

LEGISLATIVE ADMINISTRATION COMMITTEE

Legislative Office Building, Rooms 305-307

Concord, NH

Wednesday, May 10, 2017

To consider the matter of Representative Fisher and Frost as referred to the Committee by the House of Representatives. The Committee will review the merits of the allegations against Representative Frost at this time.

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(Convened at 1:31 p.m.)

RICHARD HINCH, State Representative, Hillsborough County, District #21 and Chairman: Good afternoon. I'd like to call this meeting to order of the Legislative Administration Committee for Wednesday, May 10. If you'll all rise and join me in the Pledge of Allegiance.

(Pledge of Allegiance recited)

CHAIRMAN HINCH: Okay. Good afternoon, everyone. Going to give you some opening remarks on this. I would ask that you pay close attention to these remarks.

The purpose of this hearing, the House voted on May 4th to direct the House Legislative Administration Committee to review the merits of allegations made against Representative Sherry Frost, Strafford 16, and to conduct a public hearing to solicit further information from all interested parties on this matter.

I want to make it clear that the scope of this discussion is limited to actions taken by Representative Frost during her service to the City of Dover in the 2017- 2018 term of office. I think everyone can agree that it is incumbent upon all public officials to conduct themselves with dignity and respect.

The hearing format:

The Committee will conduct this hearing following the general procedure for bill hearings. Those wishing to speak should complete pink cards. Those who do not wish to speak may fill out the white sheet.

The Committee will hear first from Representative Frost, if she desires to speak, and then from other members of the Legislature and members of the public.

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In order to assure -- ensure that everyone has the opportunity to speak, I request that you limit your comments to three minutes. Members of the Committee may ask questions of those testifying. Representative Frost will be given a second opportunity to speak at the end of the hearing, if she wishes.

As in every public hearing, I'm asking all in attendance to refrain from expressing either support or opposition to any speaker. Banners, signs, placards, are prohibited in the House and Senate Chambers, Gallery, and in the House and Senate Committee rooms. The Committee will not be voting on this matter today. We will be voting next week on a recommendation that will be brought forward to the full House on June 1st. The recommendation will be included in a report to the House that will be printed in the House Calendar, and may be one of the following:

No action; reprimand; censure; expulsion. The full House will then vote on the recommendation after the debate. A simple majority vote is required to adopt a recommendation.

As I charged yesterday to the Committee, I would ask that the Committee is respectful of all speakers; that we are not here to do an interrogation or an investigation or anything that remotely resembles that. That we will be respectful to all speakers. We don't need to play any "gotcha" questions and all of that.

I would ask those who are speaking if you have written testimony and you're passing in that written testimony to the Committee, please, we are able to read and we ask you, therefore, to hit the highlights that you think are pertinent and essential for your testimony. But we are going to be faced with navigating through lots of pink cards, looks like a couple dozen, and so we would ask that you, again, do your best to limit your comments to three minutes and that's a request that I make respectfully. I'm not trying to limit debate, but I'm trying to keep this well-managed.

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I also want to point out that the Chair will not, will not accept any testimony that goes back to yesterday's public hearing and talks about someone other than Representative Frost who we are here to provide the hearing to today. So that is a notification to all of you that we do not want to go back into testimony or any comparisons from yesterday's public hearing. Any questions from the Committee?

STEPHEN SHURTLEFF, State Representative, Merrimack County, District #11: Maybe mention that Ceil is taking it down to slow down a bit.

CHAIRMAN HINCH: Right. This hearing is being transcribed. So as you're speaking, we would ask that you, even though I want you to keep to three minutes, that you do slow down so that we can get your comments on the record. And, again, I'll make one last plea. If you have written testimony, and it's multiple pages, you know, we are very competent here to make sure that everything is clearly articulated in the minutes that will be taken. Okay. All right. At this time, I would like to call Representative Sherry Frost.

PAUL TWOMEY, ESQ., counsel for Representative Sherry Frost: Could I approach with her also, Mr. Chair?

CHAIRMAN HINCH: You may. For what purpose?

ATTORNEY TWOMEY: I'm her counsel and representing her and as I indicated yesterday, I would like to address the Committee before she addresses it.

CHAIRMAN HINCH: You may -- you may go ahead. But please limit your comments to what we are talking about here. You and I met yesterday so you know what I'm talking about.

ATTORNEY TWOMEY: Right, and I will try to be as brief as I can.

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For the record, my name is Paul Twomey. I'm from Chichester. I'm here representing Representative Frost. I appear pro bono publico, which as you all know means for the good of the public. I also prepared, because I'm the former House Counsel and I'm very concerned about what's going on here in these types of proceedings, I'd like to address what we think is the appropriate type of proceeding for this -- for an expulsion.

The Chair asked me to reference *Mason's* -- *Mason's* Section 562 [Par. 4] says adequate notice, formal charges and a public hearing with the right to cross-examine witnesses have been held to be necessary components of procedural due process that must be -- must be afforded to a member prior to expulsion.

The only other case of an expulsion in the history of the State of New Hampshire was in 1913, a Representative named Clifton who was not charged with any speech, nobody has ever been faced with expulsion based on speech. Mr. Clifton was charged with basically taking money for votes. He had a full hearing. He had written notice of the charges, which we don't have. He had an attorney that was able to cross-examine each and every one of the witnesses, and he had full due process rights which we believe under the New Hampshire Constitution and Federal Constitution are appropriate here.

This is a case in which the House is seeking to punish pure speech. As I said earlier, there has never been a single attempt by any former legislature to do that.

The United States Supreme Court has spoken out on this question. In 1966, Julian Bond was a legislator -- was elected to the Legislature in Georgia. The Legislature voted not to seat him because he had said he was against the War in Vietnam, and that he supported people who burned their draft cards. The Legislature -- he was elected three times, the Legislature refused to seat him every single one of those times. In the case of Bond vs. Floyd --

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CHAIRMAN HINCH: Mr. Twomey, let me stop you at this point. As you and I discussed yesterday, the authorization for this public hearing came from the following: *Mason's* which gives us the ability to provide for -- let me finish.

ATTORNEY TWOMEY: No, no, I'm sorry.

CHAIRMAN HINCH: *Mason's* which gives us the ability to take action against a Member of the House. More importantly, by House vote which, by the way, Representative Frost participated in and voted for the final vote, the House authorized this Committee to hold a public hearing to look at the merits of the allegations, period. That's all I need to know about, and I want to move on with this public hearing. I don't need a lesson in anything else.

ATTORNEY TWOMEY: The United States Supreme Court in this case --

CHAIRMAN HINCH: I understand what you're saying.

ATTORNEY TWOMEY: That Legislature did exactly --

CHAIRMAN HINCH: Mr. Twomey.

ATTORNEY TWOMEY: -- the same thing and the Court said it was wrong. You've sworn to uphold the Constitution of the United States.

CHAIRMAN HINCH: I have. Mr. Twomey, don't argue with me.

ATTORNEY TWOMEY: Okay, but Part One, Article -- Part Two, Article 84, requires everybody to --

CHAIRMAN HINCH: I just said to you, please, do not engage the Chair. I have made my ruling. And if you have objections to that, we can so note it in the minutes. I want to proceed.

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ATORNEY TWOMEY: I'm just trying to put my objection on the record and I haven't been allowed.

CHAIRMAN HINCH: Your objection is so noted.

ATORNEY TWOMEY: Okay. We believe my client has the free -- right to free speech. The Legislature cannot control that right, cannot punish her in any way for exercising free speech, unless it is in violation of some other law.

CHAIRMAN HINCH: So noted.

ATORNEY TWOMEY: There are some other things you could have. Well, bribery. You could have --

CHAIRMAN HINCH: Right.

ATORNEY TWOMEY: -- other things.

CHAIRMAN HINCH: Can we continue on, Mr. Twomey?

ATORNEY TWOMEY: Nothing my client said was, first of all, said in the Legislature. This was in no way disrupting the proceedings in any way whatsoever.

CHAIRMAN HINCH: Yeah. I feel like we are in a courtroom right now and we are not. We are in a public hearing, and this is a legislative public hearing, and I want to move forward at this time.

ATORNEY TWOMEY: Okay. All I said, the Court has said this has to be conducted like a trial, like a courtroom, all the due process lies --

CHAIRMAN HINCH: The due process, sir, is this public hearing.

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ATTORNEY TWOMEY: Okay.

CHAIRMAN HINCH: I'm ready to administer the oath to Representative Frost.

ATTORNEY TWOMEY: The objections -- on the record, I'll let it go. Let me address some of the allegations in particular.

CHAIRMAN HINCH: Can I --

ATTORNEY TWOMEY: She's not going to take an oath. She's going to give a statement. She's not going to answer any questions because you have told me yesterday, again, that she would be the only person under oath.

CHAIRMAN HINCH: That is correct.

ATTORNEY TWOMEY: That's simply not fair. If you're going to have a proceeding with one person under oath, everybody should be under oath. The accuser should be under oath just as she is. If it's not going to be under oath, she will not take any questions. She does have a statement to give you, but she's not going to take any questions so there's no need for the oath. We can provide that statement to you. She can make it right now if you want.

REP. SHURTLEFF: Just a question for Chair.

CHAIRMAN HINCH: Yes.

REP. SHURTLEFF: Thank you, Mr. Chair. If Attorney Twomey has documentation he wants to present and give to the Committee to be made part of the permanent record, would that be acceptable?

CHAIRMAN HINCH: Absolutely, absolutely.

REP. SHURTLEFF: Thank you.

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CHAIRMAN HINCH: Yep. So for clarification, is it my understanding, Representative Frost, that you refuse to testify under oath?

SHERRY FROST, State Representative, Strafford County, District #16: On the advice of my counsel, yes.

CHAIRMAN HINCH: Okay. We will note that in the record. And I assume that your counsel did indicate to you the authority to administer oath; is that correct?

ATTORNEY TWOMEY: It's not an issue so I didn't go over that with her. I have no doubt that the Committee can require oaths in proceedings. In the Clifton matter, in fact, all witnesses were under oath as I indicated earlier.

CHAIRMAN HINCH: Okay. Then I assume you have a statement for us, Representative Frost?

ATTORNEY TWOMEY: Yes, I'm getting a number of things in order.

REP. FROST: Shall I? Mr. Chairman, Members of the Committee, my name is Sherry Frost, and I'm a freshman representative from Stratford 16, Dover Ward 4. I am before you today to account for statements I've made on social media.

In January, I used a imprecation in a couple of posts on Twitter. I was called by the Minority Leader to discuss my word choice, and I issued an apology for the same. And on January 17th, I had a meeting with both the Speaker and the Majority Leader, who also chairs this Committee, about those posts. I was verbally reprimanded and left that meeting with the clear understanding that the matter was considered settled.

At that time, I asked the Speaker specifically if I should delete the posts in question, and he told me not to. He

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was -- he had indicated that he was sure, as was I, that if anybody wanted to use that speech against me that he was certain that they already had screen shots.

Here's where I'd like to mention that both my Twitter feed and my Facebook page are open to the public. I post under my own name and with my own photograph as my icon image. With practically no exception, I deleted nothing from either platform, even the entries that have guarded me the harshest criticism are still there for anyone to see. That includes the post that I referenced and the apology that was attached to it. I'm hiding nothing.

