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4 **BEFORE THE HOUSE COMMITTEE ON ETHICS**

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7 **Congressman Paul Gosar's Written Response to Pramila**
8 **Jayapal's Frivolous Complaint**

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10 On March 18, 2021, I received notice from the House Committee on
11 Ethics (The Committee) that it had received a Complaint filed by Pramila Jayapal
12 against me. Pursuant to Rule 17(b), I submit this written statement in response to
13 the ill-conceived and baseless complaint.
14

15 **I. OVERVIEW**

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17 I, like all Americans, have a Constitutional right to free speech, a right to
18 petition the government, and a right to peaceably assemble with other Americans.
19 Nothing in the Rules of Ethics can delimit those rights, and no complaint from
20 another Member of Congress should be taken seriously in this context. There is
21 no doubt that I, and millions of Americans, find Rep. Jayapal's political views
22 abhorrent, un-American, authoritarian and racist at core. Yet I would never dream
23 of suppressing her right to express her extremist views. My understanding of the
24 values of the historical American nation in terms of tolerance and free speech is not
25 shared by Ms. Jayapal. Her views of totalitarian obeisance to her woke delusions
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1 are rejected under our Constitution, not countenanced under the Rules of Ethics,
2 and rejected by real Americans. Americans who put America First.
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4 That is not so say I will allow her to defame me, or defame millions of
5 Americans, who have every right to ensure there is integrity, fairness and
6 transparency in our electoral process.
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8 Know this: I have never instigated violence. I have no criminal record of
9 any type.¹ I have never aided or abetted violence. I have not urged or supported
10 violence. A review of Jayapal’s unsupported, baseless, and fraudulent allegations
11 suggest they are devoid of reality and smothered in Blue Anon conspiracy theories,
12 ad hominem attacks, and baseless speculation. Alleging that I have somehow acted
13 criminally, or against the country I love and protect, is defamatory and reckless.
14 The civil courts will resolve that issue. However, I can categorically state I have
15 not violated any Ethics rule or violated the acceptable, and long tolerated,
16 parameters for political speech in this nation.
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21 Indeed, her reckless claim that I was “involved[] in instigating and aiding the
22 violent riot at the Capitol Building” is despicable in view of the actual facts. I had
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28 ¹ I did get a speeding ticket in 2012 or thereabouts.

1 every right to file an objection to the certification of the electors. Just as she did in
2 January 2017:

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4 Addressing a joint session of Congress on Jan. 6, 2017, Jayapal stood
5 and objected to the certification of the Electoral College vote. She tried to
6 cite evidence of voter suppression in Georgia.²

7 I did not then accuse her of acting unethically for pursuing what she found troubling.
8 Her misguided, dishonest and inflammatory effort to paint my objections as
9 unethical should be dismissed with prejudice with a finding of filing a frivolous
10 ethics complaint.
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12 II. DISCUSSION

13 A. Terminology, Language and Truth

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15 In order to have a rational discussion of what occurred on January 6, 2021, we
16 must use words correctly. This is not a matter of hyperbole, but accuracy. Misusing
17 language ultimately not just confuses the Committee, it renders any review
18 meaningless. As explained by Jim Harbison:
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21 For a stable society to exist, there must be a common language, with
22 commonly accepted and understood words. Such stability undermines
23 the foundation of the progressive Democrats because without conflict
24 or turmoil, they cannot advance their drive to a socialist society. As
25 long as we continue to allow the progressive left to redefine words to

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28 ² <https://www.seattletimes.com/seattle-news/politics/rep-pramila-jayapal-tried-to-stop-trump-from-becoming-president-joe-biden-shut-her-down-theyve-come-full-circle/>
CONGRESSMAN GOSAR'S RESPONSE - 3

1 socially divide us, our words will be meaningless and our trust and
2 respect for each other will be questionable.

3 Perhaps we need to administer a vocabulary test to all candidates for
4 public office to ensure they understand the traditionally accepted
5 definition of the words they use. Otherwise our words will be
6 meaningless and the rule of law unreliable.³

7 Let's start with terms such as "insurrection" which Jayapal uses in her misguided
8 complaint. Insurrection is "the act or an instance of revolting esp. violently against
9 civil or political authority or against an established government."⁴ To date, not one
10 person who was arrested from the riot has publicly stated their purpose was to
11 overthrow the government or cause a revolution. Not one. Further, it appears
12 almost all were unarmed, thus making any claim of an "insurrection" rather
13 dubious.⁵ Thus, to call it an insurrection, or rebellion, or revolution, is
14 fundamentally ignorant, wrong and not based in fact.
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21 ³ [https://www.lcsun-news.com/story/opinion/columnists/2015/07/22/jim-](https://www.lcsun-news.com/story/opinion/columnists/2015/07/22/jim-harbison-progressives-redefine-words-push-socialist-agenda/32014779/)
22 [harbison-progressives-redefine-words-push-socialist-agenda/32014779/](https://www.lcsun-news.com/story/opinion/columnists/2015/07/22/jim-harbison-progressives-redefine-words-push-socialist-agenda/32014779/)

