. Importantly, the offense and disrespect displayed by Representative Stahl Hamilton's actions are not unique to the fact that the text in this case was the Bible; her actions would have been equally offensive and disrespectful if it had been the Book of Mormon, Qur'an, or any other religious text. They would have also been equally offensive and disrespectful in a venue other than the House.

Representative Stahl Hamilton and her counsel repeatedly characterized her actions as a "joke" and a "prank," but many members of this Committee do not view this as an act of jest. Further, the actions she chose to take have caused the expenditure of internal resources that should have otherwise been used to continue the people's work at the House of Representatives.

IV. CONCLUSION AND SUMMARY OF FINDINGS

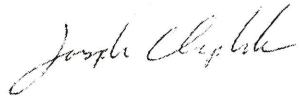
The Arizona Constitution empowers the House to establish its own rules of procedure. *See* Ariz. Const. art. 4, part 2, § 8. The House Rules, which the House adopted at the beginning of the first regular session of the 56th Legislature, expressly confirm that House Rules are subject only to constitutional rules and take precedence over statutory rules or provisions, customs and usages, or other parliamentary authority. *See* House Rule 29. Accordingly, it is incumbent on the Ethics Committee to thoroughly review any Complaint by any member to determine whether a member has violated a House Rule.

The Committee's investigation required time and legislative resources. The Committee does not lightly issue this Report, but the findings herein are necessary to protect the integrity of the House and House Rules. This Report should not be construed as any comment on individuals' constitutional rights, including the rights to freely speak or peacefully protest. House Rules have long required members, the public, and the press to maintain proper decorum. Although the Committee has held meetings open to the public and press, the Complaint at issue ultimately presents an internal House matter for the Committee alone to investigate.

Pursuant to its investigation and its factual findings above, the Committee finds that the evidence sufficiently supports a conclusion that Representative Stahl Hamilton's repeated behavior, taken as a whole, constitutes disorderly behavior in violation of Rule 1 of the Arizona House of Representatives.

The Committee notes that its findings require a subjective assessment of Representative Stahl Hamilton's conduct. Accordingly, the Committee recommends that all members of the House fully examine this Report and the material cited herein. The Committee agrees, unanimously, that Representative Stahl Hamilton did violate Rule 1. Based on this finding, and because Representative Stahl Hamilton's violation of Rule 1 involves House property and took place on House property, the Committee deems it appropriate for the House as a whole to decide what disciplinary measures, if any, should be taken.

Respectfully submitted this 9th day of June, 2023.



Rep. Joseph Chaplik, Chairman



Rep. Travis Grantham, Vice Chair



Rep. Gail Griffin



Rep. Christopher Mathis



Rep. Jennifer Longdon