

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AJR 5 (Gipson)  
Version: April 17, 2023  
Hearing Date: June 20, 2023  
Fiscal: No  
Urgency: No  
ID

**SUBJECT**

Expulsion of Tennessee state representatives

**DIGEST**

This resolution makes findings relating to the expulsion by the Tennessee House of Representatives of African-American Representatives Jones and Pearson on April 6, 2023 for their participation in protests in the House chamber after the March 27th mass shooting at a school in Nashville, Tennessee, and condemns the Tennessee House of Representatives for these expulsions.

**EXECUTIVE SUMMARY**

On April 6, 2023, the Tennessee House of Representatives voted on resolutions to expel three of its Democratic members for accusations that they broke House rules of decorum when they led protests on the House floor and joined protestors in the chamber gallery. The protests were in response to the House's inaction on gun violence after the mass shooting at a Nashville school that occurred on March 27, 2023 that left six people dead. While the resolution against Representative Johnson, a white woman, failed, the resolutions to expel Representatives Jones and Pearson, both African-American men, succeeded. This resolution condemns the Tennessee House of Representatives' undemocratic and racist expulsion of Representatives Jones and Pearson for expressing their political opinions. The resolution is author sponsored and has no known opposition.

**PROPOSED CHANGES TO THE LAW**

This resolution declares:

- 1) That on March 27, 2023, a shooting occurred at The Covenant School, a private religious school in Nashville, Tennessee that resulted in the death of three nine-year old children, Evelyn Dieckhaus, William Kinney, Hallie Scruggs, and three staff members, Katherine Koonce, Cynthia Peak, and Mike Hill.

- 2) That the news of this tragedy devastated many people and started a movement to highlight a persistent issue in this nation: gun violence and mass shootings.
- 3) That more than 1,000 peaceful protesters rallied around Tennessee's State Capitol on March 30, 2023, calling for more restrictive gun laws and gun control. The rally then made its way to the Capitol Floor.
- 4) That three minority party members of the Tennessee House of Representatives, Gloria Johnson, Justin Pearson, and Justin Jones were threatened to be expelled from office for their roles in the protest.
- 5) That, on April 6, 2023, the Tennessee House of Representatives voted on whether or not these three Representatives should stay in office after it was determined that they violated decorum. Of these three Representatives, Justin Pearson and Justin Jones, who are African-American, were expelled.
- 6) That the only minority party Representative to be exonerated after the initial resolution was passed was Gloria Johnson, who said, "It might have something to do with the color of our skin."
- 7) That the expulsion of Pearson and Jones was undemocratic. The resolutions to expel the minority Representatives were filed by three majority party Representatives, Andrew Farmer, Gino Bulso, and Bud Hulsey.
- 8) That the expulsion of the Representatives caused national uproar, as specified.
- 9) That the actions of the Tennessee Legislature were further unjust because the Constitution allows for freedom of speech and freedom of protest, rights that the Representatives were penalized for exercising.
- 10) That President Joe Biden and Vice President Kamala Harris issued specified statements regarding the matter, including that the expulsions were "shocking, undemocratic, and without precedent."
- 11) That issues that the Representatives were protesting continue to be a prevalent problem in this country. We are suffering from a mass shooting epidemic. We continuously have to mourn the loss of babies, children, adults, and the elderly. Enough is enough!
- 12) That Representatives Johnson, Pearson, and Jones were within their rights to testify in favor of tighter gun control measures.
- 13) That, under the Tennessee Constitution, Section 27 of Article 2, any member of either House of the general Assembly, has liberty to dissent from, and protest against, any

act or resolve which they may think is injurious to the public or to any individual, and to have the reasons for their dissent entered on the journals.

- 14) That we reside in a nation where our constitutional rights ought to be guaranteed, but despite our best efforts, we continue to experience the same issues that others have struggled to resolve. These recurring concerns were fought for by civil rights leaders such as Dr. Martin Luther King, Jr., Thurgood Marshall, and Rosa Parks.
- 15) That the actions of the Tennessee House of Representatives threaten our democracy and nation because injustices like this one continue to be committed.
- 16) That we as a nation should fear that other states will follow in the steps of Tennessee, and remaining silent could perpetuate the same issues of injustice. As Dr. Martin Luther King, Jr. proclaimed, "A time comes when silence is betrayal."