23 ⁴ <https://dictionary.findlaw.com/definition/insurrection.html>

24 ⁵ At a Senate hearing in March 2021, Sen. Ron Johnson, R-Wis., "asked Jill
25 Sanborn, assistant director of the FBI's counterterrorism division, how many guns the FBI had
26 confiscated in the Capitol or on its grounds on Jan. 6. ...Asked how many firearms were
27 confiscated in the Capitol or on its grounds on Jan. 6, Sanborn said, "To my knowledge we have
28 not recovered any on that day from any of the arrests at the scene at this point. But I don't want
[https://www.usatoday.com/story/news/factcheck/2021/03/04/fact-check-fbi-says-bureau-didnt-](https://www.usatoday.com/story/news/factcheck/2021/03/04/fact-check-fbi-says-bureau-didnt-recover-guns-capitol-riot/4578286001/)
[recover-guns-capitol-riot/4578286001/](https://www.usatoday.com/story/news/factcheck/2021/03/04/fact-check-fbi-says-bureau-didnt-recover-guns-capitol-riot/4578286001/) Whether a gun is discovered later, or revealed later, the
CONGRESSMAN GOSAR'S RESPONSE - 4

1 It was, however, for several hundred people, a riot. As defined, there is a
2 difference between a protest and a riot, and the difference is not subtle:
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4 The right to protest is one of the oldest and most-respected rights in the
5 American democratic system. The right of citizens to peacefully protest is
6 protected by our First Amendment rights to free speech. Of course, there are
7 limits to even the most important rights, and the right to protest doesn't
8 permit violence or the incitement to violence. ... Protests that turn violent
9 are called "riots"...⁶

10 As a committee charged with enforcement of law, the correct language must be
11 used and propaganda, exaggeration or simple ignorance of the language cannot be
12 tolerated in such a forum. It is clear, over 90 days since the riot, that it was not a
13 rebellion, not an insurrection, and not a revolution. It was then, and now, a riot by
14 hundreds of people that afternoon. And I neither condoned, encouraged, assisted,
15 planned or had any role in that riot whatsoever.
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17 **B. The History of the Election Integrity Movement**

18 For years, we have heard statements that our electoral system has been
19 compromised in one place or another. For example, Stacey Abrams, and an election
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26 point here is that out of hundreds, if not a thousand rioters, few were armed if any. This belies
27 any claim this was a planned rebellion or insurrection.

28 ⁶ <https://www.findlaw.com/criminal/criminal-charges/rioting-and-inciting-riots.html>

1 group she headed, *asserted in 2018* that Georgia’s election system was vulnerable
2 to fraud and abuse, as documented by the Georgia Secretary of State:
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4 The report notes that “over the last several years, the group has frequently
5 suggested that Georgia’s election system is unsecure and even corrupt.”
6 CGG has called Georgia’s Dominion Voting System “unauditable and
7 unconstitutional.” A “litigation summary” on CGG’s website “reiterates its
8 claims of systems-based ‘anomalies’ and ‘misprogramming’” and alleges
9 that the Secretary of State’s office “has obstructed all efforts to conduct
10 forensic examination of these voting system anomalies.”⁷

11 As noted below, it is not the veracity of Ms. Abrams at issue as much as a
12 documented unease about the integrity of the election process. Her concerns were
13 well accepted.⁸
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18 https://sos.ga.gov/index.php/elections/breaking_stacey_abrams_funded_group_that_pushed_voting_machine_disinformation_in_georgia

19 The Georgia Secretary of State, then in 2018, and up to today, denies these allegations
20 and asserts that the state system is sound, fair and transparent. The accuracy of Ms. Abrams
21 allegations versus the Secretary of State is not the issue here. What is relevant is that a substantial
22 amount of people questioned the election integrity in 2018 and were seeking reassurance. That
23 is Ms. Abrams right, and no one should have, or did, accuse her of “insurrection” or unethical
24 behavior for attempting to bring election transparency to Georgia. Indeed, the proper response
25 was to provide transparency, which is what the Secretary of State attempted to do.

