HOUSE SIMPLE RESOLUTION 1

P1, P5

By: Delegate Cox
 Introduced and read first time: February 10, 2022
 Assigned to: Rules and Executive Nominations

HOUSE SIMPLE RESOLUTION

A House Simple Resolution concerning

Articles of Impeachment of Governor Lawrence J. Hogan, Jr.

FOR the purpose of impeaching Governor Lawrence J. Hogan, Jr. and having the Governor tried by the Senate of Maryland for malfeasance in office, misuse of the police power, violations of the separation of powers, theft of the people’s liberty and property, deprivation of the religious liberties of the people, and abuse of power under false pretenses.

WHEREAS, The Constitution of Maryland is the supreme law of the State of Maryland; and

WHEREAS, On January 16, 2019, Governor Lawrence J. Hogan, Jr., as required by Article I, § 9 of the Maryland Constitution, swore an oath to “be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof” and to “execute the office of Governor, according to the Constitution and Laws of this State”; and

WHEREAS, Governor Lawrence J. Hogan, Jr., has broken his oath of office by numerous, repeated, and continued violations of the Constitution of Maryland, herein detailed; now, therefore, be it

RESOLVED BY THE HOUSE OF DELEGATES, That in accordance with Article II, § 7 and Article III, § 26 of the Maryland Constitution, Governor Lawrence J. Hogan, Jr., be impeached for malfeasance in office, misuse of the police power, violations of the separation of powers, theft of the people’s liberty and property, deprivation of the religious liberties of the people, and abuse of power under false pretenses; and that the following articles of impeachment are to be exhibited to the Senate of Maryland:

ARTICLE I

The Maryland Declaration of Rights provides that “all government of right originates from the people, is founded in compact only, and is instituted solely for the good of the whole”.

Governor Lawrence J. Hogan, Jr., has repeatedly and notoriously violated that compact by issuing orders that are restrictive and protracted beyond the intent of the legislature when it granted the Governor the authority to restrict certain freedoms during a state of emergency. Since March 5, 2020, Governor Lawrence J. Hogan, Jr., has issued orders requiring religious facilities and businesses to close, declaring some businesses to be “non–essential”, ordering citizens to stay in their homes, restricting citizens’ right to travel, and limiting the right of citizens to assemble. In November 2020, police were required to enforce orders limiting the rights of assembly at private–family Thanksgiving meals, and Governor Lawrence J. Hogan, Jr., boasted of a “snitch line” he established to allow people to call into State authorities to report on their neighbors having Thanksgiving Day celebrations. At the same time, Governor Lawrence J. Hogan, Jr., has, individually or through staff, awarded procurement contracts based on political relationships, misspent Marylanders’ tax dollars on unusable COVID–19 test kits, and intentionally misled the legislature and the public on the status of the inadequate test kits. These malfeasances demonstrate contempt for the Constitution of Maryland and the limits it places on the authority of the office of Governor. It further indicates that Governor Lawrence J. Hogan, Jr., has disregarded the document that creates the office he holds, thereby disregarding the source of his rightful authority. With these actions, Governor Lawrence J. Hogan, Jr., has breached the compact which binds him to the people as their governor. Accordingly, the duty of the General Assembly is to recognize and declare the removal of Governor Lawrence J. Hogan, Jr., from the office of Governor by impeachment.

ARTICLE II

Governor Lawrence J. Hogan, Jr. has violated the Maryland Constitution and has betrayed the trust of Maryland and abused his authority over law enforcement officers by ordering the COVID–19 Compliance and Coordination Center, which operates out of his office on the second floor of the State House, and High Visibility Units to interfere with the lawful constitutional authority of the elected local sheriffs and require them to violate the constitutional rights of Marylanders rather than to defend and protect the rights of the people as their oath requires. Article 4 of the Maryland Declaration of Rights provides that “the People of this State have the sole and exclusive right of regulating the internal government and police thereof, as a free, sovereign and independent State”. By ordering the police to enforce unconstitutional mandates, Governor Lawrence J. Hogan, Jr., has prevented the police from following their constitutional mission and duties. Additionally, his decision to keep all communications with his COVID–19 team secret, even using a “burn on read” messaging application called Wickr, is detrimental to good government, secretive, and devoid of authority. These conversations included COVID–19 communications and may have also included his unlawful decision to fly and bus into the State, in the cover of night, thousands of unvetted unlawful–entry foreign nationals, and then release them onto our streets, endangering the public safety and health.

