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The Kavanaugh Debacle – Arizona Style

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In Arizona, after Representative Michelle-Ugenti-Rita complained to the television media that seven years prior, Senator Don Shooter, among other unnamed legislators (yet odd how only Senator Shooter was identified) had sexually harassed her, a slew of democrat women followed suit and contacted media outlets alleging that they too had suffered sexual harassment when they heard Senator Shooter, then serving in the House as a representative, make jokes that they found offensive.

Instead of allowing the House Ethics Committee to investigate, have a hearing and make a recommendation, Speaker Javan Mesnard hired, at a cost of over \$200,000 funded by taxpayers, a law firm to interview witnesses and write a report. Any allegation was fair game.

The standard Speaker Mesnard gave to the investigators to measure the severity of the allegations against Representative Shooter was “zero tolerance”. Keep in mind:

1. There was no House sexual harassment policy for representatives in place at the time, and in fact no policy exists even today
2. Zero tolerance should never have been applied to a member let alone, for conduct that was alleged to have occurred during previous legislative sessions in the Senate.

Mesnard’s “zero tolerance” standard for allegations made against Representative Shooter was subjective and simple: “Were you offended?”, if “yes” then Representative Shooter was guilty of sexual harassment and creating a hostile work environment.

Once the report was compiled and provided to Mesnard, Mesnard took nine days to “edit” the report – removing any semblance that the report was legitimately independent. And by edit we mean prevent and/or remove incriminating evidence concerning Rebecca Rios and especially Michelle Ugenti, who a staffer overheard tell Mesnard “you take those pictures out of the report or I will take you all down with me”. Mesnard spent over a week making “edits” to the report to ensure Representative Shooter was painted in the worst possible light.

Mesnard not only removed the testimony of a young female House staffer that Ugenti sexually harassed causing the victim to quit her staff job and evidence that Ugenti’s sexual harassment even continued at the victim’s new job.

After the “doctored” report was given to the public and House members, Representative Shooter was told that he had five days to review and submit a written response to dispute errors and false statements. Even with the absurd “zero tolerance” standard, the report found no evidence to support a majority of the allegations against Representative Shooter.

Unlike Judge Kavanaugh however, Representative Shooter didn’t get a hearing. He was denied the right he was promised by the investigator and Speaker, five days to respond in writing to the errors and glaring omissions in the report. The Speaker of the House instigated Arizona’s first expulsion in more than a half century against an elected member of the Arizona House of Representatives (only a few months before all legislators were up for re-election) with not one House member given the opportunity to ask questions of Representative Shooter, nor an opportunity to review the evidence and receive answers about key, relevant testimony that was obtained yet deliberately excluded by the Speaker.

For the first time in the history of the United States, going back to 1641 with the introduction in America of the Massachusetts “body of liberties” generally regarded as the precursor of the bill of rights, a legislator was denied a committee hearing and expelled from office. Due process includes such fundamental rights as the right to call and cross examine witnesses. In the legislative process these rights are administered by a hearing of the Ethics Committee or its

equivalent. Representative Shooter was denied due process. The reason is abundantly clear: Representative Shooter had to go because he was not willing to turn a blind eye to millions and millions of dollars in corrupt contracts. Mesnard with assistance, constructed a novel and timely method to railroad Shooter. Mesnard controlled the process from start to finish so that he could ensure Representative Shooter, a duly elected member, was expelled to end Representative Shooter's efforts to expose corruption and force lucrative no-bid contracts be subjected to competition.

So let's review:

Shooter was judged by a standard that did not legally exist; it was never voted on nor adopted by members as would have been required.

That standard was applied retroactively – which is unjust by any definition.

The house still has no sexual harassment policy in place right now.

The standard was only applied to Representative Shooter despite the fact that the two female representatives were investigated at the same time by the same investigators.

It is common knowledge at the Capitol that those two women have been having sex with house staffers for years. In one case the staffer became a live-in lover; in another case, when one of the women was caught having sex in the basement with a young staffer, the staffer was fired and nothing happened to the member. So much for equality.

Judge Kavanaugh has been through hell, though, has at least been given the opportunity to fight unsubstantiated allegations by responding directly in a committee hearing so the public and those voting for or against him could decide for themselves. If you are offended by the treatment of Judge Kavanaugh, you should be incensed by the character assassination, unjust treatment and expulsion without even a hearing that another public servant received in our own state just months earlier.

Each time the "MeToo" movement is used as a tool to take down political enemies, the legal foundation of our country: our civil rights and constitutional protections are further eroded and will ultimately be destroyed. MeToo has become the McCarthyism of our generation.

So we ask Mesnard: **HAVE YOU LEFT NO SENSE OF DECENCY, SIR?**