- 26 • ⁸ Atlanta Journal Constitution, Oct. 25, 2018, [Georgia cancels fewer voter registrations after surge last year](#)
- 27 • Vox, Oct. 12, 2018, [Georgia put 53,000 voter registrations on hold, fueling new charges of voter suppression](#)
- 28 • USA TODAY, Oct. 23, 2018, [Georgia NAACP files complaints alleging voting machines incorrectly registered votes](#)
- The Guardian, Nov. 10, 2018, ['Textbook voter suppression!': Georgia's bitter election a battle years in the making](#)

1 Indeed, the prior Congress, through the House Committee on Oversight and
2 Reform, investigated electoral integrity in ... March 2019.⁹ Notably silent was Ms.
3 Jayapal. She failed to file an ethics complaint against any members of the
4 Committee that dared question the electoral integrity. The House Committee on
5 Oversight and Reform wrote to Georgia officials:
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8 The Committee on Oversight and Reform is investigating recent reports of
9 serious problems with voter registration, voter access, and other matters
10 affecting the ability of people in Georgia to exercise their right to vote,” the
11 Chairmen wrote. “The Committee is particularly concerned by reports that
12 Georgians faced unprecedented challenges with registering to vote and
significant barriers to casting their votes during the 2018 election.”¹⁰

13 Indeed, a month before the November 2020 election, the House Committee on
14 Oversight and Reform publicly stated:
15

16 The 2020 General Election is just over a month away. As the ongoing
17 coronavirus pandemic jeopardizes the safety of in-person voting and
18 President Trump raises unfounded objections to absentee voting, *the
American promise of free and fair elections is under threat.*¹¹

19 A documentary released in March 2020, still available today on Home Box Office
20 (HBO), called “*Kill Chain, The Cyber War on America’s Elections*” delves in detail
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25 ⁹ <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-06.EEC%20Raskin%20to%20Kemp-GA%20Governor.pdf>

26 ¹⁰ <https://oversight.house.gov/news/press-releases/chairmen-seek-documents-from-georgia-governor-and-secretary-of-state-on-reports>.

27 ¹¹ https://oversight.house.gov/sites/democrats.oversight.house.gov/files/CRCL%20Our%20Vote%202020%20Report%2010.1.20_FINALv2.pdf (emphasis added).

1 with the electoral problems in Georgia and other states.¹² Time Magazine
2 published a review that included:
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4 If you don't want to know how easy it is for a canny individual—or a
5 malicious state actor—to hack into the electronic voting technology used in
6 the U.S., don't watch *Kill Chain: The Cyber War on America's Elections*. In
7 this unnervingly persuasive HBO documentary, directors Simon Ardizzone,
8 Russell Michaels and Sarah Teale marshal cyber-security experts,
9 statisticians and lawmakers to expose cracks in the system that could easily
10 allow hackers to affect voting results. The filmmakers' sources also include
11 actual hackers, among them an individual who breached Alaska's voting
12 system in 2016 just to see if he could. Although he explains in an on-camera
13 interview (his face obscured to protect his identity) that he declined to alter
14 any data, he says he could have sold his "backdoor" access for millions.¹³

15 In 2003, the non-partisan public policy research group Demos published a
16 comprehensive review of voter fraud and election integrity issues, called "An
17 Analysis of Voter Fraud in The United States," and explained:

18 Debates over election fraud are not new. They have been a staple of
19 discussions about elections and democracy in the United States for more than
20 a century. But in recent years, issues of fraud and voting integrity have
21 increasingly come to the forefront of public policy discussions over the
22 health of America's democracy. Even before the 2000 election, consistently
23 low voter turnout rates and obstacles to participation motivated various
24 efforts to increase voter registration and turnout—efforts that in turn raised
25 questions about voting integrity. Critics of some reforms—such as the

26 ¹² <https://www.hbo.com/video/documentaries/kill-chain/videos/kill-chain-the-cyber-war-on-americas-elections>

27 ¹³ <https://time.com/5809745/kill-chain-documentary-hbo-review/#:~:text=In%20this%20unnervingly%20persuasive%20HBO,hackers%20to%20affect%20voting%20results.>

1 institution of mail-in voting in Oregon, the loosening of guidelines for
2 absentee ballot use, and, most notably, the National Voter Registration Act
3 of 1993 (also known as NVRA or the “motor voter” law)—have charged that
4 these reforms increase the potential for voter fraud. Other frequently
5 proposed reforms, such as Election Day Registration, continue to be
6 criticized on the same grounds.¹⁴

7 The last Presidential Election in 2016 was permeated with accusations of fraud. The
8 Reuters news agency reported:

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10 But House Democratic leader Nancy Pelosi said concerns about Russian
11 interference cast a pall over the 2016 vote. “That’s why people have some
12 level of dismay today on the vote ... about the Electoral College,” Pelosi said
13 at a [January 6, 2017] news conference. “How much is known about the
14 foreign disruption of our election?”¹⁵

15 I point out this history to put into context my statements and actions and to rebut
16 Ms. Jayapal’s false allegations that anyone who questioned any part of the 2020
17 presidential election, or election integrity in general, is part of a “conspiracy” or
18 engaging in deceit. It is therefore not surprising, and certainly not unethical, to
19 address voter concerns, when there is a repeated, sustained and persistent concern
20 that our election processes have been corrupted or are corruptible. These concerns
21 span decades. Congress has held hearings and passed voter laws. State legislatures
22 have addressed it. Think tanks have addressed it. I addressed it and will continue
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27 ¹⁴ <https://www.demos.org/sites/default/files/publications/Analysis.pdf> (2003)