During the opening weeks of the Trump Administration effort to make good on its campaign promise to band Muslims from entering the United States, I tweeted on February 17th, and I'm quoting here, we have a terrorist problem and they're usually white Christian men. This claim is supported by Homeland Security and FBI reports that catalog dozens of terrorists attacks by non-Muslims in the U.S. ranging from Oklahoma City, to Charleston, to a white man who shot seven people at a pool party in California nine days ago. While this may be an uncomfortable fact for some people to hear, it is a fact, not an attack.

Lastly, I'd like to point out that like each of us here in this room, I'm a human being with emotions and sometimes those emotions get the better of me. After a particularly rough week, that included a House session, which saw the transgender rights bill fail to come to a vote, and a bill to overturn the statute allowing for girls as young as 13 years old to be married off by their parents, I took to social media to express my frustration and said, and again I'm quoting, "the people (read; men) telling me to, quote, calm down and, quote, not take it so hard are making me homicidal. I refuse to account 4 having a conscience."

This is an example of hyperbole. Hyperbole is a figure of speech that uses exaggerated language to make a point. I'm

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certain that each of us at one point have said we're starving, or this headache is killing me, or I'm so mad that I'm spitting nails; when, in fact, we were weren't starving, or dying, or spitting hardware. Hyperbole is referenced -- I'm sorry, homicidal is recognized hyperbole for being very angry and that's what it was. To consider that this would be a credible threat to anybody is laughable.

I'm wholly committed to advocating loudly and insistently for those who are marginalized, discounted, and silenced. Too many people are left out and too much of my humanity is bound up in empathy and compassion for me to remain quiet or to make nice when I see violence, discrimination, exploitation being perpetrated by those with privilege and power. I locate my identity in my service to others; my family, my friends, my constituents, my students, and my fellow human beings. This is why I do what I do.

Finally, as an American citizen, I enjoy the freedom of expression afforded to me by the First Amendment. My speech is not always pretty or polite, but I have the right to express myself in ways that I feel best relay what I witness and experience. It may offend some people when I call out ugly things, but what would be more offensive to me would be to remain silent or passive and not vigorously defend the ideas and values that people elected me to represent. Thank you very much for your time and attention.

(Applause)

CHAIRMAN HINCH: I made an announcement the beginning of public hearing that there will be no signs of emotion here. I ask you respectfully to refrain from that.

ATORNEY TWOMEY: Mr. Chair, copies for the Members. I don't know if you want me to hand them out or give them to a staff member?

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CHAIRMAN HINCH: Over there.

REP. SHURTLEFF: Mr. Chair, just so the record is clear, I know Representative Frost said she met with you, the Majority Leader, and the Speaker.

CHAIRMAN HINCH: And you.

REP. SHURTLEFF: Okay. I was also present.

REP. FROST: I'm sorry, he was not present at that meeting.

REP. SHURTLEFF: I wonder if she might have met with the Chief of Staff?

REP. FROST: He was not present at that meeting.

REP. SHURTLEFF: Not that, no. No, we met separately.

CHAIRMAN HINCH: Okay. My apologies.

REP. SHURTLEFF: Okay. Just want to make sure that was clear for the record.

ATORNEY TWOMEY: For the record, Mr. Chair, I just gave a copy of that statement to a staff member. I next have the -- regards to the use of the word homicidal as Representative Frost indicated. It was hyperbole and no way meant to be taken literally. I think after we're all about five years of age we know that people can use these words as metaphors, hyperbole.

In looking this up, I went to an on-line that took me 55 seconds to find in a slang dictionary the word -- definition of homicidal, extremely angry.

CHAIRMAN HINCH: Thank you.

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ATTORNEY TWOMEY: As I said I --

CHAIRMAN HINCH: Is that the end of your statement, Representative Frost?

REP. FROST: Yes, sir.

CHAIRMAN HINCH: It's my understanding you're not going to answer any questions from the Committee whatsoever.

REP. FROST: On advice of my counsel.

CHAIRMAN HINCH: Thank you.

ATTORNEY TWOMEY: Two documents that I'm handing out. One is a Slates article from last year on the long list of murders committed by white extremists since the Oklahoma City bombings. The other, a FBI report from 2002 talking about -- it actually talks about all sorts of terrorism. There is no hierarchy of terrorism anywhere; but it indicates, as my client indicated, is a real concern and part of a public discussion she has a right to take part in.

Thirdly, and this is -- pains me to put this in here, but some of the things that she has had to respond to from other people, this is a Representative with somebody calling her a C-U-N-T on his Facebook page that he refuses to take down. It's been up there for months, and months, and months. She did not file a complaint about that. I'm not even going to use his name, because she believes in First Amendment right to use speech no matter how distasteful it is to anybody.

CHAIRMAN HINCH: Okay.

ATTORNEY TWOMEY: Lastly, I have a *Concord Monitor* article in which a member of the majority party when another Representative was being in the press for things the person may have said, this member of the majority said -- suggested that,

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perhaps, they take a hostage, a Democratic Representative as a hostage and trade them off for that Republican member. Again, that's our concern is what happened. These statements, some of these statements are five months old. Nobody did anything. Nobody -- the one thing that was brought to the Speaker's attention, we think he handled it very appropriately. When I was the legal counsel I would often sit in with the Speaker Norelli where people she would simply sit down and say, look, you're a new Rep. We don't really do things that way. I think that's the appropriate way for that to be handled. My client agrees, too. That was a lesson well taught.

We don't think that should be the basis of another proceeding totally separate from this. We also don't think -- we think it's very clear that someone in the House just wanted some sort of false equivalency; and since there was going to be a Republican Representative whose speech was being looked over by this Committee, they wanted a Democrat there. That really is unfair. That is a hostage. And the Representative who said they should take a hostage was accurately describing what occurred here. I must say that that Representative did not vote on the motion, but he did publicly suggest that that's what would be an appropriate thing to do.

CHAIRMAN HINCH: Okay.

ATTORNEY TWOMEY: I have actually nothing further to say other than I urge you to go back to where I started under Part One, Article 22 of the Constitution.

CHAIRMAN HINCH: I've ruled on that already, sir.

ATTORNEY TWOMEY: I mention strongly, sir, that's her right to free speech and the First Amendment right to free speech. All of these things are protected. I've given your legal counsel the copy to the Bond cite. It's exactly the same as this other speech, if anything, was certainly a little more over the top and this was given the situation we were at war at that period

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of time. Supreme Court unanimously said a Legislature cannot control the speech of its members. They do not have less free speech. They actually have more and we have another article, Article 30, that gives legislators special protection because very important that they be able to speak their mind and that their citizens can hear exactly what they want.

We urge every single one of you, no matter what party you are from, to uphold that. Whether you agree with what this Representative said or the person yesterday said, it's all free speech. The voters can vote on these things. They can take whatever action they want and take somebody out of the Legislature. That is the remedy for speech that you don't like. It is not to chastise somebody. It's not to expel somebody and say we are not going to listen to your speech. That's not what this republic is founded upon. This republic is found about free people who can speak their minds.

CHAIRMAN HINCH: Thank you, sir. Okay. You're done?

ATTORNEY TWOMEY: Thank you.

CHAIRMAN HINCH: The Chair recognizes Representative Jan Schmidt.

JAN SCHMIDT, State Representative, Hillsborough County, District #28: Good morning, Mr. Chair, and Honorable Members of the Committee.

CHAIRMAN HINCH: Good afternoon.

REP. SCHMIDT: Oh, it's afternoon. Sorry. I did have lunch already. For the record, my name is Jan Schmidt, and I represent Ward 1 of Nashua.

CHAIRMAN HINCH: Welcome.

REP. SCHMIDT: I hope I'm still honorable.

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CHAIRMAN HINCH: You are.

REP. SCHMIDT: I have a very short thing to read. I'm sorry, I couldn't remember it otherwise. The real reason for this segment of the complaint against Representative Frost is clearly an attempt to intimidate House Members into dropping a complaint against Representative Fisher, by pressuring us into protecting a woman from the circus. This is the only reason that we are here today. It's got nothing to do with Representative Frost's F-bombs or a link to a story about terrorists. If that was the case, we'd be here every week.

During my last House session the gent in front of me in an e-mail exchange about some people who only see woman one way. Instead of using the word woman, he used the word vagina. He's -- he didn't mean it that way. I knew he didn't mean it that way but it passed. He wasn't brought before a Committee to explain what happened.

Another man, during that same time went to the well and talked about protecting kids from suicide being wrong, because they should have free choice. Now, not too many people believe that level of free choice, but he wasn't in front of a Committee like this. No, we're human. We say things, we write things, and often we wish people would just understand our intent. This isn't like comparing apples and bananas. This is more like comparing apples to the sinking of the Titanic.

Our hearing today isn't about these Tweets. It's providing cover for a man who is tarnished, the trust of citizens of New Hampshire and the country. And I appreciate you taking my testimony. Thank you very much.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Thank you. The Chair recognizes Representative Glen Dickey.

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GLEN DICKEY, State Representative, Hillsborough County, District #05: Thank you, Mr. Chairman. Let me know if I go too fast. For the record, I'm Representative Glen Dickey from Hillsborough District 5 comprising the towns of Mont Vernon and New Boston.

I would like to draw the Committee's attention to Representative Frost's Tweet of 13 March 2017 which is published in notes I've given you. The people (read; men) telling me to calm down and not take it so hard are making me homicidal. I refuse to account for having a conscience.

I was the one who spoke to Speaker Jasper after I read that the person sitting directly behind me was the person that made this statement. Representative Frost sits directly behind me in the State House, and this comment concerns me. When her statement is taken in context of all the other things she has tweeted, in all candor, I don't want to sit in front of her.

Judging from her own words, should I be concerned that some random comment might provoke her to murder? Who knows! Who can get inside someone else's head. Judging by her other Tweets, and my ethnic heritage, skin color, gender, political thoughts, even voting record, I must be everything she hates. And hate is exactly the correct word used here. Hate is weird. Hate makes people act in ways that the rest of us -- to the rest us seem bizarre and out of touch. If people want to attack my philosophy, I have no problem with that. If the people want to attack my politics, I have no problem with that. All that is part and parcel of the western philosophical and political tradition that I consider myself a part of. But when someone talks about not destroying ideas or persuading other but destroying others, I think there should be a bright line drawn. I think Representative Frost has gone very close to that line, closer than I would go, in fact. This might sound a little weird coming from a Republican, but Representative Frost needs to check her privilege. Just because Representative Frost is on the left end of the political spectrum that shouldn't lead her to

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think that there isn't a bright line to what she can say, and if she crosses that line there will be serious consequences.

If I spewed out a stream of vitriol as she has in a public forum, I would count myself lucky if the Tweet referenced above didn't earn me a visit from my local law enforcement.

Those of us in the House are elected officials. We are civic leaders. If we preach hatred of people and normalize expressions of violence, where is that going to end exactly? I think a lot of us experience the time we are elected officials as a limitation on what we can say publicly. I do.

We are in the camera eye. What we say might motivate people to act. I don't tolerate this kind of rhetoric from members of my party, and I don't think any of us should tolerate rhetoric of this kind at all, period.