ARTICLE III

Article 8 of the Maryland Declaration of Rights provides that “the Legislative, Executive and Judicial powers ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the
duties of any other”. By means of edicts, orders, and proclamations, Governor Lawrence J. Hogan, Jr., has attempted to make laws without constitutional authority to do so.

ARTICLE IV

Article 24 of the Maryland Declaration of Rights provides that “no man ought to be taken or imprisoned or dispossessed of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of life, liberty or property, but by the judgment of his peers, or by the Law of the land”. By means of extraconstitutional orders to stay at home, Governor Lawrence J. Hogan, Jr., has violated the people’s right to travel, to earn a livelihood, and to assemble. By ordering businesses to be closed, he has deprived business owners of their property without due process of law.

Moreover, while Governor Lawrence J. Hogan, Jr., was misusing his authority to close businesses that he capriciously labeled as “non–essential”, there were no comparable suspensions or layoffs of State workers, despite the fact that, during weather or other emergencies, some State employees are, in fact, referred to as “non–essential”. Private sector companies and employees deserve the same protections and opportunities to maintain employment and income that are provided to State employees.

In addition, in concert with the Maryland Department of Commerce and the Maryland Department of Health, Governor Lawrence J. Hogan, Jr., authorized a vaccination passport system called “myirmobile.com” and has issued orders both from his own office and through the Maryland Department of Health to ban and prevent access to prophylactic medications, including hydroxychloroquine and ivermectin. Just days after he received prophylactic treatment with monoclonal antibodies, Governor Lawrence J. Hogan, Jr., banned their use in Maryland with a “stop–use and shelve” order. Governor Lawrence J. Hogan, Jr., has also ordered State healthcare workers to take the experimental jab or lose their jobs, resulting in a loss of healthcare workers in Maryland at a time when they should be viewed as heroic for serving overtime and double shifts during the COVID–19 pandemic. These acts of tyranny have directly resulted in the deaths of many Marylanders who were unable to use prophylactics that have been proven to save lives and to receive proper health care necessary for healing because of a lack of staffing.

ARTICLE V

Article 36 of the Maryland Declaration of Rights protects religious liberty by providing “[t]hat as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice”. Governor Lawrence J. Hogan, Jr., violated Article 36 of the Maryland Declaration of Rights by unlawfully closing religious facilities, sending State troopers to outdoor Easter services, and sending police and other State officials to enforce the closures against Marylanders seeking to worship in their chosen manner.

ARTICLE VI
Article 44 of the Maryland Declaration of Rights provides “[t]hat the provisions of the Constitution of the United States, and of this State, apply, as well in time of war, as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism”.

Article I, § 10 of the United States Constitution provides that “[n]o State shall enter into any Treaty, Alliance, or Confederation” and that “[n]o State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it’s inspection Laws…and all such Laws shall be subject to the Revision and Control of the Congress”. Lastly, it provides that “[n]o State shall, without the Consent of Congress…enter into any Agreement or Compact with another State, or with a foreign Power”. On August 1, 2019, Governor Lawrence J. Hogan, Jr. sought to undermine the trade and treaty authority of the Congress and the President of the United States with comments made on television as the Chair of the National Governors Association. Furthermore, he procured from South Korea, with over $11 million of Maryland’s taxpayer dollars, faulty COVID–19 test kits without first obtaining the consent of the federal government, which had provided free test kits that actually worked.

In all of this, Lawrence J. Hogan, Jr., has acted in a manner contrary to his trust as Governor and subversive of the State’s constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of Maryland. Wherefore, Lawrence J. Hogan, Jr., by such conduct, warrants impeachment and trial, and removal from office; and be it further

RESOLVED, That the majority of all elected members of the Maryland House of Delegates concur in the impeachment of Governor Lawrence J. Hogan, Jr.; and be it further

RESOLVED, That the Senate of Maryland shall conduct a trial of Governor Lawrence J. Hogan, Jr., for impeachment in accordance with Article II, § 7 of the Maryland Constitution; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the Honorable William C. Ferguson, IV, President of the Senate of Maryland; and the Honorable Adrienne A. Jones, Speaker of the House of Delegates.