28 ¹⁵ <https://www.reuters.com/article/us-usa-trump-congress/u-s-congress-certifies-trumps-electoral-college-victory-idUSKBN14Q25R>

1 to do so. I didn't create the system or the problems in it, but I can and will seek
2 truth and clarity.
3

4 5 **C. My Work, And the Work of Others, Was Destroyed By the Riot**

6 I do not begrudge any Member from working on the issues their constituents
7 find important. In my state, and in my district, election integrity surpasses only
8 illegal immigration as a top concern. And that is saying something.
9

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11 Notably absent from Ms. Jayapal's false accusations is the recognition that I
12 was (1) literally on the floor of the House of Representatives when the riot broke
13 out; (2) I spent a significant amount of time meeting with election analysts,
14 computer/forensic examiners and others, all of which lead to the conviction that
15 there was a possibility of election fraud in Arizona. As a result, I met with
16 constituents, and attended public rallies via a loose organization called "Stop the
17 Steal," which had formed to highlight voter concerns about possible fraud. There
18 is nothing unethical about this.
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22 Ms. Jayapal made no effort to discern the truth, including: my knowledge of
23 the Maricopa County 3% ballot error on a randomized 100 vote re-count. While
24 3% may not seem like much, the error favored Mr. Biden in an election he prevailed
25 in by .5%. Nor does Ms. Jayapal acknowledge the broader count that followed that
26 had a higher error rate in Mr. Biden's favor. Not mentioned are the affidavits
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28

1 presented to me from people who tracked down absentee voters only to learn votes
2 were mailed from vacant lots and other fraudulent locations. Nor does she care
3 about the meetings I attended with Allied Technology and the detailed review of
4 voting machine irregularities. Also ignored from her Complaint is the Arizona
5 Senate audit, in process now, and pending for months, of the Maricopa County
6 results. These and other reasons compelled my concerns, and more importantly,
7 the concerns of my constituents, about election integrity.
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11 I attended several rallies that focused on election integrity in Arizona in
12 November and December 2020. At no time was there ever any violence. Nor did
13 anyone at these rallies promote violence, encourage violence or tolerate violence.
14 Indeed, these rallies were marked by prayer, singing, recitation of the National
15 Anthem, and were truly “peaceful protests” (as contrasted with the current trend to
16 define riots ‘peaceful protests’ or ‘largely peaceful protests’). It is factual to say
17 that, as an elected official, I personally did not anticipate violence on January 6. I
18 am informed that Capitol Police did not anticipate violence even though well-
19 known provocateurs including the proto-fascist terrorist group ANTIFA¹⁶ and the
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¹⁶ A Congressional Research Service report explained that the “Federal Bureau of Investigation (FBI) has expressed increasing concern about violence perpetrated by antifa supporters. In congressional testimony in November 2017, FBI Director Christopher Wray said that the FBI was pursuing “a number of what we would call anarchist extremist investigations, where we have properly predicated subjects [people]who are motivated to commit violent
CONGRESSMAN GOSAR’S RESPONSE - 11

1 Marxist founded group BLM¹⁷ would be there—and wherever these groups show
2 up there is a propensity for violence. Indeed, the day before the riot the Capitol
3

4 Police noted:

5 But on Jan. 5, the agency wrote in a plan for the protest that there were “no
6 specific known threats related to the joint session of Congress.” And the
7 former chief of the Capitol Police has testified that the force had determined
8 that the likelihood of violence was “improbable.”¹⁸

9 If the security agencies did not anticipate a riot, certainly Members of Congress
10 could not.
11

12 After eight weeks of meetings, data collecting and research, I determined to
13 invoke the Electoral Count Act of 1887,¹⁹ and the 12th Amendment to the United
14 States Constitution, to object to the certification of Electors from Arizona. I
15 specifically, in writing, asked for a remand (via Vice-President Pence) to the
16 Arizona Secretary of State for one purpose: to conduct an audit and make sure
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22 criminal activity on kind of an antifa ideology.” In public remarks in January 2018, Thomas E.
23 Brzowski, the Department of Justice’s (DOJ’s) Counsel for Domestic Terrorism Matters,
24 reiterated Wray’s comments. At a DOJ press conference on June 4, 2020, Director Wray
25 confirmed active FBI domestic terrorism investigations involving antifa supporters and other
26 extremists.” <https://crsreports.congress.gov/product/pdf/IF/IF10839>

27 ¹⁷ Black Lives Matter, a domestic group, has not been designated as a terrorist
28 organization on the State Department’s [list](#) of foreign terrorist organizations.

¹⁸ <https://www.seattletimes.com/nation-world/capitol-police-told-to-hold-back-on-riot-response-on-jan-6-report-finds/>

¹⁹ 3 U.S.C. § 15 (“Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.”)