All that being said, I won't support any recommendation that we should expel Representative Frost from the House. She is every bit as valid of a manifestation -- as valid a manifestation of her constituents' political will as I am, although I wish she would learn that. I would like to see someone talk her into dialing back her rhetoric.

As to what the Committee should do, I would offer this. If it's good for them, then it's good for us. It's okay -- if it's okay when they do it, it must be okay when we do it. But I would ask you, is that the political world we want to live in? Does a society really need our elected officials to start normalizing expressions of violence? Normalizing expressions of this kind from seated members of the House could lead to a very dark road for our state. To any Committee member that thinks I'm blowing this out of proportion, I would say this to you, I'll trade you seats.

I have one further thing to add. In the past, I've been a martial arts enthusiast, and I would read periodic like black

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belt. And one time they had a side bar that talked about what made people dangerous. And as it turns out, what makes people dangerous isn't having a lot of guns, but that will help. It isn't being a huge person, but that will help. What really makes people dangerous is the will, the will to use violence. And if somebody wants to get you, and they don't care, they're not looking for your wallet, they're not looking for your money, all they need is a pointed stick and the will to do it. Thank you.

CHAIRMAN HINCH: Questions from the Committee?
Representative.

CATT SANDLER, State Representative, Strafford County, District #21: Representative Dickey, did you, in fact, request a seat change?

REP. DICKEY: I did.

REP. SANDLER: And this was denied or what happened?

CHAIRMAN HINCH: Follow-up.

REP. SANDLER: Follow-up. I'm sorry. Was it denied? What happened?

REP. DICKEY: The Speaker's somewhat persuasive. I did not withdraw my request, but he indicated this would be a huge confusion. He'd have to change license plates and all that and basically denied my request.

REP. SANDLER: Okay.

CHAIRMAN HINCH: Follow-up.

REP. SANDLER: Another follow-up. Excuse me. My apologies. It was dropped at that point?

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REP. DICKEY: Dropped. I saw no further way to pursue the matter.

REP. SANDLER: Okay, nothing further.

CHAIRMAN HINCH: Further, Members? Seeing none, thank you for your testimony. Chair recognizes Representative Michael Cahill. Good afternoon, Representative.

MICHAEL CAHILL, State Representative, Rockingham County, District #17: Good afternoon, Mr. Chairman, Members of the Committee. I don't do social media. So for me friend --

(The court reporter interrupts.)

REP. CAHILL: I don't do social media so for me friend is still a noun. I did, however, make an unfortunate error during my first term speaking from the well during the heated moment of a budget issue that I was very concerned about, and I still get phone calls and from people around the country who misconstrued my meaning. So I kind of understand this a little bit.

We have a large caucus. Unfortunately, not as large as the Republicans. But in our Legislature it's very difficult to know really a third of the people that we have. I don't know Representative Frost. But from her comments today, she's a committed and articulate Representative, and I respect that. So I'm hoping that with the action that was taken by leadership, the meeting with her to better focus her choice of words in the future, we all have emotions as she said, I think that would be enough and I don't think that you should have any recommendation for any further action. Thank you very much.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, thank you. Chair recognizes Representative Victoria Sullivan. Good afternoon, Representative.

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VICTORIA SULLIVAN, State Representative, Hillsborough County, District #16: Good afternoon. Thank you, Mr. Chairman. Thank you, Members of the Committee. For the record, I am Representative Victoria Sullivan. I represent Hillsborough, District 16. The media has made quite a field day leading up to today's proceedings. Many accusations were made as to why I requested Representative Frost's name be added alongside the other Representative. I am the one who made that amendment. It has been said that this was a tit for tat move. However, the Democrat leadership had received several complaints in regard to Representative Frost's actions while acting as a Representative of the people over several months. This did not deter her actions. The narrative has become that this is about her using foul language in her Tweets.

Well, I would not want my constituents to see me representing them in that manner and, in my opinion, a grown person who is able enough to get elected should be able to form arguments and opinions without resorting to cursing no matter their party. That is the smaller picture.

The first comment that caused concern was on January 10th when after the Senate voted on constitutional carry bill, she tweeted a statement in regard to her opinion of the Senators that served on that Committee and I quote, they recommend RTW2 #F'ers. Only it said the whole word which I will not say, thank you.

On February 7th, Representative Frost tweeted out a picture of testimony handed to her in Committee. The testimony had the citizen's full name on it. The Representative marked in quotes, and I quote again, pro tip. Don't read those notes. Just hand it to the members. We can read. A few minutes later she tweeted, and I quote, we have another testimony reader. I am going to complain. #wasting time, #we can read.

March the 9th, Representative Frost took a picture of her colleague who was perusing two documents and tweeted out, "if my

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Repub doesn't understand his checklist, he has three today, he waits to see how I vote and does the opposite. I hate this."

On March 9th, she took things a step further. Her Tweet stated, "the people (read; men) around me telling me to calm down and not to take it so hard is making me homicidal." I have had men of the Democratic party say similar things to me when I had argued in support of a bill and it failed. I never took it as misogyny. I took it as humanity. And I certainly hope we are not in a place where humanity and misogyny are now synonymous. To be clear, I have also had women make these same sentiments to me.

I ask this Committee if a male Representative had made this comment about female colleagues, what would the follow-up be of that? If this statement was made by an employee of a private company, it's pretty safe to say they would be unemployed. We owe it to our constituents to act in a way that represents them honorably. More importantly, we should always respect those that take the time to come to our committees to speak. This is the people's house, and we are here to serve them.

In a recent opinion piece, Representative Frost made several accusations regarding, in her words, the misogyny and rape culture of the New Hampshire State House. I would like to say for the record that in my almost three years that I have served this legislative body, I have never felt anything but respect and camaraderie among legislators. I have friends that are male and female, Republican and Democrat, and the men have been some of my best mentors, allies, and friend.

One final note. I understand that no matter the outcome of today's hearing, there is no win here for many of us who are serving. If you find that there is no cause to pursue this, then we will likely be accused of conducting a witch hunt. If you find there is, then the narrative is sure to be that she's unfairly targeted because she's a woman. I do not envy your job

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here today, and I wish this had been handled differently, and I thank you for your time.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you for your testimony.

REP. SULLIVAN: Thank you.

CHAIRMAN HINCH: The Chair recognizes Representative Skip Cleaver.

SKIP CLEAVER, State Representative, Hillsborough County, District #35: Thank you, Mr. Chairman.

CHAIRMAN HINCH: Your card indicates that you're needing to speak for five minutes. I would respectfully ask that you try to limit it to three, not limiting your debate.

REP. CLEAVER: Thank you very much. For the record, my name is Skip Cleaver, Hillsborough 35, Nashua. I must say that I sit near Representative Frost. We are neighbors in the House, and I always find her to be very polite, very understanding, very dedicated; and all in all, a very good Representative of the establishment that we are all so proud of.

I might also point out that nearby us there are several members who become, at times, to put it kindly, disruptive and impolite, snickering and being -- making fun of people in the well, making fun of the Minority Leader, the Majority Leader, and the Speaker at times. And all in all, getting up and out of their seats and laughing and talking when we're trying to hear testimony.

Representative Frost has not been at all -- at all critical of these people but very polite and understanding in my view.

I want to quote what is in the House record for this hearing. Public hearing to consider the matter of

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Representatives Fisher and Frost as referred to by the Committee by the House of Representatives. The Committee will review the merits of these allegations against Representative Frost at this time. Quote, unquote.

We must take umbrage at this very notion that their two sets of allegations are somehow linked or comparable. It is very disturbing and, frankly, ludicrous to attempt to conflate the two, the representatives and the two issues or allegations. The facts surrounding the Representative -- excuse me. The facts surrounding the Representative as of yesterday dictate any comparison -- any comparison or intent or resulting harm or the height of irony and embarrassment to the House. There's no possible way to equate these two individuals and the relative severity of the behaviors in question as reflected --

CHAIRMAN HINCH: Representative.

REP. CLEAVER: Yes, sir.

CHAIRMAN HINCH: I would respectfully ask that you obey the charge that was given the very beginning when we said we weren't going to rehear allegations against the Representative from yesterday. We are here today and although the charge to the Committee is a singular charge that involves two representatives, we are here today just to listen to the merits of the allegations against Representative Frost and that's it.

REP. CLEAVER: Thank you.

CHAIRMAN HINCH: Thank you.

REP. CLEAVER: As reflected in testimony yesterday, this was intentional and pointedly egregious. I won't go on about that because everybody knows what happened and everybody knows what was described. Constant barrage of desecrating --

CHAIRMAN HINCH: Representative.

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REP. CLEAVER: Yes. On the other hand --

CHAIRMAN HINCH: Thank you.

REP. CLEAVER: On the other hand, Representative Frost used a few profane and hyperbolic words in a brief one-time post on-line -- several-time posts on-line to the point colorfully descriptive and then gone. The former was a long running website with a proclivity to --

CHAIRMAN HINCH: Representative.

REP. CLEAVER: Yes, sir. The latter was a brief verse of profanity not uncommon in usage by a fair number of this body. Is it not ironic that the egregious actions and content designed to degrade and demean women --

CHAIRMAN HINCH: Representative.

REP. CLEAVER: Yes, sir.

CHAIRMAN HINCH: Last warning.

REP. CLEAVER: Thank you. Miss Frost is in parallel then with a more -- with a mere expression of frustration by women. In fact, it seems unlikely to many that the accusation against Representative Frost would have been made and brought before this Committee had such expression been made by a man. Was there a predisposition to find a target of indignation from both parties? Seeing contrition and an apologetic tone, I ask that you summarily dismiss these misplaced and unnecessary accusations against Representative Frost who was expressing an opinion, harmless use of her First Amendment rights, and I thank you for your time.

CHAIRMAN HINCH: Thank you, sir. Questions from the Committee? Seeing none, we thank you. Chair recognizes

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Representative Timothy Horrigan. Representative Horrigan, you have written testimony that I have in front of me.

TIMOTHY HORRIGAN, State Representative, Strafford County, District #06: Yes.

CHAIRMAN HINCH: And I will convey to you the same message that I have to others --

REP. HORRIGAN: Yes.

CHAIRMAN HINCH: -- please, use those couple of sentences in here that refer to yesterday.

REP. HORRIGAN: Thank you, Mr. Chair. I'm Representative Timothy Horrigan, Strafford District 6, and as one of our more distinguished colleagues said recently, #we can read. And that's -- I mean, I don't know whether you can separate these issues. I was one of the 300 who voted for the resolution that we rather hastily cobbled together. I certainly would not agree to the ground rules restricting yesterday's to what it was. I would not have -- I'm not sure if I would have agreed to the ground rules today; but I respect them and I'm here today. So I think that will certainly not -- I mean, certainly the -- I'm quite sure that we did not intend to have one of our own members lumped in with the matter that we are not allowed to discuss because it happened yesterday. But that's -- but anyway, she certainly had nothing to do with what we were discussing yesterday. Yesterday had me driving back from Boston and I heard, you know, the very shocking news from Washington D.C., and I suppose we are not allowed to discuss that either; but that did underline just how ridiculous this whole thing is. That national travesty tells me just how stupid it is for anyone to be so outraged by Representative Frost's relatively few harmless Twitter Tweets. There's many terrible things going on the world that deserve our outrage but her Twitter feed really is not one of them.

