



MEMORANDUM: TO THE HOUSE REPUBLICAN CONFERENCE
SUBJECT: “HOUSE SPEAKER TRUMP” - Nov 14th, 2022

BACKGROUND: Kevin McCarthy has demonstrated an unwillingness to proceed with the impeachment of President Joe Biden, has refused to stipulate to a return to ‘regular order’, and has shown hesitance to include the Motion to Vacate the Chair in the new Rules Package, in addition to many other failures of leadership.

It is for these reasons, and more, that the House Freedom Caucus proposes that Kevin McCarthy rescind his candidacy for Speaker of the House and support the nomination of President Donald J. Trump to serve as Speaker of the House of Representatives.

ANALYSIS: The U.S. House of Representatives can select a non-member as Speaker of the U.S. House of Representatives.

The following Expresses the Constitutionality and Legal Precedent for backing President Donald J. Trump as Speaker of the House on January 3, 2023.

LEGAL BASIS FOR NON- MEMBER AS HOUSE SPEAKER

- 1. The Constitution provides that the House of Representatives has sole agency to select its Speaker.**

U.S. Constitution Article I, Section 2, Clause 5:

“The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.”^{1 2}

¹ <https://constitution.congress.gov/constitution/>

² The Federalist Papers 52 & 53, 55 & 56 (The House) and 59-61 (The Congress) are all silent on who can be elected Speaker of the House.

2. **The Majority Party Conference determines the House Rules and their implementation at the beginning of each session.**

The 118th Congress opens session on Jan 3, 2023.³

3. **House Rules Selected by the Majority Conference Determine the method by which the House Speaker will be elected, according to The Jefferson Manual of Parliamentary Procedure for the House of Representatives**

According to the Jefferson Manual, § 26-30, there is no constraint on a non-member from serving as Speaker of the House.

While the Speaker of the House has historically been an elected member of the U.S. House, other officers such as the House Clerk, Sergeant-at-Arms, Chief Administrative Officer, and Chaplain, have not. In all cases, none of these House officers are required to be or not be elected members.⁴

5. **Election of the Speaker by Voice Vote (viva voce), while allowable, is not preferable. The Speaker should be elected by roll call vote.**

The Speaker, who was at first elected by ballot, has been chosen viva voce by surname in response to a call of the roll since 1839 (I, 187). The Speaker is elected by a majority of Members-elect voting by surname, a quorum being present.⁵

6. **There is precedent to postpone the election of the Speaker. Further, there is strong precedent for a contested Speaker's election to require multiple ballots before a House Speaker is selected.**

On several occasions, the choice of a Speaker has been delayed for several weeks by contests⁶. For example, on February 2, 1856, Nathaniel Prentiss Banks was elected Speaker of the U.S. House of Representatives on the 133rd ballot.⁷

7. **Since President Donald J. Trump has been investigated more than any other citizen, resulting in complete and total exoneration in all instances, he is best situated to serve as Speaker of the House.**

A TEMPORARY DONALD TRUMP SPEAKERSHIP ALLOWS FOR LEGISLATIVE, JUDICIAL, and EXECUTIVE REMEDY NOT POSSIBLE WITH A McCARTHY SPEAKERSHIP

TOPLINE PARAMETERS FOR TRUMP SPEAKERSHIP:

A limited, short-term Speakership served by Donald J. Trump can immediately initiate the following:

- **Speaker Trump Appoints Sgt. At Arms** who releases 14,000 hours of Jan. 6 video footage and initiates real investigation of January 6.
- **HUAC 2.0** - House UnAmerican Activities Committee in the style of Joseph McCarthy to extirpate any and all CCP influence in the U.S.
- **1st Amendment Committee** to End Big Tech and Chinese influence on American Internet Freedom
- **Nuremberg 2.0 Committee** to Investigate and Try and Convict Any Individual or Corporation or government official at any level implicated in imposing illegal mandates and lockdowns.
- **Select Committee on 2020 Election & Jan 6 Aftermath** to investigate the real cause of the so-called “insurrection,” and the roles of the FBI, the Presiding officer, previous Speaker, Antifa, BLM, the Capitol Police Board and other federal actors to determine the cause of death of the four peaceful election justice rally-goers: Ashli Babbitt, Rosanne Boyland, Kevin Greason, Ben Phillips as well as the actual cause of death of Officer Brian Sicknick.

Donald J. Trump’s short-term Speakership will conclude after these primary objectives are initiated, and will be followed by the election of a House Speaker who will continue to pursue these objectives.