1 there were no irregularities. This is neither calamitous nor unethical. Indeed, in
2 2016, Democrat Members of Congress invoked the same law to object to the
3 certification of the 2016 Presidential election:
4

5 Members of the House of Representatives objected to the electoral tally in
6 states including Alabama, Florida, Michigan, Texas, Mississippi and the
7 Carolinas in a symbolic move that exposed lingering dismay over a
8 contentious election campaign. Some members complained about long lines
9 at polling stations while others cited concerns over Russian attempts to
10 influence the result in Trump's favor. "I object because people are horrified
11 by the overwhelming evidence of Russian interference in our election," said
12 Representative Barbara Lee of California before being overruled.²⁰

13 Indeed, the star of that effort in January 2017 was none other than the complainant
14 herself: Ms. Jayapal. As noted:

15 Four years ago, in perhaps her first official action as a congresswoman,
16 Seattle's newly elected Rep. Pramila Jayapal made a last-ditch effort to stop
17 Donald Trump from becoming president. Addressing a joint session of
18 Congress on Jan. 6, 2017, Jayapal stood and objected to the certification of
19 the Electoral College vote. She tried to cite evidence of voter suppression in
20 Georgia.²¹

21 Jayapal's efforts to object to the 2016 election, while factually baseless then, were
22 nevertheless not deemed unethical. To allege, as Ms. Jayapal does now, that my
23 efforts to audit an election, after decades of inquiries, complaints and concerns
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27 ²⁰ <https://www.reuters.com/article/us-usa-trump-congress/u-s-congress-certifies-trumps-electoral-college-victory-idUSKBN14Q25R>

28 ²¹ <https://www.seattletimes.com/seattle-news/politics/rep-pramila-jayapal-tried-to-stop-trump-from-becoming-president-joe-biden-shut-her-down-theyve-come-full-circle/>

1 about U.S. election integrity, and to invoke federal law to do so, is somehow
2 unethical is itself an outstanding breach of decorum and common sense.
3

4 My work, and my effort to obtain the opportunity to simply double check the
5 results, was interrupted by that riot, and forever lost. The Speaker of the House
6 called the proceedings that morning, of which I was a key part, “important and
7 historic.”
8

9 The SPEAKER. As the House comes to order for this important,
10 historic meeting, let us be reminded that each side, House and Senate,
11 Democrats and Republicans, each have 11 Members allowed to be present
12 on the floor.²²

13 The proceedings continued, and I was the first to set forth my objections, and unlike
14 Ms. Jayapal in 2016, I had a Senator, as required by law, join my objection,
15 therefore establishing a prima facie objection subject to subsequent debate and vote.
16

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18 The VICE PRESIDENT. Are there any objections to counting the certificate
19 of vote of the State of Arizona that the teller has verified appears to be regular
20 in form and authentic?

21 Mr. GOSAR. Mr. Vice President, I, PAUL GOSAR from Arizona, rise for
22 myself and 60 of my colleagues to object to the counting of the electoral
23 ballots from Arizona.

24 The VICE PRESIDENT. Is the objection in writing and signed by a Senator?

25 Mr. GOSAR. Yes, it is.
26
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28 ²² <https://www.congress.gov/117/crec/2021/01/06/CREC-2021-01-06.pdf>

1
2 Senator CRUZ. It is.

3 The VICE PRESIDENT. An objection presented in writing and signed by
4 both a Representative and a Senator complies with the law.²³

5 This was the lawful business of Congress that day. This is what the rioters impeded
6 and hurt. In the mayhem, others suffered similarly. For example, Sen. Scott, the
7 morning of the riot, released his Senate bill to appoint a commission:

9 U.S. Sen. Tim Scott will introduce a bill Wednesday to establish the 2020
10 Bipartisan Advisory Committee, which would scrutinize the November
11 election, his office says.

12 The commission would be tasked with “examining the integrity of the
13 November election and making recommendations to State legislatures to
14 improve the security, integrity, and administration of federal elections,” a
15 release from the senator’s office states.²⁴

16 Sen. Scott’s efforts were hindered that day. Senators that had agreed to sign on to
17 my objections withdrew from the effort after the riot. All this is to say quite
18 simply: the riot directly, and quite adversely, interrupted official proceedings of
19 the House of Representatives, most notably, *my objection to the certification and*
20 *request for remand back to Arizona for a double check.* The pall created by the
21 riot negatively harmed this effort.
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27 ²³ <https://www.congress.gov/117/crec/2021/01/06/CREC-2021-01-06.pdf>

28 ²⁴ <https://www.wtoc.com/2021/01/06/sen-tim-scott-propose-commission-examine-integrity-november-election/>

1 Ms. Jayapal apparently thinks I colluded with unknown people to disrupt and
2 destroy my own work. The absurdity of her claim bears little elaboration other than
3 to say her public accusation displays a sharp departure from reality, and a reckless
4 disregard for the truth of her statements. Her allegations also come almost two
5 months after I set forth clarifications in the Congressional Record, to which she
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8 is fully privy, on January 25, 2021. In my floor remarks that day I said:

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10 Madam Speaker, I rise today to express my dismay that members of
11 Congress are making unfounded claims of treason and sedition against their
12 colleagues without evidence to back their outlandish claims. By this, I mean
13 the numerous members alleging that members aided in “reconnaissance”
14 tours for those individuals who would storm the Capitol during the Electoral
College certification. These accusations leveled by several members make
these bold statements without offering a shred of evidence.