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So I believe -- I believe she did nothing wrong. I believe she deserves to be exonerated. She needs to have her name cleared. She also needs to have it separated from the much more serious matter that we're not allowed to discuss. But just for disclosure, first of all, I actually know Representative Frost 'cause I'm -- and I actually -- in fact, we actually belong to the -- belong to the same gym, although I don't know what goes on in the ladies' locker room. But I've never -- the locker room banter in my men's locker room is not what's usually -- anyway, I guess that's a little off topic.

Anyway, she says exactly what's on her mind. Sometimes she gets in trouble for that; but I admire her forthrightness and I think that most of our colleagues do. She's actually a very gentle and thoughtful individual and -- but I will admit that she's not necessarily always about civility. So when -- I think painted with a broad brush here, but I don't think people on the service side spectrum hear what liberals are saying as much as we -- you know, we see Fox News. We probably read more of public --

CHAIRMAN HINCH: You're drifting, Representative.

REP. HERRIGAN: Yes. We're used to being criticized. We know not everyone agrees with us. It's not quite as shocking when we hear a contrary opinion in the press strongly. Anyway, I will admit that, like me, she's not necessarily always about civility. I mean, civility is important, but the number one thing is justice. And, certainly, Representative Frost is always about justice.

And speaking of justice, I think the amendment that passed by the narrowest of margin on May 4th was one of the most unjust things I witnessed in my years in the New Hampshire House and that was a very difficult vote because I had to vote for the other matter which I thought was quite serious and I -- but -- and I had to -- so I had to -- and I had to have one

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of my colleagues lumped in for something really that, you know, didn't deserve censure at all.

You know, she's -- leadership did talk to her privately. That should have been the end of the matter and would have been the end of the matter if not other events had happened. So I would -- so I just say we need to exonerate and clear her name and also, you know, also make sure that we're not discouraging members from speaking freely on social media or anywhere else. So I thank you for your time.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, thank you. The Chair calls Representative Renny Cushing. Representative Cushing, good afternoon.

RENNY CUSHING, State Representative, Rockingham County, District #21: Thank you, Mr. Chair. I'm tempted to ask to be sworn, because what I have to say I think is a little bit of truth. I'm from Hampton. And as I was driving up here today I kept on thinking -- I thought to myself that Sherry Frost represents the greatest threat to our society since Goody Cole. And for those of you who know your New Hampshire history, Goody Cole was found guilty of familiarity with the devil and she was sent to prison. She was the only person ever convicted of witchcraft in the State of New Hampshire. And as I sit here and listen to this tribunal, I have a sense that what's going on is akin to a trial for witchcraft. I think that what the -- we are here because Sherry Frost spoke her truth as she sees it. That should be respected. I think that we're here because she was held hostage. I think she was brought in because of the need to have some kind of false equivalency here in the matters before the Legislative Administration Committee. I would stand on the First Amendment and ask this Committee to come back with a recommendation that no action be taken against Miss Frost.

But the one thing that does bother me more than anything else is the fact that Miss Frost, Representative Frost, has been called a "C" word on-line and that that remains posted on the

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website of a Member of the House of Representatives after being told to take it down. She's not -- none of us are worthy. That is the most despicable thing you can call women, and I would hope that -- I know the material's been provided by her counsel. I would hope that as part of the deliberations of this administration that there be commentary made recognition that that's inappropriate for any House Member to have the "C" word on their Facebook in referring to another legislator. Thank you.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, we thank you. Chair calls Representative Ellen Read. Representative Read, you have requested five minutes.

ELLEN READ, State Representative, Rockingham County, District #17: I will speak quickly yet slowly enough for the stenographer.

CHAIRMAN HINCH: Thank you. The Chair appreciates that.

REP. READ: Thank you very much, Honorable Chair -- I'm going to pick this one -- and Honorable Members of this Committee. My name, for the record, is Ellen Read. I represent Rockingham 17, the Towns of Newmarket and Newfields. My remarks here have to do only with Representative Sherry Frost, but I do need to say a quick word first as to why her comments were referred to this Committee in the first place, how and why she is here before you today. I will be careful.

CHAIRMAN HINCH: Thank you.

REP. READ: Representative Frost was added to the motion to send the issue of another Member's misogynistic activity to your Committee for study and recommendation. In recent weeks, I have received a question of what misogynistic culture there is at the State House. I put to you that the fact that an outspoken female Representative's colorful, if indelicate, remarks were somehow seen as the equivalent of the active plan and consistent incitement of violence towards and denial of human rights of

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half the population that that double standard should show every member that such a culture does indeed exist.

From my understanding there are three social media comments in question here, and I would like to comment on each of them.

The first of the Tweets calling a Senate Committee who listened to hours of citizen testimony against the bill but then voted for the bill "fuckers". Let's be honest, there is not a person in this room or in this building or probably an adult in the state -- in this state that has not said fuckers at some time or another in some form. Probably most of us regularly.

While I do agree that it is in keeping with the decorum of this office to use polite language in public comments, it is not unheard of for even Congress people, and U.S. Senators, and yes, Presidents, to swear publicly or use offensive language. That has been the case recently. I find it amusing that the so-called men's rights proponents are the first to clutch their pearls when a female Representative uses a dirty word. Further, Representative Frost was a brand new legislator at the time of that comment. She had only been sworn in for about a month or less than. Representative Frost was called in and admonished by both her party leader and the Speaker of the House, and since then has not used any profanity in any of her social media. I believe at that time the House took the correct course of action with the Representative. She listened and complied.

The second comment was a Tweet saying that white Christian men were more of a terrorist threat than minorities. This is a statement of statistical fact. Because the majority of the country is white, and Christian, and because men are far more likely to be the perpetrators of violence than women, the vast majority of violence in this country is, indeed, carried out by white Christian men, including mass shootings. Although this comment upsets some, mainly white Christian men, as Representative Frost did not use any colorful language in this

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remark but just stated statistical fact, I believe that this statement is a non-issue.

The last comment I believe is what the most political hay was made of. Sorry. Representative Frost stated after what was a very long and stressful day for nearly everyone in the House that men telling her to calm down made her homicidal. First, I'd like to note that it was tweeted on a Monday from her home and did not reference any Representatives. There's no reason to think that it was referring to any particular Representatives.

Now, again, if we are being absolutely honest, no one actually thought she intended to literally kill anyone. Everyone here knows instinctively how the English language works. The use of intentional hyperbole to illustrate a point is the common feature of our language. When someone says, "they are hungry enough to eat a horse," no one thinks they are actually carving up Secretariat.

When people say, "just shoot me now," they are saying they are frustrated, not suicidal. If I say, "it kills me that we have to sit here today and discuss what hyperbole is," I don't actually want you to call 9-1-1. In fact, in looking at the definition of the term homicidal, one meaning is simply extremely angry. The fake outrage and the pretending that this well-known anti-gun violence, anti-war, anti-death penalty woman was going to somehow plot to kill all the men in the State House is nothing short of insane. What was she going to do, poison the free luncheon? All this because Representative Frost was not careful enough to realize that there are those who will make political hay out of anything they can get their hands on, even if it is just a figure of speech.

However, my biggest concern here is not even Representative Frost's comments, but the unevenness with which proper decorum is regulated, something that I myself brought up to the Speaker at a continuing education series months ago. Not only have I heard plenty of swear words from legislators, and plenty of

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hyperbole, but I have heard legislators interrupt and yell at those testifying in Committee. I have been sent e-mails where legislators essentially told New Hampshire Citizens that they were stupid and should shut up, and other e-mails where legislators admitted to illegal conduct.

At the time of the Representative Frost's infamous "fuckers" comment, another sitting Representative had a comment on his Facebook page calling Representative Frost a "cunt". He left that comment on his page for months.

CHAIRMAN HINCH: Representative, I understand what you're trying to convey, but I would ask you to use a little bit of restraint with your speech.

REP. READ: I appreciate that comment and I appreciate the fact you understand that what's good for the goose is good for the gander.

CHAIRMAN HINCH: I hope you do as well.

REP. READ: He was never admonished by his party nor by the Speaker as Representative Frost was. When confronted about his hypocrisy for decrying the "F" word comment, while allowing the "C" word comment --

CHAIRMAN HINCH: Thank you.

REP. READ: -- a well-known misogynistic term carries a lot of sexual baggage in our culture, to the point that I was just admonished for using it in a quote to refer to a sitting Representative on his own page. He defended it as free speech and then liked a repeated comment calling her a "C" word once again. Further, unlike Representative Frost, this Representative is in his fourth term.

Why is it that all this behavior is permissible, but we are sitting here today because of one Representative saying the "F"

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word, and using homicidal in the figurative sense? Again, I contend that it is either misogynistic double standard or petty politics at its worse, or most likely both. But this House cannot continue to have the double standard and still stand.

If Representative Frost's comments are seen as something that must be punished, then I foresee virtually every legislator in the body coming before you for their own such hearing for every time any word – I have other profanities here – is said in the halls of the LOB. For every time someone says they're so mad they could just throttle someone, the doors will be flung wide open for everyone here, including myself. Virtually every adult in our culture uses profanity and hyperbole to emphasize a point on a regular basis. Representative Frost was doing the same; while inartful, makes her human just like her constituents.

My final note here is that I think the most important thing to consider when reviewing any of these comments is meaning. I have never been the PC police. I can look over many innocent verbal missteps, like when older men here call me honey or dear. I'm okay with that because I know they mean well. But I do care about the meaning of what is said. The outcry over the "F" word comment and the homicidal comment was always about how Representative Frost worded her comments, never about the meaning of what she was actually saying. She might have just as easily said the Members of the Senate Committee that refused to listen to the will of the people were jerks or deaf to their constituents. She might have said that men belittling her opinions by acting like she was hysterical made her extremely angry and, yes, maybe it would have been better if she had said that. She was not careful. But her meaning itself was perfectly acceptable.

On the other hand, questions surrounding other Representatives' behavior are not about wordsmithing but about meaning. There is no polite way to say one segment of human beings are inferior, or nice way to say that the violence of a person's body is okay. Representative Frost sits here, her

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always sincere self, denying nothing. She does not hide behind multiple user names, she does equivocate and give wavering and vague answers like I don't know and I don't recall, such as this Committee has heard from others. She is, as she has always been, completely open, unabashedly herself, something many women have been taught not to be.

I ask that this Committee truly search your hearts for fairness, regardless of party, and make a distinction between intentional and consistent hatred and a well-meaning heart who uses colorful language. I recommend that no action be taken against Representative Frost, and I'm happy to answer questions.

CHAIRMAN HINCH: Thank you, Representative. Questions from the Committee? I see none. Thank you.

REP. READ: Thank you.

CHAIRMAN HINCH: Chair recognizes Representative Anne Copp.

ANNE COPP, State Representative, Merrimack County, District #01: Thank you, Mr. Chairman. Thank you, Committee, for hearing my comments. Although I do represent half the population here, I think I'm going to be a little bit more polite and use language that is not so colorful.

CHAIRMAN HINCH: The Chair appreciates this.

REP. COPP: The criteria of this Committee today is to go over comments made in this session. And I remind you I was also in receipt of these Twitter feeds. My only problem is @frosthstaterrep references a Representative, supposed to be an honorable position here at the State House.

