

# House Resolution No. 923

## 97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRATTIN (Sponsor), MARSHALL, WILSON, POGUE,  
MOON AND BAHR (Co-sponsors).

5880L.011

### ARTICLES OF IMPEACHMENT

1           **WHEREAS**, the people of the State of Missouri cherish their right to bear arms, as  
2 protected by the Missouri Constitution and the Constitution of the United States; and

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4           **WHEREAS**, in November 2011 and again in January 2013, the Missouri Highway Patrol  
5 released the full list of the more than 163,000 Missourians who have concealed carry  
6 endorsements to the federal Social Security Administration (SSA) Office of Inspector General  
7 based only a verbal request for such information; and

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9           **WHEREAS**, in response to the verbal request by the federal Office of Inspector General,  
10 the Missouri Highway Patrol asked for and received the full list of Missouri's concealed carry  
11 endorsement information on a disc from the Division of Motor Vehicle and Driver Licensing  
12 within the Department of Revenue; and

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14           **WHEREAS**, while the verbal request by the federal agent violated Social Security  
15 Administration protocols, the release of the entire database of concealed carry endorsement  
16 information was a clear violation of Section 571.101, RSMo, which at the time of the November  
17 2011 and January 2013 releases stated in relevant part:

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19                   "571.101. 8. ... An applicant's status as a holder of a certificate of  
20 qualification or a concealed carry endorsement shall not be public information  
21 and shall be considered personal protected information. Any person who violates  
22 the provisions of this subsection by disclosing protected information shall be  
23 guilty of a class A misdemeanor."; and

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25           **WHEREAS**, Governor Jeremiah W. (Jay) Nixon's administration maintained that the  
26 releases were legal and done to aid a federal investigation into disability fraud related to mental  
27 illness claims; and

28           **WHEREAS**, such federal investigation was designed to compare the concealed carry  
29 endorsement list with a list of Social Security recipients to determine whether any endorsement  
30 holder who met the mental health qualifications for a concealed carry endorsement had also  
31 sought benefits for a mental illness; and

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33           **WHEREAS**, Andrea Spillars, the Deputy Director of the Department of Public Safety,  
34 testified before the Senate Appropriations Committee in April 2013 that the sharing of  
35 information among law enforcement agencies was legal and common. She also testified that  
36 "There's nothing in the law that prevents (a federal investigator) from getting that information  
37 in batch form" and that the agency could release the information again legally to federal  
38 investigators; and

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40           **WHEREAS**, the release of the full database does not fall under an acceptable law  
41 enforcement function because it was not limited to specific named persons that the Social  
42 Security Administration were investigating, but was an intelligence gathering activity involving  
43 an entire group of persons who were not named individuals under federal investigation, which  
44 constituted a serious abuse and violation of their right to privacy; and

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46           **WHEREAS**, in March 2013, a Missouri citizen was denied his concealed carry permit  
47 after being told by a Department of Revenue license office that it would make digital copies of  
48 documents needed for a permit to carry a concealed weapon; and

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50           **WHEREAS**, at the time of the denial, the Missouri Department of Revenue had installed  
51 new computer equipment that records certain information as a part of the federal Real ID Act of  
52 2005, in violation of state laws prohibiting the Department from implementing the federal Real  
53 ID Act and which require that concealed carry endorsement data be kept confidential; and

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55           **WHEREAS**, for weeks, the Department of Revenue repeatedly denied that it was  
56 implementing Real ID or turning over concealed carry endorsement information. Only after the  
57 discovery of the scanning and retention of certain concealed carry documents did the Department  
58 of Revenue later admit that it had twice turned over the entire database of concealed carry  
59 endorsement information to the Highway Patrol and was, in fact, scanning and retaining  
60 certificates of qualification for concealed carry endorsements; and

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62           **WHEREAS**, in early April 2013, Governor Nixon stated unequivocally, "This State of  
63 Missouri is not collecting a bunch of unuseful data to send to some sort of magical database  
64 someplace to mess with people. It's not happening."; and

65           **WHEREAS**, on April 16, 2013, Governor Nixon announced that the Department of  
66 Revenue would no longer scan or retain certificates of qualification for concealed carry  
67 endorsements and stated, "It has been determined that the scanning and retention of concealed  
68 carry certificates are not essential to the integrity of the license issuance process."; and

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70           **WHEREAS**, these violations of state law, the unlawful infringement on and abuse of the  
71 personal privacy rights of concealed carry endorsement holders, the delay in government  
72 agencies in revealing these violations, and the lies told by government agencies surrounding  
73 these violations demanded swift investigation and decisive action by Governor Nixon to hold  
74 accountable those government agencies and employees who engaged in unlawful actions; and

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76           **WHEREAS**, Article IV, Section 2 of the Missouri Constitution states:

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78           "The governor shall take care that the laws are distributed and faithfully executed,  
79 and shall be a conservator of the peace throughout the state."; and

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81           **WHEREAS**, Article VII, Section 1 of the Missouri Constitution states:

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83           "All elective executive officials of the state, and judges of the supreme court,  
84 courts of appeals and circuit courts shall be liable to impeachment for crimes,  
85 misconduct, habitual drunkenness, willful neglect of duty, corruption in office,  
86 incompetency, or any offense involving moral turpitude or oppression in office."; and  
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89           **WHEREAS**, after his discovery of such serious violations and unlawful actions by  
90 government agencies and employees, Governor Nixon's failure to immediately discipline or  
91 dismiss those persons responsible for state law violations and those responsible for the  
92 subsequent delay in admitting such violations constitutes a willful neglect of duty by Governor  
93 Nixon to ensure that the "laws are distributed and faithfully executed" under Article IV, Section  
94 2 of the Missouri Constitution; and

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96           **WHEREAS**, Article VII, Section 2 of the Missouri Constitution vests the sole power of  
97 impeachment in the House of Representatives:

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99           **NOW, THEREFORE, BE IT RESOLVED** that the Missouri House of Representatives,  
 100 Ninety-seventh General Assembly, finds, charges, and presents that Governor Jeremiah W. (Jay)  
 101 Nixon, while so acting as the Governor of the State of Missouri, failed to immediately discipline  
 102 or dismiss those members of the executive branch in the Missouri Highway Patrol and  
 103 Department of Revenue responsible for twice releasing personal protected information regarding  
 104 concealed carry endorsements to a federal agent in violation of state law, and failed to  
 105 immediately discipline or dismiss those members of the executive branch responsible for  
 106 unlawfully scanning and retaining concealed carry endorsement documents by the Department  
 107 of Revenue, constituting acts which are impeachable acts under Article VII, Section 1 of the  
 108 Missouri Constitution, and that by doing such aforesaid acts Jeremiah W. (Jay) Nixon was and  
 109 is guilty of the commission of willful neglect of duty; and

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111           **BE IT FURTHER RESOLVED** that the Missouri House of Representatives adopts the  
 112 following:

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ARTICLES OF IMPEACHMENT

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ARTICLE I

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116           That the Missouri House of Representatives under the authority of Article VII, Section  
 117 2 of the Missouri Constitution does find, charge, and present that Governor Jeremiah W. (Jay)  
 118 Nixon, while so acting as the Governor of the State of Missouri, contrary to the standards of  
 119 conduct prescribed for an elected executive official of the state, committed an act impeachable  
 120 under Article VII, Section 1 of the Missouri Constitution, in that, Governor Jeremiah W. (Jay)  
 121 Nixon, after his discovery of serious violations of state law and unlawful actions by government  
 122 agencies and employees, knowingly failed to immediately discipline or dismiss those members  
 123 of the executive branch in the Missouri Highway Patrol and Department of Revenue responsible  
 124 for twice releasing personal protected information regarding concealed carry endorsements to  
 125 a federal agent in violation of state law.

126           That by the doing of the aforesaid act, Jeremiah W. (Jay) Nixon was and is guilty of  
 127 willful neglect of duty, an impeachable offense under Article VII, Section 1 of the Missouri  
 128 Constitution, and that such act has shaken the faith and confidence of the citizens of the State  
 129 of Missouri in their ability to have faith in their elected public officials, and has breached the  
 130 public trust that the laws of this state will be faithfully executed.

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ARTICLE II

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136 That the Missouri House of Representatives under the authority of Article VII, Section  
137 2 of the Missouri Constitution does find, charge, and present that Governor Jeremiah W. (Jay)  
138 Nixon, while so acting as the Governor of the State of Missouri, contrary to the standards of  
139 conduct prescribed for an elected executive official of the state, committed an act impeachable  
140 under Article VII, Section 1 of the Missouri Constitution, in that, Governor Jeremiah W. (Jay)  
141 Nixon, after his discovery of a serious violation of state law and unlawful actions by government  
142 agencies and employees, knowingly failed to immediately discipline or dismiss those members  
143 of the executive branch responsible for unlawfully scanning and retaining concealed carry  
144 endorsement documents by the Department of Revenue.

145 That by the doing of the aforesaid act, Jeremiah W. (Jay) Nixon was and is guilty of  
146 willful neglect of duty, an impeachable offense under Article VII, Section 1 of the Missouri  
147 Constitution, and that such act has shaken the faith and confidence of the citizens of the State  
148 of Missouri in their ability to have faith in their elected public officials, and has breached the  
149 public trust that the laws of this state will be faithfully executed."; and

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151 **BE IT FURTHER RESOLVED** that upon impeachment by the House of  
152 Representatives, Governor Jeremiah W. (Jay) Nixon shall stand trial before a special commission  
153 of seven eminent jurists to be elected by the Missouri Senate in accordance with Article VII,  
154 Section 2 of the Missouri Constitution for willful neglect of duty; and

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156 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
157 Representatives be instructed to prepare properly inscribed copies of this resolution for Governor  
158 Jeremiah W. (Jay) Nixon, the Missouri Supreme Court, and the Missouri Senate.

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