15
16 In fact, over 30 members put their names on a letter which made these
17 allegations without even an indication to whom they were referring to. In the
18 absence of fact, these accusations have allowed conspiracy to permeate the
19 narrative from the deepest enclaves of the Internet. Leftist media sources,
from major 24-hour broadcast companies to blogs, have picked up on these
hollow accusations, and the effects have been damaging.

20
21 Since evidence and due process have been replaced with speculation,
22 members of Congress are being deemed guilty of these crimes, including
23 myself. In fact, there is now a narrative running that since I supported the
24 objection to the certification of the count, I must be one of the members
guilty of this treason. Multiple media sources have reported as “fact” that
me and other objectors conducted tours of the Capitol to do some type of
“reconnaissance”.

25
26 This is patently and unequivocally false. They offered no proof of this
27 scurrilous and defamatory falsehood. I asked Capitol Police to pull and
28 preserve all video footage from House security cameras which can establish

1 with finality who, if anyone, gave even one tour during the days leading to
2 the unrest.

3 I can say this: my office has not given a tour since February 2020. The
4 continuing publication of this defamation by members of Congress and
5 media is unprofessional, unethical, and actionable. The increase in violent,
6 threatening messages received in our offices because of the irresponsible
7 political messaging from my colleagues in coordination with their media pals
8 is sickening and indicative of our larger societal issues, such as a media
9 which tells their viewers what they know to be true, not what the facts are.

10 So, let me set the record straight. I have not given a tour of the Capitol since
11 2017, and my staff has not given a tour since they closed to the public early
12 in 2020 as a COVID-19 response.

13 ***Further, at no time did anyone with Stop the Steal talk to me about violence,***
14 ***and my efforts to speak to the American people and fight for my constituents***
15 ***were guided by the First Amendment and the Electoral Count Act of 1878.***

16 Madam Speaker, the purpose of this body is to serve as the voice of the
17 American people, a voice which speaks with honesty to conduct the business
18 of this country and contribute to the overall good. Yet, the passions of
19 humanity can undermine these principles, and these unfounded accusations
20 are a menace to the traditions of this body.

21 Therefore, Madam Speaker, I condemn my colleagues' irresponsible actions
22 and their use of their official powers to fuel a media spectacle for their own
23 political benefit. Their willingness to set these mistruths into the public and
24 not interject when the truth is deviated from and innocent people are blamed
25 is defamation, conspiratorial, and faulty justice.²⁵

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28 ²⁵ <https://www.congress.gov/117/crec/2021/01/25/CREC-2021-01-25-pt1-PgE66-4.pdf>

1 Ms. Jayapal's continuation with such falsehoods and invoking this
2 Committee's time and jurisdiction in pursuit of her hateful defamation, should not
3 be countenanced.
4

5 Further evidence of her reckless disregard for the truth is her false statement
6 that "the riot resulted in the deaths of five people, including Capitol Police officer
7 Brian Sicknick." The true facts are that one unarmed woman, who was part of the
8 riot, was shot point blank, without warning, by a Capitol police officer.²⁶ That is
9 the only death caused by the riot. Two other people, not part of the riot but at the
10 Capitol, died of heart attacks, and one woman died of an accidental drug
11 overdose.²⁷ None of the dead were injured by rioters. As for Officer Sicknick,
12 his family has stated that his death was likely not due to trauma of any kind and
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20 ²⁶ "At the same time, Babbitt tried climbing through one of the doors where the
21 glass was broken out. A Capitol Police officer inside the Speaker's Lobby then fired a single
22 round from his service weapon, striking Babbitt in the shoulder, prosecutors said."
23 [https://www.armytimes.com/news/pentagon-congress/2021/04/14/no-charges-for-police-](https://www.armytimes.com/news/pentagon-congress/2021/04/14/no-charges-for-police-officer-in-capitol-riot-shooting-death-of-air-force-veteran/)
24 [officer-in-capitol-riot-shooting-death-of-air-force-veteran/](https://www.armytimes.com/news/pentagon-congress/2021/04/14/no-charges-for-police-officer-in-capitol-riot-shooting-death-of-air-force-veteran/)

25 ²⁷ "Dr. Francisco Diaz, the district's chief medical examiner, announced the
26 causes of deaths as:

- 27 • Ashli Babbitt, 35, died by homicide from a gunshot to the left shoulder. She was
28 shot by a Capitol police officer while trying to climb through a door near the House chamber.
- Kevin Greeson, 55, died of natural causes from cardiovascular disease.
- Benjamin Phillips, 50, died of natural causes from cardiovascular disease.
- Roseanne Boyland, 34, died by accident from acute amphetamine intoxication.

