



## HOLWELL SHUSTER & GOLDBERG PARTNER GREG DUBINSKY CO-AUTHORS WALL STREET JOURNAL OP-ED ARGUING THAT THE SPEAKER OF THE HOUSE MUST BE A MEMBER

10.06.2023

**N**ew York—Holwell Shuster & Goldberg partner Greg Dubinsky has co-authored an op-ed in The Wall Street Journal, arguing that the Constitution requires that the speaker of the U.S. House of Representatives be a member of that legislative body. The speaker position was recently vacated with the ouster of Kevin McCarthy (R-CA), and multiple Republicans have said that they would support former President Trump for the position.

Greg, a former clerk to U.S. Supreme Court Justice Anthony Kennedy, authored the piece with Michael Ellis, a former general counsel of the U.S. House Permanent Select Committee on Intelligence. Their op-ed notes that “observers have suggested that the House of Representatives should elect a new speaker from outside of the House,” but argues that a proper reading of the Constitution requires a House member to serve in the position. Their argument relies on the text of the Constitution, its structure, and legislative practice dating back to the 14th century in England.

Under the rules of the House of Representatives, Rep. Patrick McHenry (R-NC) is currently serving as speaker pro tempore.

Read the op-ed here.

### ATTORNEYS

Gregory Dubinsky