

To Whom it May Concern,

I am a constituent of House District 23, represented by Mike Nearman. I am extremely concerned and alarmed by my representative's conduct on December 21, 2020 when he opened the doors to the Capitol building allowing armed right wing extremists into the Capitol building while the legislature was in session.

Mr. Nearman is entitled to a fair trial and to presumed innocent until proven guilty. His guilt or innocence should not be tried in the court of public opinion but in a court of law.

However his status as a legislator is not a legal issue. It is a political issue and one which the Oregon House of Representatives itself has legislative power and authority to determine.

We now know from the published video of Representative Nearman taken on Dec. 16, 2020 that he had fully intended to open the doors to the protesters on Dec. 21 in a plan called "Operation Hall Pass."

Further, by his language and communication it is abundantly obvious Nearman knew that "Operation Hall Pass" was illegal, that he was going to do it anyway and conspired with others to engage in these illegal acts.

Let me be clear: Mr. Nearman certainly has the right to object to the rules and policies of the legislature in keeping the Capitol building closed during the session and he is within his rights to voice those objections peacefully. For example, Mr. Nearman could have stood alongside and support those who were protesting peacefully outside the building.

But that is not what he did.

As a public servant who was working as a legislator while the legislature was in session (not a civilian or ordinary citizen) Mr. Nearman essentially conspired with violent protesters to endanger the lives and safety of his colleagues and the Capitol staff and undermine the authority of the Oregon legislature.

The act amounts to sedition as defined by the word: "conduct or speech inciting people to rebel against the authority of a state."

It also amounts to treachery: "betrayal of trust; deceptive action or nature."

Section 6 Article VII of the Oregon Constitution stipulates:

Incompetency or Malfeasance of Public Officer: Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

Representative Nearman's conduct, actions and behavior certainly rise to the level of malfeasance, incompetence and delinquency. If such conduct does not merit expulsion then I cannot imagine any conduct that could and renders Section 6 Article VII of the Oregon Constitution otiose and meaningless.

Thank you for your time and consideration.

Sincerely,
Aryeh Frankfurter
Monroe, Oregon