Results typically come within 90 days of a death, but Sicknick's death remains
under investigation." [https://www.usatoday.com/story/news/politics/2021/04/07/capitol-riot-](https://www.usatoday.com/story/news/politics/2021/04/07/capitol-riot-deaths-cause-death-released-4-5-not-sicknick/7128040002/)
[deaths-cause-death-released-4-5-not-sicknick/7128040002/](https://www.usatoday.com/story/news/politics/2021/04/07/capitol-riot-deaths-cause-death-released-4-5-not-sicknick/7128040002/)

1 appeared to be of natural causes a day after the riot.²⁸ We do not yet have an official
2 autopsy to confirm or deny this.
3

4 While Ms. Jayapal is free to subscribe to what are known as Blue Anon
5 conspiracies about the election, she is not free to ignore the many irregularities that
6 led Congress to that “historic” moment. Congressman Scalise expressed it well
7 that morning:
8

9
10 In fact, on our first full day of this Congress, many of us brought legislation
11 onto the House floor to start fixing the problems with our elections, to restore
12 integrity to the election process, which has been lost by so many millions of
13 Americans. And we had a vote. Every single Republican voted to reform the
14 process. Every single Democrat voted against it. They don’t want to fix this
the Constitution.²⁹

15 Asserting that the concerns of millions of Americans are just a “vote stealing myth”
16 ³⁰is a cavalier dismissal of election integrity issues that Congress has been
17 addressing for a generation.
18

19 Ms. Jayapal asserts that my request for a special session of the Arizona
20 legislature was unethical, and that my request for a legislative audit was unethical.³¹
21

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25 ²⁸ “The mother of the US Capitol police officer who died following the riot on
26 January 6 believes that her son succumbed to a fatal stroke - that he was not bludgeoned to death
by a fire extinguisher as reported.” <https://www.dailymail.co.uk/news/article-9275449/Mom-Capitol-police-officer-Brian-Sicknick-believes-died-stroke.html>

27 ²⁹ <https://www.congress.gov/117/crec/2021/01/06/CREC-2021-01-06.pdf>

28 ³⁰ Jayapal Complaint at para. 5.

³¹ Jayapal Complaint para. 5.

1 This is obviously incredible and irresponsible. Further, I succeeded in my request
2 for a legislative audit, and it is set to begin soon. Nothing I have said is unethical
3 or beyond the normal parameters of political discourse.
4

5 The dishonesty of Ms. Jayapal, when she called for an objection of President
6 Trump's certification in January 2017 as her very first act in Congress, to now
7 assert that the same law and the same objections made in 2021 are "fanning the
8 flames" or an "incitement" to violence is duplicitous and tendentious. It renders
9 the Complaint facially frivolous.
10
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14 **D. Ms. Jayapal Dishonestly Conflates the Speeches at the White House
15 with the Riot at the Capitol**

16 Ms. Jayapal is fundamentally dishonest, and wrong, to conflate the speeches
17 at the White House on the morning of January 6, with the riot in the late afternoon,
18 at the Capitol. Her allegations that I somehow "planned" the riot are defamatory
19 and false. I did attend some of the speeches at the White House the early morning
20 of January 6. I saw Rep. Brooks, Donald Trump, Jr., and Amy Kremer speak that
21 morning. I departed the event before the President spoke and before others spoke
22 in order to get to back to my office to prepare to attend the certification proceedings.
23
24 I also encouraged people to come and support their President that morning. I
25
26 believe Ali Alexander is correct when he says he had my support for the speeches
27
28

1 at the White House, and the support of others. I am proud if he thought I was “the
2 spirit animal” of election integrity. The event that morning at the White House
3 was flawless and was a beautiful example of freedom of assembly. When I left
4 there was no sign of any type of the riot that was to come two miles away at the
5 Capitol.
6
7

8 The riot that took place hours later, two miles away, was not planned by me
9 or anyone I know. Ms. Jayapal conflates the riot at the Capitol with the speeches
10 at the White House. Those are separate events. I attended and supported the
11 speeches and nothing untoward occurred there. I had nothing to do with the riot
12 later that day. Ms. Jayapal’s false allegations will be dealt with in civil court.
13 Suffice to say her allegations are mendacious and in clear and reckless disregard
14 for the actual truth. Truth she could have ascertained by asking me or looking at
15 the Congressional Record or simply looking at the events with a clear mind. Indeed,
16 prior to filing her malicious complaint, United States Capitol Police Chief Sund
17 sent a letter to Congress on February 1 (5 weeks before making her defamatory
18 claims here) establishing:
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24 Perfect hindsight does not change the fact that *nothing in our collective*
25 *experience or our intelligence – including intelligence provided by FBI,*
26 *Secret Service, Department of Homeland Security (DHS) and D.C.*
27 *Metropolitan Police (MPD) – indicated that a well-coordinated, armed*
28 *assault on the Capitol might occur on January 6.* Having previously
handled two major post-election demonstrations successfully utilizing an
action plan that was based on intelligence assessments that had proven to be