This resolution, in light of those facts and declarations, resolves the following:

- 1) That the Assembly and the Senate of the State of California, jointly joins in denouncing the actions of the Tennessee House of Representatives during the week of April 3 to April 6, 2023, in expelling two African-American Democratic Representatives for no justifiable reason; and
- 2) That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

### COMMENTS

#### 1. Authors' comment

The author introduced this resolution "to denounce the actions of the Tennessee Legislature for unjustly expelling House of Representatives Justin Jones and Justin Pearson on April 6, 2023."

According to the author:

The actions in Tennessee are reprehensible and have the ability to harm many communities of color by denying more than 140,000 Tennesseans their voice in the Legislature. I wish to draw attention to this undemocratic issue to help prevent this practice from happening again and spreading to other states. AJR 5 aims to increase awareness of this issue before it gets worse.

## 2. The events in Tennessee that prompted this resolution

On March 27, 2023, Nashville, Tennessee was struck by a deadly mass shooting at The Covenant School in Green Hills.<sup>1</sup> Three children and three adults were killed in the shooting by a shooter wielding two “assault-style” rifles and a pistol. The shooting prompted large public protests across Tennessee and the nation calling for policy change to stem the high gun violence across the United States that led to the March 27<sup>th</sup> Nashville shooting. During the protests at the Tennessee Capitol in the days after the shooting, three Democratic members of the Tennessee House of Representatives, Gloria Johnson, Justin Jones, and Justin J. Pearson, a group dubbed the “Tennessee Three,” led personal protests for gun reform on the House floor and joined demonstrators in the chamber’s public gallery during a legislative session in response to the Tennessee Legislature’s refusal to act on gun violence.<sup>2</sup>

On April 6, 2023, the House of Representatives voted to expel the Tennessee Three for their protests, claiming they had violated rules of decorum for the house chamber. The resolutions for expulsion for Representatives Jones and Pearson, both young African-American men, passed with a two-thirds majority, while the resolution against Representative Johnson, a white woman, failed to pass by one vote. Following the vote, Representative Johnson opined that the reason the vote to expel her failed but did not for Representatives Jones and Pearson, “might have something to do with the color of our skin.” Representative Jones defended the Tennessee Three’s protest, saying they are “fighting for kids who are dying from gun violence and people in our communities who want to see an end to the proliferation of weaponry in our communities.” Representative Jones also commented after the vote that the Tennessee Legislature, “rather than pass laws that will address red flags and banning assault weapons and universal background checks, [the Legislature] passed resolutions to expel their colleagues.”

## 3. The Representatives’ expulsion in the context of Tennessee’s history of racism

Immediately after the expulsion votes, the Tennessee House of Representatives received accusations of racism from within Tennessee and across the nation. Representative Jones stated that, “a state in which the Ku Klux Klan was founded is now attempting another power grab by silencing the two youngest Black representatives and one of the only Democratic women in this body.”<sup>3</sup>

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<sup>1</sup> Jonathan Mattise, “3 children, 3 adults killed in shooting at Nashville private school,” Associated Press (Mar. 27, 2023 at 2:15 pm), available at <https://www.pbs.org/newshour/nation/3-children-killed-in-shooting-at-nashville-private-school>.

<sup>2</sup> Kimberlee Kruesi, Jonathan Mattise, “Tennessee’s House expels 2 of 3 Democrats over guns protest,” Associated Press (April 7, 2023), available at <https://apnews.com/article/tennessee-lawmakers-expulsion-d3f40559c56a051eec49e416a7b5dade>.

<sup>3</sup> Matthew Brown, “Problematic things Tenn. Republicans have done without getting expelled,” The Washington Post (April 8, 2023 at 6:00 am), available at <https://www.washingtonpost.com/politics/2023/04/08/tennessee-republicans-expelled/>.

The expulsions of Representatives Jones and Pearson come amid a long and fraught history of racism in Tennessee. Slavery was rampant throughout Tennessee in the 1700s and 1800s, and Tennessee joined the Confederacy during the Civil War. Even after the end of the Civil War, much like other states in the South, Tennessee continued to deny African-Americans their rights to political participation through more than 20 Jim Crow laws. In recent years, racial gerrymandering, debates relating to Confederate monuments and flags, killings of unarmed African-Americans, and continuing socio-economic disparities demonstrate that racism continues to be a major challenge in Tennessee and nationwide. Presently, only three Tennessee state Senators and only 12 members of the House of Representatives are African-American.<sup>4</sup>

When Representatives Jones and Pearson were expelled, many saw parallels to other instances in which African-American legislators have been unjustly punished or excluded from the legislative bodies to which they were elected.<sup>5</sup> For some, it echoed the treatment of Julian Bond, an African-American and civil rights leader elected to the Georgia Legislature in 1965, who was initially denied his seat by white legislators because of his opposition to the Vietnam War. For others, it recalled another instance in Georgia in 1868 when white legislators expelled all 33 African-American lawmakers from the Legislature.