I, too, am a freshman Rep. I would never say anything like this, privately nor publicly. All of the other comments made on the previous dates in March and in May and in February, which was since she was supposedly reprimanded for such speech that

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has still continued. There was a paper article yesterday with her comments about our NH GOP, she said of which, if it doesn't cultivate rape culture, parts of the party certainly condone it at times. I take offense to that because not only am I a woman, I'm also a Republican, and I serve this House with distinction as has many previous women before me.

I might add, the first Governor of the State of New Hampshire, Vesta Roy, who also served with distinction, Speaker Donna Sytek, also served with distinction, Jeanie Forrester, our current GOP Chairman, served with distinction, was also a Senator. These women would never stoop to this level of conversation with either their peers or their foes. They would use English language to make a point.

Now my problem here, I have to come and speak personally. Many people haven't met the Rep. Miss Frost is in my Committee. She's stooped to the level of calling me an Islamophobe because of my views on one of our bills. I walked away and let that comment roll off my back like a duck, which is why I think most of the comments should be. I think that these kind of comments when they come to the public air become knowledge of her constituents, and I do say that her constituents will serve up the proper, I would say, admonishment when the time comes for her to be re-elected. I do know that her district does not represent, does not support, does not believe, and does not condone her comments. I, as a women, who previously someone said they represent half our population, I would have to speak to as a minority woman and say that the majority of things said on behalf of women is not on behalf of women. I happen to be a proud Republican woman with respect, decorum. When I'm in the State House I treat my fellow peers as honorable professionals, and I expect and will take nothing less from a fellow Representative. My only reason to come here today, although I wouldn't want to come and discuss these things, is because I was drawn in. I actually have personal interaction with Miss Frost, and it has not been pleasant, it has not been colorful, it has

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not been sweet, it has not been kind. I ignored those comments in my Committee and moved on.

When the Committee also heard the comments and we all kind of rolled it off our backs. She spoke to one of her fellow reps sitting next to her, and he also chimed in. I take and hold my head high and walked out of the room. I don't let that bother me.

My reason for coming to the Committee today is just to give you some background on Miss Frost. One of the other things your job is is to define what happened in this session and then take accordingly action. My hope is that the Speaker speaks to the Representative and reminds her of the decorum, the respect, the history of the House, perhaps give her a dictionary; but I do think that these comments should be reprimanded and whatever you decide I support 100%, and thank you for taking my comments.

CHAIRMAN HINCH: Thank you. Questions from the Committee?

REP. COPP: Oh, sorry.

CHAIRMAN HINCH: Seeing none, thank you.

REP. READ: Mr. Chair, I apologize. I forgot to hand out my materials.

CHAIRMAN HINCH: Thank you. Representative Tim Josephson, is it?

TIM JOSEPHSON, State Representative, Grafton County, District #11: Josephson, yes.

CHAIRMAN HINCH: My apologies.

REP JOSEPHSON: Thank you, Mr. Chair. Thank you, Honorable Committee. For the record, my name is Representative Timothy

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Josephson. I represent Grafton District 11, the towns of Canaan, Dorchester and Wentworth.

It seems to me that the point of today is to talk about free speech. And if anyone in this body does not have the ability to speak their mind and to speak freely, then what are we? If we can't -- if we have restrictions on how we are able to communicate, if we have restrictions like that, that goes against our First Amendment rights. That goes against what this country was founded on.

Representative Frost may have used some choice words that, perhaps, she would not use again; but that's their prerogative, that's her right. They were not made in the Chambers. They were not -- they were made on her own personal time through her own social media account.

It seems to me that this is a political charade, brought in where -- for balance as previous speakers have testified, and it seems silly that this sort of behavior is being brought up now where we could throw -- we could throw a net over some of the well and it hit somebody who said something that offend somebody. It just doesn't make much sense. And I just feel that this is nothing more than political posturing.

I feel that Representative Frost's comments are protected by free speech. I feel that she poses no threat to anybody, if anybody knew her. I don't feel threatened by her and I'm a white man. It's that simple. It's not -- it's not something that this Committee should be -- should have to deal with, because if you had to do this you would have to do this every single week because the number of Representatives that say something that somebody could find offense to goes on, and on, and on. And with that, I ask that the Committee make a recommendation of no action be taken. Thank you.

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CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you. The Chair recognizes Representative Isaac Epstein.

ISAAC EPSTEIN, State Representative, Strafford County, District #13: Thank you, Mr. Chairman, honorable colleagues, Representative Shurtleff. Thank you for taking my testimony. My name is Isaac Epstein. I represent Ward 1 of Dover which is Strafford District 16.

Representative Frost is my colleague and she is my friend. I find the circumstances that bring us here today to be deeply unfortunate. It's symptomatic not just of a broader decline in our political rhetoric, but an increase in partisan brinkmanship which is happening not just at the national level but right here in New Hampshire and right here in this State House.

Do any of you remember a presidential candidate who said on national television that he could shoot somebody on 5th Avenue and not lose votes? Whatever happened to that guy? Did he ever moderate his Twitter handle? The sad thing is that I think that candidate may have been right.

I would like to think that none of my honorable colleagues who are concerned about Representative Frost could ever vote for a man who boasted about sexually assaulting women and joked about shooting people, because hypocrisy is one of the worst sins in a politician.

Representative Frost is one of the hardest-working members that I know. Unlike me, and I suspect most of you, she's never missed a vote unexcused. When she wasn't assigned to any of her Committee choices, she didn't refuse to do Committee work, but she rolled up her sleeves and she immersed herself in environmental and agricultural issues. She's always forthright and honest, and those are two of some of the most important virtues for a politician.

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Be honest with yourselves. Do you really believe that these two circumstances are remotely analogous? If so, if we are so concerned about Representative Frost's conduct why wasn't this hearing scheduled four months ago? I will be forthright with you. This absurd show trial is nothing but cheap political theater, and my voters, Representative Frost's voters, and your voters deserve better. Thank you.

CHAIRMAN HINCH: Questions from the Committee?

(Applause)

CHAIRMAN HINCH: No emotion.

SHERMAN PACKARD, State Representative, Rockingham County, District #05: Mr. Chairman, if I may interject here. We were charged, this Committee was charged with proceeding with these two representatives. And I think I'm getting a little bit sick and tired of being accused of all kinds of different things. Being a rapist, being a homophobe, being everything else under the sun. And I would wish that the people that are testifying would realize that we are here by order of the House, and that's why this Committee was -- was put -- was put together and formed in doing this job. So I would appreciate it if the rest of the Representatives and the people speaking would stop accusing us of witch hunts and everything else under the sun.

CHAIRMAN HINCH: So noted. Thank you. Chair recognizes Representative Debra Altschiller.

DEBRA ALTSCHILLER, State Representative, Rockingham County, District #19: Good afternoon.

CHAIRMAN HINCH: Good afternoon. Do you have written testimony?

REP. ALTSCHILLER: I do. I will submit my testimony and I have a very short statement that I would like to read into the

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record. My name is Debra Altschiller. I represent Rockingham 19, in Stratham. Thank you, Mr. Chairman, Honorable Members of the Committee.

Today you've been tasked to essentially check the Speaker of the House's work. On May 4th, Representative Sullivan introduced an amendment to a motion for referral because she either A, had no confidence in the Speaker's previous actions, or B, was unaware that there had been previous action. Representative Sullivan's amendment, which is why we are here today, sought to dilute and distract from the serious nature of the original motion of the referral and create a false equivalency. I object to this craven use of procedure. That said, we are feigning outrage over the social media account of Representative Sherry Frost. On Twitter Representative Sherry Frost uses the screen name @frostnhstaterep. A portrait picture of herself is on the ID box on Facebook. She uses the name Sherry Frost, has an accurate picture of herself, lists her hometown, contact information, and place of employment. She doesn't hide, obfuscate or deceive her constituents or fellow Granite Staters about who she is or what she believes in. She is transparent.

What else is transparent is that the vote to add to this hearing, Amendment 115, was passed on a one -- on a vote of 182 to 180, largely along party lines, while the original request, Referral 117, that this hearing is attached to, like a tick on a dog, was passed on a 307 to 56 vote. What that tells us is that Representative Sullivan chose to make the inquiry about Representative Fisher, overwhelmingly understood by the House to be a serious offense deserving investigation, into a partisan false equivalency. Were Representative Frost's social media habits a true issue, they would have been brought as their own recommendation for referral to this Committee, but they weren't, and so here we are.

Representative Frost is vocal. She uses social media to express joy, inspiration, sadness and outrage, and to convey her

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thoughts on the events of the day. Speaker Jasper, Minority Leader Shurtleff, and Representative Hinch have each spoken with Representative Frost and none have called for her resignation, her removal or a public reprimand. To the best of my knowledge, Governor Sununu has no opinion on this. It is my opinion that Representative Sullivan has tried to make a false equivalency out of this --

CHAIRMAN HINCH: Representative --

REP. ALTSCHILLER: -- and we should recognize it for what it is.

CHAIRMAN HINCH: This is a gavel.

REP. ALTSCHILLER: I understand. I conclude my remarks. I thank you.

CHAIRMAN HINCH: Thank you.

REP. ALTSCHILLER: I urge the Committee to dismiss this complaint with prejudice.

CHAIRMAN HINCH: Questions from the Committee? This is a message for other Representatives. The Chair will not tolerate -- I will have zero tolerance for any testimony that brings another Representative into this. We don't do that. We are talking strictly about the merits of allegations about Representative Frost, and it would be inappropriate for us to do anything other than that.

The Chair recognizes Representative Lee Oxenham. I apologize. Your writing was --

LEE OXENHAM, State Representative, Sullivan County, District #01: I have had lots of complaints about that.

CHAIRMAN HINCH: Thank you.

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REP. OXENHAM: Thank you, Mr. Chairman. Thank you, Honorable Members of the Committee. Thank you for everyone who's here today. I'm going to be extremely brief. I would like to simply say that I feel that this is an issue of free speech. And I feel that the continual admonitions from the Chair are making it impossible for me to exercise my free speech. The conditions are so restrictive that I am unable to present the argument which I would like to present to you. And I would ask in closing that you dismiss this inquiry into this false allegation which are nothing but a political ploy and an effort to establish a false equivalent that does not exist. The two cases have nothing to do with each other. Thank you.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, we thank you. The Chair recognizes Representative Al Baldasaro.

AL BALDASARO, State Representative, Rockingham County, District #05: Good afternoon, Mr. Chairman, fellow Representatives. For the record, Representative Al Baldasaro, Rockingham County, District 05, well loved by my fellow Democrats and Republicans. Reason I throw that out there is because I believe in freedom of speech. I believe that Representative Frost, what she said, she has freedom of speech. Just like the way -- but the big problem we have here is we pick and choose words on one and we say, oh, that's terrible, and this one here is good. Let's -- let it go. But we want the Republican, not the Democrat.

Here's where my issue is. The word homicide. The last time I heard that word homicide was when I got back from Desert Shield. A female veteran was going through with her husband used that same word. He wanted to commit homicide. He come into the base with an ID card and weapon, shot three Marines and shot his wife over that word homicide. They never knew there was a restraining order that he said he was homicidal. This is personal to me here.

