



WEST VIRGINIA LEGISLATURE
STATE CAPITOL
CHARLESTON, WEST VIRGINIA 25305

June 8, 2018

VIA HAND DELIVERY

The Honorable James C. Justice
Governor
State of West Virginia
1900 Kanawha Boulevard, East
Charleston, WV 25305

VIA HAND DELIVERY

The Honorable Mitch Carmichael, President
West Virginia State Senate
1900 Kanawha Boulevard, East
Building 1, Room 227-M
Charleston, WV 25301

VIA HAND DELIVERY

The Honorable Tim Armstead, Speaker
West Virginia House of Delegates
1900 Kanawha Boulevard, East
Building 1, Room 228-M
Charleston, WV 25301

Dear Governor Justice, President Carmichael and Speaker Armstead:

On behalf of the Democratic Caucuses in the West Virginia Legislature, we are writing to ask for each of you to support a call for the immediate resignation of Supreme Court Justice Allen Loughry. Should Justice Loughry refuse to resign, we urge the Governor or, alternatively, members of the Legislature call for a special session immediately to begin impeachment proceedings. This corruption and continued disruption to our judicial process must come to an end. The Legislature as an institution must act immediately to show the people of our great state that checks and balances do exist in our form of government. We as elected officials must take this corruption and our duties seriously. Our citizens deserve to be protected against corruption- and the Legislature must stand strong against Justice Loughry's abuse of power.

If the Legislature fails to act promptly with impeachment proceedings, Justice Loughry will remain a Supreme Court Justice beginning the fall term of the Court, as the maximum penalty of any judicial proceedings is merely suspension. Only the Legislature can remove him from office prior to the expiration of his term. We also believe that Justice Loughry is undeserving of his judicial pension- and should be disqualified from receiving it due to his corrupt actions. Impeachment ensures that he will not receive this undeserved pension. We believe that Justice Loughry has already benefited enough at the expense of West Virginia tax payers.

There is no legitimate reason to delay this process. In fact, this proceeding should have already been initiated. As you may recall, resolutions regarding the impeachment of Justice Loughry were introduced in both the Senate (SR 44) and the House of Delegates (HR 4) during the 2018 Regular Session. The House resolution would have allowed the impeachment proceeding to begin during regular session, at minimal or no cost to the taxpayers. To wait for

the further judicial action before the Legislature takes action will only appear as a delay of justice and of the Legislature shirking our constitutional duties.

Many of the assertions of HR 4 and SR 44 are identical to the 32 counts of the Judicial Investigation Commission complaint. In fact, the Commission, upon receiving his complaint, took Delegate Mike Pushkin's allegations seriously, when others, for whatever reasons, tried to dismiss the seriousness of this situation. Specifically, Delegate Pushkin was ridiculed by you, President Carmichael, with your quote: "I think it may be the single dumbest, most ridiculous political stunt that I've seen in my time in the Legislature." We call on you, President Carmichael, to retract this personal attack made against a member of the House of Delegates, and instead join this initiative to help us restore integrity in our state judicial system, especially in light of the fact that the Judicial Investigation Commission has confirmed what we should have already known- that Justice Loughry must resign or be impeached.

There is no reason to wait for the results of the Judicial Investigation Commission process. The facts have been clearly established. Should Justice Loughry decide to defend his actions, we believe that he should do it in a public forum where he can again be placed under oath, face public justice, and be publicly held accountable for his actions. Justice Loughry's outrageous behavior is illegal and unacceptable, it is our hope that you will also recognize the necessity for immediate action.

In Delegate Pushkin's letter directed to Speaker Armstead on April 16th, he expressed that you consider his request, stating that he feared that "the public's confidence in our judicial system hangs in the balance". We as a caucus are in total agreement with his view, as failure for the Legislature to act will give make it appear that we are not a deliberative body carefully considering what the constitution requires. We fear that the Legislature will instead be viewed as a body afraid to upset the judicial applectart - because of political or other motives- at a time when we should be working towards protecting our citizens, working to create a transparent, accountable system of government free of corruption and preserving the integrity of our state judiciary and government operations.

We call upon each of you to demand the immediate resignation of Justice Allen Loughry and support calling the Legislature into session to conduct an impeachment hearing as soon as possible, should Justice Loughry refuse to resign.

Sincerely,



Roman W. Prezioso Jr., Minority Leader
Senate Democratic Caucus



Timothy R. Miley, Minority Leader
House Democratic Caucus