#### 4. The Representatives' expulsion in the context of inaction on gun violence

The Nashville shooting on March 27th was just one of many mass shootings that have occurred already this year; the United States is on a record pace for the number of mass shootings in 2023.<sup>6</sup> Such a record is only part of a years-long trend, with over 19,000 people having been shot and wounded or killed in a mass shooting in the United States since 2015.<sup>7</sup> Tennessee itself is a major part of this problem; it ranks twelfth for gun deaths and ninth for gun violence in the United States.<sup>8</sup> Tennessee is not one of the ten states that has adopted an assault weapons ban, nor is it one of the fourteen that prohibits high-capacity magazines.

#### 5. The Representatives' expulsion in the context of prior expulsions

Expelling a member from the Tennessee House of Representatives requires a two-thirds majority vote of the House. In Tennessee's history, this has only happened three times;

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<sup>4</sup> "The Tennessee State Legislature," Center for Youth Political Participation, Rutgers University (2023), available at <https://cyp.rutgers.edu/tennessee/>.

<sup>5</sup> Sandhya Dirks, "Power, race, and fragile democracy in Tennessee," NPR (April 17, 2023 5:57 pm), available at <https://www.npr.org/2023/04/17/1170137973/power-race-and-fragile-democracy-in-tennessee>.

<sup>6</sup> "Mass shootings in U.S. on a record pace in 2023 so far" (April 21, 2023) PBS, available at <https://www.pbs.org/newshour/nation/mass-shootings-in-u-s-on-a-record-pace-in-2023-so-far>.

<sup>7</sup> "Mass Shootings in the United States," Everytown for Gun Safety Support Fund (Mar. 2023), available at <https://everytownresearch.org/mass-shootings-in-america/>.

<sup>8</sup> "How does gun violence impact the communities you care about?" Everytown for Gun Safety Support Fund (2021), available at <https://everystat.org/#Tennessee>.

in 1866, 1980, and in 2016.<sup>9</sup> These prior expulsions were of members who blocked the ratification of the 14<sup>th</sup> Amendment, a member who sought a bribe in exchange for killing a piece of legislation, and a member who was under state and federal investigation for sexual misconduct. Notably, Tennessee lawmakers have declined to expel members of their chambers in many other instances, including when a member of the majority party faced accusations of sexual assault, when a member faced Federal criminal charges of money laundering and corruption, and when a member vilely talked about conducting capital punishment by lynching.<sup>10</sup>

#### 6. The expulsion's threat to democracy nationwide

Representatives Jones and Pearson were democratically elected by the people of their districts to serve in the Tennessee House of Representatives. Following their expulsion by the Tennessee House, many observers nationwide expressed concern for how such an undemocratic act could have serious rippling effects that threaten democratic values across the United States.<sup>11</sup> The move represents an increased use of procedural or decorum rules to punish and silence opposition, stripping them of their power and voice instead of engaging in the political process. Comparisons have been drawn to other recent political developments where the party in power has stripped opposing voices of power for minor penalties, such as when a nonbinary legislator in Oklahoma was removed for providing refuge in their office for a transgender rights activist, and when two minority party leaders were arrested in Florida for participating in a protest over abortion restrictions.<sup>12</sup> Politics is often contentious, but our democracy is at risk when parties in power use their power to punish and silence their opponents at the slightest sign of conflict.

#### SUPPORT

None known

#### OPPOSITION

None know

#### RELATED LEGISLATION

Pending Legislation: None known.

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<sup>9</sup> Brown, *supra* note 6.

<sup>10</sup> *Id.*

<sup>11</sup> Ivan Saric, "How Tennessee GOP expelling 2 Democrats could have ripple effect in other states," AXIOS (April 7, 2023), available at <https://www.axios.com/2023/04/07/tennessee-house-lawmakers-expulsion-democrats>.

<sup>12</sup> Sean Murphy, "Amid polarization, minority party lawmakers face penalties," Associated Press (April 5, 2023), available at <https://apnews.com/article/oklahoma-tennessee-florida-partisanship-polarization-79934faf6518d901f888a3760b52ef4c>.

Prior Legislation: None known.

**PRIOR VOTES:**

Assembly Floor (Ayes 63, Noes 0)  
Assembly Judiciary Committee (Ayes 8, Noes 0)  
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