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If you look up the definition of homicide, it's there. Cut and dry. I support freedom of speech in a heartbeat. Unlike many in this room on things I've said, they want me to resign, right? Nine times --

REP. SHURTLEFF: That's true.

REP. BALDASARO: -- want me resign. Freedom of speech is important, unless it's a Republican. Okay. Then it's no freedom of speech. We are going to go after you. But my concerns are the word homicide. When you use that word, there's a few indicators as an old first sergeant who was trained in identifying suicides and other things; it's either somebody reaching out for help when they express it out to everybody, I don't know this Representative from a hole in the wall. I don't know her but I have concerns. The word homicide. That should have been a red flag.

Now, you hear some laughter in the back. I'm well-trained in protecting myself when words are used like that. Okay. But that -- we should be looking at this here. My good friend, the Minority Leader, should be wake up and say, is there something wrong here? Why would an educated legislator who, from what I hear, teaches children, be using the word I feel homicidal. That's a red flag to me.

I am hoping that -- I don't want to see anyone expelled for freedom of speech. I've taken the oath probably eight times, in the Marine Corp 22 years. I've taken it six terms here to protect freedom of speech. But the word homicide, homicidal, that should automatically say either somebody needs to be mentally e-val, needs to be looked at, because is that an accident waiting to happen? We don't know that. We don't know that. And I would think before that she would be back on the floor that this Committee would not expel her, but maybe look for help, maybe look to get her a mentally e-val on why she used that word homicidal.

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(Laughter in background)

REP. BALDASARO: And that's my concern right there. Like I said, I'm a marine. I'm normally not concerned; but I know it's happened over that word murder.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Representative Shurtleff.

REP. SHURTLEFF: Thank you, Mr. Chairman. I thank my friend from Londonderry for being here today. Just go back to history. Awhile back during the presidential comments, were alluded to you about comments you made against Secretary Clinton, and my friend said they were taken out of context and I take you at your word dealing with a firing squad. But I would just ask you did any Member of the House, whether it be Democrat or Republican, file any complaint or seek any redress in the Legislature for your comments?

REP. BALDASARO: No. The reason why they didn't because what they realized was if they listened to what I said, I'm speaking as a veteran. Okay. We are talking about -- we are talking -- see, everyone reads in-between the lines.

AUDIENCE MEMBER NO. 1: I'm a veteran and that's bullshit.

AUDIENCE MEMBER NO. 2: I feel the same way.

REP. BALDASARO: They'll be serving --

AUDIENCE MEMBER NO. 3 (Later identified himself as Joshua Adjutant): Shut the fuck up, Al.

REP BALDASARO: Who is this guy?

CHAIRMAN HINCH: I don't know. Stop, stop, everyone.

REP. SHURTLEFF: I withdraw the question.

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REP. BALDASARO: You know what the answer is.

CHAIRMAN HINCH: Al, stop. Stop. This public hearing is being conducted in what I would consider to be the best attempt to be respectful all the way around. Someone just mentioned to me that I had admonished people during the testimony today. But, in fact, as I've conversed with the Democratic Leader through this, and we have been together on this Committee for four years and have always run the most respectful, non-partisan Committee in recent times, and we have discussed some of the admonitions in advance, like the fact that Mason's does not allow Representatives to make a decision on the motives of another Representative. I'm asking the audience to be respectful of everyone's comments so that we can move forward.

In the very beginning I said that we would not show emotion, and I intend for that to be the course for the rest of this public hearing. Agree or not, that's how this hearing will be conducted. Thank you.

REP. BALDASARO: Mr. Chairman.

CHAIRMAN HINCH: If there's no further questions.

REP. BALDASARO: Mr. Chairman, if I may, because I was asked a question and I'm not going to go into the whole thing.

CHAIRMAN HINCH: I think he withdraws his question.

REP. BALDASARO: I understand, he did withdraw; but still, what I said was in accordance with the U.S. Constitution and the U.S. Code 18, an opinion.

CHAIRMAN HINCH: Thank you.

REP. SHURTLEFF: Just for the record, my question was not aimed --

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REP. BALDASARO: That's why it shouldn't have been brought up.

REP. SHURTLEFF: -- at any -- to diminish you, but just to point out.

REP. BALDASARO: It did. It did as you see what happened.

CHAIRMAN HINCH: Okay. Thank you. The Chair recognizes the Representative Susan Treleaven.

REP. SHURTLEFF: She might have left. Oh, there she is.

CHAIRMAN HINCH: Good afternoon, Representative.

SUSAN TRELEAVEN, State Representative, Strafford County, District #17: Good afternoon, Mr. Chair, and thank you for the opportunity to speak to you and Members of your Committee today. For the record, I am Susan Treleaven. I represent Strafford District 17. I don't have written testimony. Just what I've written for myself. I represent this district along with two other Reps. This includes Wards 5 and 6 in Dover, Ward 2 in Somersworth, and I am in my second term.

I met Representative Frost when she was recruited to run for an open seat in Ward 4 in Dover. She and I have a mutual friend. I found Representative Frost to be smart, aware, opinionated, dedicated, a proud parent and teacher, friendly and feisty. You may have noticed that I am a fair bit older than Representative Frost, yet we have some things in common. We each have two children. We both have been teachers and love teaching. We are both long time married people. We love politics, and we each have a Facebook account. I can struggle with technology at times. Representative Frost does not. She's a whiz, a digital native, if you will. She also has a Twitter account and uses it early and often. These accounts are all called social media, forms of social interactions and communication, something we all

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do everyday -- everyday -- excuse me -- everyday all day long; yet, there did not need to -- there did not used to be a record, a shareable record of our opinions. Welcome to our brave new world. Where strident, opinionated, mouthy, not afraid to express themselves by using language some may not appreciate, and it will be recorded forever.

Now, admittedly, Representative Frost used language I would not. Yet, when she was brought up -- her language was brought up to the Speaker of the House, I know that she was spoken to by the Speaker, our Minority Leader and our Majority Leader, she apologized. And from what I can see she refrained from sharing her opinion so graphically. I was actually having coffee with our mutual friend as all of this news was unfolding. I texted Representative Frost to see if she wanted to join us. She said she'd be right over.

On her arrival, she presented herself to me a bit defensively and with a very worried look on her face. She thought I was going to reprimand her. Candidly, I was shocked. I had asked her to come to lend support, to give some guidance about language, as language is vital, powerful, and can be used as a weapon or a tender touch. It shapes our thoughts and our feelings, and it expresses our deepest concerns. So we discussed language and how language might be used in the public sphere and in the private sphere, and I continue my respect for Representative Frost.

And speaking of language, I wonder if you all know the definition of the word misogyny? I looked it up. Merriam Webster and the Oxford Dictionary both say it means dislike of, contempt for, or an engrain prejudice against women. Thank you very much.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you.

REP. TRELEAVEN: Thank you.

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CHAIRMAN HINCH: Chair recognizes Kerry Anne Garnick. Good afternoon.

KERRY ANNE GARNICK, Hudson, NH: Good afternoon, Chair Hinch. Thank you for hearing my testimony. Uh -- I am here on behalf of myself and representing my right to the First Amendment and freedom of speech. Okay. I looked up the definition of fascism yesterday and it's synonymous with authoritarianism, says favoring strict obedience to authority at the expense of personal freedom, you know.

What this says, to me, the House of Representatives is trying to basically put Representative's head -- Representative Frost's head on a spike to show anybody on the Democratic side or the Republican side, for that matter, who's outspoken and use flowery language we want to show you that you're not allowed to do this. We want to show you that there's going to be consequences if you speak out in favor of your constituents.

In my opinion, trying to censor a Representative's freedom of speech is almost -- I won't say it's worse, but it's almost worse than trying to stop my freedom of speech as a public citizen. Because she, as a Representative, has power over specific bills. She has power over legislation. You know, by censoring Representative Frost or even making the threat of censoring her through this bill, I would say that you are censoring the voices of the people of district -- sorry -- of Dover Ward 4. And you are essentially censoring the voters of New Hampshire who voted for her. And I will end by saying, Representative Packard, you voted for this legislation. Stop being a snowflake. Thanks.

CHAIRMAN HINCH: Any questions? Seeing none, thank you. Chair recognizes Susan Olson. Good afternoon.

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SUSAN OLSEN, Warner, NH: Good afternoon, Mr. Chairman, Members of the Committee. I don't believe I've ever appeared before this Committee before, and I don't believe I know --

CHAIRMAN HINCH: We are a nice Committee.

MS. OLSEN: Well, I do know some of you; but I'm here today as a private citizen. Many of you who do know me know I'm a long-time volunteer, legislative activist here in Concord. I have appeared on behalf of a number of pieces of legislation, both for and against, over the past, gosh, 15 years. I've developed friends on both sides of the aisle, and what I have found is that when you treat people with respect, and you believe that their intentions are honorable that tends to pave a way towards, if not compromise, at least understanding of one another.

But the reason I'm here today is as part of my long-term legislative activism, I was following a bill very early in this session, Senate Bill 12, and that was my first introduction to Ms. Frost, was regarding the Senate Committee vote on Senate Bill 12 and saw her Tweet. I was shocked at the language, but perhaps more so at the disrespect shown sitting Senators.

I, frankly, don't care what Ms. Frost says. I, frankly, don't care if she were to call me bad names. But when I saw the two Tweets in early February during which a hearing was being held and people were testifying, and she tweeted out the name and testimony of one of the people saying, and I'm paraphrasing here, though I have a boxful of Tweets that I've collected over the last five months that I'm happy to show the Committee, she basically in my mind showed disrespect to this person who was testifying. And as someone who comes to this Legislature as a private citizen, as a volunteer, who spends my own time and money doing research, doing printing, paying for my own parking and certainly today at least one parking ticket, getting others to accompany me on bills on which I am working, and trying to assist others in getting legislation through this House, it's a

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very difficult thing to get someone to come here and testify. If they haven't done it before, if they're uncomfortable with public speaking, it's a difficult thing. And we work with them and we show them moral support and we try to assist them through the process. But to learn as a volunteer that the testimony that you've presented, I don't want to hear it, I can read it, you know, your time here apparently is unimportant. Don't show up, just send it to me.

I believe that's going to have a very chilling effect on people like me and others who would like to come and make known to you our personal opinions about legislation or about issues to be given the opportunity to stand here in front of you esteem people and try to convey our beliefs. If by doing so we are held up to ridicule or disrespect or perhaps worse, dismissiveness, I can't imagine ever wasting my time again, my money, on doing the work that I've been doing or trying to convince others to do the same. There's lots of high-price lobbyists that come here and are paid to talk to you and are paid to do the research and are paid to take you to lunch or coffee. But people like me, there are fewer and fewer of us that will come here and bear our hearts.

I'm, frankly, not someone who's easily shocked; but I am -- I'm disheartened, I'm saddened, and I'm going to convey this to the people with whom I work and all the people I say, come on, it's not so bad, get up there, catch your breath, count to three, and provide your testimony. They're nice people. They want to hear what you have to say.

Well, I guess I'm not so sure anymore. So I wish you a lovely rest of the afternoon. I'll be taking donations for my parking ticket, and I have a box that I would like to submit for the record. Thank you, Mr. Chairman.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Thank you. The Chair recognizes -- is this Benino Wright? Did I say that right? Bonnie? Benino? How bad did I kill that?

