

1 HR226
2 176360-1
3 By Representatives Henry, Butler, Farley, Todd, Williams (JW),
4 Williams (P), Ball, Sessions, Crawford, Holmes (M) and
5 Standridge
6 RFD: Rules
7 First Read: 05-APR-16

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8 ARTICLES OF IMPEACHMENT AGAINST GOVERNOR BENTLEY.

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10 WHEREAS, in 2010, Governor Bentley was elected the
11 53rd Governor of the State of Alabama and was reelected to a
12 second term in 2014; and

13 WHEREAS, Section 173 of the Constitution of Alabama
14 of 1901 provides that the Governor and other constitutional
15 officers of this state may be impeached upon the adoption of
16 articles of impeachment by this body and upon trial by the
17 Senate, acting as a court of impeachment; and

18 WHEREAS, recent developments and findings relating
19 to the Governor's inappropriate relationship with a married
20 senior political advisor and official action taken to conceal
21 this relationship, as well as official action taken to the
22 detriment of the Secretary of the Alabama Law Enforcement
23 Agency (ALEA) and other agency employees, demonstrate that he
24 is unfit to serve the State of Alabama and that he has failed
25 to faithfully protect and defend the Constitution of Alabama
26 of 1901 and the laws of this state; and

1 WHEREAS, Governor Bentley has admitted to engaging
2 in an inappropriate, extramarital relationship with a married
3 senior political advisor; the release of recordings and
4 transcripts of recordings substantiating the inappropriate
5 relationship has garnered both statewide and national
6 attention and criticism; and

7 WHEREAS, the senior political advisor, by
8 subterfuge, has avoided required public financial disclosures
9 and compliance with applicable ethics laws for state officers
10 and employees through the establishment of an entity from
11 which she was compensated; and

12 WHEREAS, Governor Bentley removed the Secretary of
13 ALEA and directed or encouraged the termination, demotion, or
14 involuntary transfer of other agency employees alleging misuse
15 of state funds; an audit of ALEA's finances by the Alabama
16 Department of Examiners of Public Accounts has revealed no
17 discrepancies or misuse of funds and the former Secretary of
18 ALEA has stated that his termination was based, in part, upon
19 his discovery of the inappropriate relationship between
20 Governor Bentley and his political advisor and his cooperation
21 with the Attorney General in an ongoing judicial proceeding
22 contrary to Governor Bentley's directive; and

23 WHEREAS, two formal complaints have been filed with
24 the Alabama Ethics Commission to determine whether Governor
25 Bentley violated state ethics laws by using state property in
26 the furtherance of the inappropriate relationship with his

1 senior political advisor and whether he has used his position
2 to interfere with any investigations; and

3 WHEREAS, in recognition of the gravity of the
4 adoption of these articles of impeachment and upon findings
5 that Governor Bentley has violated the public trust, this body
6 concludes Governor Bentley should be impeached for cause; now
7 therefore,

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
9 THE LEGISLATURE OF ALABAMA, That Governor Bentley is impeached
10 for cause and that the following articles of impeachment,
11 based upon the findings in this resolution, be transmitted to
12 the Senate for trial as provided in Section 173 of the
13 Constitution of Alabama of 1901:

14 ARTICLE I.

15 Willful Neglect of Duty.

16 There is credible evidence from which to infer that,
17 in his conduct while Governor of the State of Alabama, he has
18 willfully neglected his duty as Governor by failing to
19 faithfully execute the laws of this state and by refusing to
20 perform his constitutional and statutory duties and has
21 consistently acted in violation of law to promote his own
22 personal agenda.

23 ARTICLE II.

24 Corruption in Office.

25 There is credible evidence from which to infer that,
26 in his conduct while Governor of the State of Alabama, he has
27 unlawfully used state property in furtherance or concealment

1 of an inappropriate relationship with a senior political
2 advisor and has made administrative decisions, including
3 termination, demotion, or the involuntary transfer of
4 Executive Branch employees, based solely upon the furtherance
5 of that inappropriate relationship. Furthermore, the lack of
6 transparency of the senior political advisor's compensation
7 arrangement and status further demonstrate corrupt motives and
8 suggest circumvention of state ethics laws. Governor Bentley
9 has betrayed his trust as Governor and has undermined the
10 integrity of his office.

11 ARTICLE III.

12 Incompetency.

13 There is credible evidence from which to infer that,
14 in his conduct while Governor of the State of Alabama, he has
15 exhibited poor judgment and continues to make decisions that
16 are detrimental to the people of this state and has proven to
17 be wholly ineffective as Governor. Governor Bentley's abuse of
18 his official duties and powers consistently demonstrates
19 diminished competency, honesty, principles, and morality.

20 ARTICLE IV.

21 Offenses of Moral Turpitude.

22 The Alabama Supreme Court has defined "moral
23 turpitude" to mean something immoral in itself, regardless of
24 the fact that it is punished by law, including an act that is
25 not merely prohibited, but is inherently immoral. By his own
26 admission, Governor Bentley has engaged in an extramarital
27 relationship with a married political advisor and has used his

1 office in furtherance and concealment of this relationship.
2 Governor Bentley's conduct is inherently immoral and renders
3 him unfit to serve in the highest office in this state.