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REVISED

STATEMENT FROM SENATOR TONY MENDOZA ON THE DANGEROUS PRECEDENT SET BY THE LACK OF DUE PROCESS IN RESPONSE TO ACCUSATIONS OF INAPPROPRIATE BEHAVIOR BY MEMBERS OF THE LEGISLATURE

"I am particularly disheartened and extremely concerned, as members of the Senate should be over the extreme lack of due process that has been afforded during the entire investigative process regarding the allegations of inappropriate behavior by certain members of the legislature. Quite frankly, the whole lack of due process could be best described as the proverbial "building the plane as we fly it" approach which is both troubling and disconcerting. It sets a dangerous precedent now and into the future for this body because past precedent has been to only expel members who have been convicted of a felony. This raises the stakes for future perceived infractions by members of this body.

Senate Rules Committee has recommended action against me based on its unfair and secret investigative that violated my civil rights and due process. Today, it refused to provide me any opportunity to even review the findings or to offer my side of the story. The Committee had never provided me any charges, the basis for the charges, a list of witnesses or access to any evidence used against me, or an opportunity to make a response to the investigative findings. My only role in the investigation has been as a witness subject to the investigators' questions. This inability to view and understand the accusations in a timely fashion rubs across the grain of fairness, impartiality and ultimately justice.

Supreme Court Justice Ruth Ginsburg recently told *The Atlantic's* Jeffrey Rosen last week that women should never be afraid to complain about disparate treatment, but added that the accused must be treated fairly. She went on to say that "There's been criticism of some institutional codes of conduct for not giving the accused person a fair opportunity to be heard, and that's one of the basic tenets of our system, as you know, everyone deserves a fair hearing."

This government body must rise above and not be swayed by the court of public opinion, but rather, influenced to arrive at a conclusion based on facts and one of the basic tenants of our society, a due process that allows for a complete and thorough investigation procedure that then allows the accused to view and respond to the accusations in a timely manner. Unless we adhere to the pillar of fairness that serves as a key anchor of our American system of justice, we are condemned to repeating the mistakes of our past when due process was nothing more than a legal luxury reserved only for the well-heeled or mere legal folly."

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