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BONNIE WRIGHT, Salem, NH: Second time was good.

CHAIRMAN HINCH: Okay. My apologies.

MS. WRIGHT: Good afternoon, Mr. Chairman, and Honorable Representatives. Thank you for the opportunity to speak.

For the record, my name is Bonnie Wright, and I'm from Salem. When I signed a pink slip to speak today, I had intended to contrast the words of Representative Frost to the actions of Representative Fisher, but I will do that by e-mail and hope it can be entered into the record.

What I can say today is that this room was filled with people overflowing and most of us are here to support Representative Frost. For every one person who was able to be here today, there are hundreds and probably thousands of people who feel the same way that I do. We stand with Representative Frost. We ask that no action be taken against her. We are watching, we will remember, and we vote. Thank you.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you. Chair recognizes Jim Verschueren.

JIM VERSCHUEREN, Dover, NH: Verschueren. Good afternoon. Former representative. I don't have to be here now, okay, though I thank you for what you're doing.

CHAIRMAN HINCH: Welcome.

MR. VERSCHUEREN: I understand, Representative Packard, that you are here because of a vote of the House, and you're doing your duty. So I mean no disrespect in what I will say.

I'm Jim Verschueren. I'm former State Representative from Strafford County, District 13, which is Dover Ward 1 in New Hampshire. I ask the Committee just to consider one question and

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it's one you've heard before, and I ask for 30 seconds and that's all I'm going to take.

CHAIRMAN HINCH: Go for it.

MR. VERSCHUEREN: Where was the outrage last year when a presidential candidate was supposed to be tried and shot? Where was that outrage? And now we are hearing about outrage. I suggest to you that this procedure with respect to Representative Frost, a Democrat and a woman, is nothing more than a partisan attempt to deflect attention from another case. Those who put forward the call for this process and those who voted for it should be ashamed. Such a blatant double standard, based on both political affiliation and gender, the basis of the very institution they purport to protect.

CHAIRMAN HINCH: Thank you.

MR. VERSCHUEREN: Thank you.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, we thank you.

(Small applause)

CHAIRMAN HINCH: Chair recognizes Mary Jane Mulligan. I know I did that one right. Representative.

MARY JANE MULLEN, State Representative, Grafton County, District #12: Yes.

CHAIRMAN HINCH: Okay. Good afternoon.

REP. MULLIGAN: Good afternoon and thank you, Mr. Chairman, and thank you Minority Leader and thank you to all the Committee Members -- hum -- for listening to my testimony.

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My name is Mary Jane Mulligan, and I -- I've been referred to as the other Mary Jane and that was supposed to be funny. So okay. And I am a State Rep from Grafton County, that's District number 12, and that's Hanover and Lyme.

I'm starting out by saying set Representative Frost free. As a first term Rep, as a woman, as a human being, I was so disappointed in the judgment of the New Hampshire State House to try and equate what one Representative said in an emotional, hyperbolic response to the barrage of horrendous, egregious, misogynistic statements that Representative Frost and all women were exposed to by another Representative. There is no comparison between these two situations. We need to stop playing politics with sexism. There's no place for it here in this Committee, in the New Hampshire State House, and in the world.

This Committee has the power to step up and stop the promulgation of this type of miss -- of misogynistic rape culture ideology. It is my belief we have a responsibility -- a responsibility to do exactly that. And I am asking this Committee to show to the world that New Hampshire does not tolerate sexism. So I appreciate you very much for taking my testimony and asking you to dismiss the inquiry and to set Representative Frost free.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you.

REP. MULLIGAN: Thank you very much, Mr. Chairman.

CHAIRMAN HINCH: Chair calls Brittany Pye. Still here? Okay.

BRITTANY PYE, Grantham, NH: Thank you very much the Committee.

CHAIRMAN HINCH: Good afternoon.

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MS. PYE: Good afternoon. My name is Brittany Pye, and I am from Grantham, New Hampshire. I'm here today because I wanted to speak to how I came to know Representative Frost and my personal experience with her.

I -- a few months ago I -- well, more than a few months ago now, I started to realize that there was a lot going on politically that I felt I needed to have a voice in. I have always been one of those girls, one of those women who was told to quiet down, to calm down, that I was being too emotional, that I needed to watch what my tone, and I never felt that there was a seat for me at a table like the one that you all are sitting behind. I never thought that there would be a seat for me in a place that the women who I saw presented to me in politics were demure, they were respectful, in a way that I didn't never know if I would be able to do. And a few months ago, I realized that there was more that I needed to do in politics than I had been able to do previously.

And I came across -- I crossed paths with Representative Frost on the Internet. And the more I got to know her, and the more I followed her, the more I realized that she was an example of someone I could be some day. She gave me hope that I could have a seat at the table that you all are sitting behind. She played the game by rules that I understood.

A few weeks after that, someone approached me in my town and asked me if I would run for School Board. Before I had met Representative Frost, I would have said no, because in my mind I was unelectable. I am opinionated, very short haired, very strong-willed woman, and there was not a place for me at that table. After getting to know Representative Frost and getting an encouragement from her I said sure, I will run. And I ran and I won, and I'm here speaking on my own behalf, not of that of the School Board to say that her example and her leadership and her role modeling to me has made me see that there is a future for me. Maybe a seat behind a table like yours and that -- hum -- I need to have a seat at that table. That women like me and women

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like Representative Frost deserve a seat at that table. We need to have a seat at that table. That table is not just for demure women who dress nicely in pant suits. It's also for the women who have really short hair and really big opinions.

And many of you have noticed, they have probably noticed that I'm the one that brought the four-year old to this hearing. And he's sitting back there happily. If I thought Representative Frost was a threat, was unstable, was crazy, was about to do us all in, I never would have brought my child into this setting.

My whole family stands with Representative Frost. And one of the things that I'm teaching my son to do is to own his emotions, to feel his emotions. To know that the depths of his sadness and the depths of his frustration will make the heights of his joy that much higher. So when Representative Frost shows her frustration, and shows her sadness, and shows her anger to all of her constituents, we know that the depth -- that the heights of her joy, and the heights of her success, and the heights of her passion are that much higher.

I hope that my son never feels that he has to suppress his emotion and his feeling on something and I am -- I'm proud that I've gotten to know Representative Frost. I consider her a role model. And I would not have taken the step that I did in my town and in my community without having met her and without having had her encouragement. Thank you all. I appreciate the time. And I'll take any questions.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, thank you very much.

MS. PYE: Thank you.

CHAIRMAN HINCH: Chair recognizes David Meuse. Did I do that right? Welcome back.

DAVID MEUSE, Portsmouth, NH: My remarks are short.

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CHAIRMAN HINCH: We'll get more copies distributed to the Committee.

MR. MEUSE: My name is David Meuse. I'm from Portsmouth, New Hampshire, and I'm proud to add my voice today to the folks here who are supporting Sherry Frost. While I know that some of her Tweets are inflammatory and may periodically used hyperbole, maybe sometimes they're even a little bit intemperate, equivocating that behavior with years of promoting a dialogue about rape, and the lack of intelligence of women is something else altogether.

I think like a lot of us Representative Frost gets frustrated, or maybe I should say frosted with her colleagues and the state of politics in general. But last night, like some other folks in the room, I did some poking round the Internet myself and found that she's not alone. There are quite a few people who are in politics who say intemperate things, who quoted with obscenities. Just a few of the folks that I found, Dick Cheney, former Texas Agriculture Commissioner Sid Miller, and former presidential candidate Rick Santorum.

So the bottom line is I think in this political environment everybody needs to have a better filter. The use of expressive language probably doesn't help us make any situation any better. But in -- but I do know from my own personal experience that sometimes it does make you feel better, and I also know that sometimes on further reflection sometimes you regret some of the things that you say, too. But I do believe it's wrong to equivocate a situation like this with a situation that we heard yesterday.

I also wanted to let you know, and I won't mention the name of the person, the name is actually in my remarks and my printed remarks, but while I was looking at Tweets last night, I did run across one from a person who does sit in this Legislature and in that tweet the U.S. Capitol Building is shown in flames and the

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headline says, "Study Finds Controlled Washington D.C. Wild Fires Crucial For Restoring Healthy Political Environment." I know the intent of that is to be funny, but you have a very different point of view of that if your son works in the Capital Building in Washington D.C., like my son does.

So in the current political environment what I'd say is it's extremely important that everybody try to dial things back a notch. And I think that this Committee and all of us in that room can do that. But I try to take responsibility as individuals to be the people who make things better and by not taking action against Representative Frost in this case. Thank you.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you, sir. Chair recognizes Gwen Mikailov. Did I do that well?

GWEN MIKAILOV, Nashua, NH: Gwen Mikailov.

CHAIRMAN HINCH: My apologies.

REP. MIKAILOV: Very close, very close. For the record, my name is Gwen Mikailov. I live in Nashua, New Hampshire, and I'm here today representing myself, but I'm here as a personal friend of Representative Sherry Frost. I would call her a Facebook friend. I've known her for a couple of years. And she and I have had a running joke for a long time about which one of us has a fouler mouth. And because both of us many times have felt very impassioned about some of the things that we've seen happening around the state and around the country. But I'm also here because I'm a parent to two teenage daughters who are on social media, and they also follow Buzz Feed. And they have been following this story since it broke. And I now find myself at a loss and so forgive me for offering you a couple of rhetorical questions. I don't know how I'm to explain to them that there's this comparison being drawn between a strong, outspoken female

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legislator and what is being construed as blatant hate speech. It is simply a false comparison.

And, as I said, I have two high school-age daughters who are now looking at college. They're looking at the environment that's being fostered in New Hampshire, and they're questioning whether or not there is going to be -- whether this is going to be a place where they want to return. What is -- they want to feel good about the culture that's being fostered here in the people's House and I do, too. So if you have any words to offer me for what I can tell them about how to explain that, I'd appreciate it. They were -- in a time when our whole New Hampshire delegation in D.C. is represented by strong elected women, and just today former Senator Kelly Ayotte has been announced as a potential candidate to be the first female director of the FBI, and these are really encouraging things for my daughters to hear. But I find it very discouraging to see the way that one of our most esteemed human rights-oriented activist legislator is being redressed by -- by the House, and I would very much like it if you would consider throwing out any charges against Representative Frost, because she doesn't deserve this, and that's all I have to say.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, thank you.

MS. MIKAILOV: I did provide some written testimony, if I can leave it with someone. Thank you very much.

CHAIRMAN HINCH: The Chair recognizes Joshua --

JOSHUA ADJUTANT, Bristol, NH: Adjutant.

CHAIRMAN HINCH: You got it. My apologies for the pronunciation. Good afternoon, sir.

MR. ADJUTANT: Good afternoon, Representative Packard and Representative Hinch, and Representative Shurtleff, I respect

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that you three are honorable gentlemen, and I will maintain that notion until proven otherwise.

As Representative Packard brought up earlier, I'm not here to accuse you of being rape apologists, because I don't believe you are. There was concern today raised about gender equality in looking into this issue, and I agree. That standard held for female Reps should be the same for men, and that's why I'm asking that charges brought against Representative Frost be dropped. What if this was a man? Well, we have anecdotal evidence of that here present today. Another Representative who I was fortunate to just have a very pleasant conversation with, let's call him Representative A.B., has on the record and defended called for the assassination of former Secretary of State Hillary Clinton.

I was honored to serve as a Lance Corporal in H&S Company 25th Marine and the comments that were referred to today throw all veterans under the bus and charge us with responsibility for those kinds of statements.

I do not want to look at those statements and think that they were anything more than hyperbole as said Representative just assured me. That being said, I hope that it is the recommendation of this Committee that we can treat all hyperbolic statements exactly the same. If that Representative was exonerated and not taken -- and the comments were not taken up by the House, then it is my solemn plea that such hyperbolic statement made by Representative Frost also be dropped.

If certain Representatives are afraid of Representative Frost, and not afraid of a Representative who cannot safely carry her weapon, and drop it on the floor of the House, a loaded weapon, mind you, then I do not think that they have the intentional fortitude to serve in the House. If a Representative who does not practice cybersecurity and on-line operational security is not held to account for these -- or for their comments, and Representative Frost is, then that is, in essence,

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condoning behavior by the Committee. So I'd like to count my statements once more by saying that I understand you were charged by the House to deal with such accusations. And I do not believe that it is your intention for this to be a witch hunt. My concern is that the public will see it as a witch hunt. I want all Representatives to be treated fairly. And as such, I would like the charges brought against Representative Frost dropped. Thank you.

CHAIRMAN HINCH: Questions from the Committee? Seeing none, thank you.

REP. SHURTLEFF: Thank you for your service.

MR. ADJUTANT: Thank you, Representative Shurtleff.

CHAIRMAN HINCH: Chair recognizes Representative Barry Faulkner.

BARRY FAULKNER, State Representative, Cheshire County, District #12: Good afternoon. I didn't plan to speak but felt compelled to. I'm Barry Faulkner. I represent Swanzey and Richmond. It's my first term. You can see I'm an older white male, veteran, Christian. I'm Democrat by choice but I grew up in a Republican family. My ancestors served this body with honor and I'm proud to do so myself.

I come here -- I sit right next to Sherry Frost. Uh -- I have been at every session. I never leave the hall during session. In all that time I've never heard her threaten anybody. I've never heard her say anything that would lead anybody to believe that she's out of control or unhinged or going to do something violent. Quite the opposite. Unlike a lot of my fellow Representatives, she listens intently and carefully to all the debate. Unlike a lot of Representatives, she makes her decisions based upon what she's heard and what she believes, not what she's told. Uh -- I respect her opinion. I'm certainly not afraid of her ideas. I'm not afraid of her physically and never

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had any reason to be so. And, in my opinion, the House would do well to have more Representatives like her and not fewer.

Just want to add one more thing. When people come here and express dismay about the fact that this hearing is taking place, I don't see that as a -- as an affront to this Committee. In fact, it's the opposite. I think this Committee does serious work. It takes itself seriously and should and the offense to me, and I think to everybody here is that you're being asked to do something that is politically motivated and trivial. And the -- the work of this Committee is far more serious and something that needs to be taken quite seriously and I hope you do so.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you, Representative.

Chair recognizes Representative Werner Horn. I saw him earlier. There he is. Moved around.

WERNER HORN, State Representative, Merrimack County, District #02: I did. Good afternoon. For the record, my name is Representative Werner Horn. I represent Merrimack County, District 2, the first two Wards of Franklin and the community of Hill. Thank you very much, Mr. Chairman, honored colleagues, for allowing me to speak.

I have a degree in English. I've been aware of how we communicate as people for three decades probably. I was very precocious, and I've watched how language has changed over those three decades, with a little bit of alarm. There are now situations that exist where a person can enact their First Amendment right, for example, on an airplane, and say the word bomb, and that will trigger a very out of proportion response. When you're in a crowded movie theater and you have your First Amendment rights can say the word fire, that triggers an out-of-proportion response. Yes, we have First Amendment rights, but with those rights come consequences. We can no longer afford

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to treat hyperbole as simply harmless. We're not prepared to accept the consequences of misreading that situation.

For anybody who has any doubt about why Representative Frost comments were amended, I can provide clarity on that, because I was willing to make that amendment based on not her gender, based not on her party affiliation, but based on the fact that when you talk about being homicidal, for us to dismiss this as hyperbole without investigating further borders on the irresponsible. That's why I don't know anything about Representative Frost other than where she represents and the Tweets that she made. But I am very familiar with the philosophy that thoughts beget words, words beget actions, and we should not be prepared to dismiss words whose actions could have catastrophic consequences.

How the Speaker dealt with the situation in earlier months is between the Speaker and the good Representative. The body of the House offered those remarks should be looked into. I concur with those -- I concur with the House on that recommendation. I concur on the House with the recommendation that all Representatives should be held to a standard. Thank you very much.

CHAIRMAN HINCH: Thank you. Questions from the Committee? Seeing none, we thank you. Chair recognizes Representative Jackie Cilley. She still here? Yep.

JACKIE CILLEY, State Representative, Strafford County, District #04: Thank you very much. Thank you, Mr. Chair, and Honorable Members of the Committee. For the record, my name is Jackie Cilley. I serve Strafford District 04.

Hum -- I had not planned to come up here and speak. I figured there were a lot of folks in the room that would have, you know, points to be made that would cover the full spectrum. I do want to make a couple of points, but I also actually have a question of the Committee. So to start with for full disclosure,

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and this can best be conveyed by an anecdote, when my youngest son was particularly young, my husband took him to work one day and there was a fellow on a creeper working on a motor under a truck and ended up hitting his hand with a -- some kind of mallet. It was rather painful, I take it, by his language. And so, you know, he got out from under the truck and realized that there was, you know, a six-year old with my husband and he said, oh, my God, young man, I am so sorry. Josh said, oh, I've heard that before. He said, oh, does dad get upset from time to time? He said, no, but my mother does.

So I tell you that just by way of saying that I'm not a shrinking violet and when I saw what Representative Frost had written, when I heard what some of my colleagues in this -- in this body have said, I don't get very concerned about it for the most part.

I also was brought up and, you know, in a rather liberal environment in an advance English class where children of mine once told me the, you know, the text of the word did not matter. If it fit the situation and it fit the emotion well enough, use it. So when we see in this day and age profane policies, profane actions by our government, sometimes it calls for language that captures that. There are many of us that are particularly upset with what we see as the unraveling of our government. Not only in this state, in terms of voting rights and so on, but certainly at the national level. So I'm not sure what kind of language captures that; but I'd say that Representative Frost was well on her way at times capturing it, in my humble opinion.

But as I sat here, and I've sat here for the last two days, and I know, Mr. Chair, you don't want to bring up yesterday and I won't, except to say that I sat here through the whole thing.

CHAIRMAN HINCH: I saw you.

REP. CILLEY: And I have sat here through today. And one thing keeps needling at me. And I finally went back to the

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Calendar and, you know, the Calendar says that the Legislative Administration Committee public hearing to consider the matters of Representative Fisher and Frost as referred to the Committee by the House of Representatives. The Committee will review the merits of the allegations against Representative Frost today. This is today, 'cause I can't refer to yesterday, and who the allegations may have been made against at that point.

When we attempted, some of us, to speak to this on the floor of the House, we were summarily told all of this is going to the Committee. You just vote and send it to the Committee or you don't. And some people said, well, what are we sending to the Committee? And there was a lot of confusion about what this body was. Was it a tribunal? You attempted to swear in, you know, a witness yesterday and a witness today so is it like a grand jury? So my question to you, as we wind this down, is what is the allegation? Is it printed anywhere because none of us could find it. I've spoken to several Reps as I've sat here and previous to coming in today. What is this body actually charged with? What will you be voting on next week? What will we be tasked with voting on on the House floor? And if you could help me out with that, and I know I'm on the wrong side of this table.

CHAIRMAN HINCH: You are.

REP. CILLEY: I am. But I'd be ever so grateful if you'd do that courtesy for me. And, see, there's some bi-partisan agreement. I hear A.B. back there saying he'd like to hear it, too.

CHAIRMAN HINCH: Have you concluded your remarks?

REP. CILLEY: I have.

CHAIRMAN HINCH: Okay. Are there questions from the Committee? Seeing none. So the answer to your question is that the Committee will make a report to the House which will be

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entered into the Calendar and will be articulated to the House most likely by the Chair based -- and it will indicate what we have found relative to the merits of the allegations made against both Representatives.

REP. CILLEY: May I, Mr. Chair?

CHAIRMAN HINCH: You may.

REP. CILLEY: That still doesn't tell me what the allegations are.

CHAIRMAN HINCH: I think the allegations from yesterday's conversation were clearly communicated and today's conversations are relative to the remarks that we have seen on public web sites.

REP. CILLEY: Thank you very much.

CHAIRMAN HINCH: You're very welcome. We are at the last pink card. Chair calls Michael Mills. Is Michael Mills still here? You are.

MICHAEL MILLS, Dover, NH: Thank you, Honorable Chair, for letting me speak today and fellow colleagues. For the record, my name is Michael Baldwin Mills. When I first met Sherry Frost, I was a junior in high school. She was my high school English teacher. Hum -- I went up to her during lunch period and I said to her, we have a problem. She asked why. And I said because I identify as a Republican Evangelical Christian. To this day I still represent that sentiment. I am the type of person that she has accused on Twitter of terrorism, and I don't take any offense to the words she says. Hum -- I have looked at the research that she's provided, and I see that she's correct. That people who affiliate as an Evangelical Christian associate do commit acts of terrorism more than most other people do. So I respect her opinion, and I appreciate all that she says.

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I continue to reach out to her even after graduating high school for six years now for her opinion on political matters and on religious matters and on other matters. I respect her dearly, and she respects me dearly. She does not force her opinion on me nor do I force my opinion on her. There is a mutual understanding that neither of us will sway the other person's beliefs, but there's an understanding that we can respect each other and inform each other of the other side.

I'm here to represent her and to give her full support in saying that what she's posted on Twitter has not changed from what I've heard in the classroom, though she did not swear in the classroom. She taught on matters of humanity and how to show kindness towards people. And I find that after high school as I've gotten to know her more as a friend and less as a teacher, I've come to find that she holds true to those beliefs inside the classroom and outside of the classroom. She did not push a liberal agenda on me. She pushed a human agenda, one that shows compassion towards others. And I find that as she represents me, because I currently live in Dover, the Ward she represents, as I find she represents me in the House, I find that she represents humanity and she represents the community at large and the benefits towards those people at large. Thank you.

CHAIRMAN HINCH: You're very welcome. Questions from the Committee? Seeing none, we thank you. That is the last -- that was the last speaker.

REP. SULLIVAN: Mr. Chairman.

CHAIRMAN HINCH: We have no other speakers. At this time, I will declare this public hearing closed.

ATTORNEY TWOMEY: Mr. Chairman. Mr. Chair, could I have an opportunity to address the Committee at the end of the hearing?

CHAIRMAN HINCH: The public hearing is closed.

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(The public hearing concluded at 3:38 p.m.)

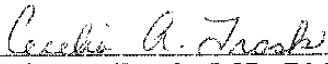
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CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.



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