1 credible, reliable, and accurate, we reasonably assumed the intelligence
2 assessment for January 6, 2021, was also correct.³²

3 *The highest levels of national security were unaware that a riot might occur on*
4 *January 6*—security agencies to whom we allocate billions of dollars to learn of
5 such potential threats) yet Ms. Jayapal asserts, without evidence, that somehow, I
6 did. Or worse, that I orchestrated the villainy. She wallows in dishonesty and
7 malice.
8
9

10 Her actions here constitute malice as she disregarded the public record that
11 rebuts her fanciful conspiracy theories. She further falsely alleges there was a claim
12 for “clemency” by me for me. This too is a fabrication. I did successfully help to
13 obtain a pardon for former Rep. Rick Renzi, and helped resolve an injustice there,
14 as well as a pardon for Steve Bannon. I have letters to that effect, more than one.
15
16 I regret not being able to secure a pardon for Brian Kolfage.
17

18 In a bizarre series of allegations, Ms. Jayapal implies that “tagging” on
19 Twitter Mr. Alexander as a “true patriot” is unethical or improper.³³ Or sending a
20 tweet inviting people to attend the speech on the Ellipse was improper. Or stating
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26 ³² <https://theboxtravels.org/wp-content/uploads/Documents/Chief-Sund-letter-to-congressional-leaders.pdf>

27 ³³ Mr. Alexander can take on Jayapal’s defamation of his character separately. My
28 interaction with Mr. Alexander revealed a devout Catholic motivate by an earnest search for the
truth and love of his country.

1 that Mr. Biden was an “illegitimate usurper” was improper. None of these
2 allegations constitute a violation of the Ethics rules. All of these actions are
3 standard political discourse. Indeed, not long ago, Ms. Jayapal herself called
4 President Trump someone who “routinely undermined the rule of law, the
5 constitution, and our democracy.” None of those statements are true, but she is free
6 to assert them. I did not file an ethics complaint against her for making her
7 allegations. Nor should anyone.
8

9
10
11 Ms. Jayapal further asserts, incorrectly, that language such as “hold the line”
12 and “be ready to defend the Constitution and the White House” in December 2020
13 is either linked to the riot or simply unethical speech in her view.³⁴ The January 6
14 speech at the Ellipse was not even on the books, as far as I know, in early December
15 2020 and those comments pertained to seeking an audit in Arizona. But the
16 comments themselves are not unethical, improper or even unusual in political
17 discourse. Just this week, by her own words, Ms. Jayapal encouraged “violence”:
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21 JAYAPAL: We just have to muscle it through. I really believe that because
22 we can't go back to voters in two years and say, “You know what? We made
23 you a promise, you delivered us the House, the White House and the Senate,
24 but a parliamentarian told us we can't do it. Democrats have to go to the mat
here and really fight for this.³⁵

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27 ³⁴ Jayapal Complaint Par. 6.

³⁵ <https://crooksandliars.com/2021/02/rep-jayapal-urges-dems-go-mat-over-15->

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3 Here, if one were as disingenuous as Ms. Jayapal herself, one would assert she is
4 encouraging people to “really fight for this” (does the modifier “really” mean
5 literally in her view?) and using “muscle” and “fighting” are, in her view,
6 incitement to violence. This is obviously non-sense, and her political
7 encouragement to “fight” is standard speech in the industry, as was mine. No
8 rational person believes either my speech, or hers, is truly asking people to come
9 to blows.
10
11

12 Ms. Jayapal asserts falsely, and maliciously, that I am a member, or have
13 “relationships with far-right extremist groups, such as the Oath Keepers...” I am
14 not a member of that or any “extremist” group. This is defamatory. I often am
15 invited to speak throughout Arizona. In 2017 I spoke to the Oath Keepers in
16 Prescott Valley. While leftists consider them “extreme” their stated purpose is:
17 “Oath Keepers is a non-partisan association of current and formerly serving
18 military, police, and first responders, who pledge to fulfill the oath all military and
19 police take to “defend the Constitution against all enemies, foreign and
20 domestic.”³⁶ That is hardly “extreme”...unless you are a Marxist or anti-American.
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28 ³⁶ <https://oathkeepers.org/about/>

1 Nevertheless, if members of ANTIFA, BLM or Oath Keepers broke into the Capitol,
2 they should be appropriately charged with trespassing, etc. My appearance in 2017
3 is not “membership” or “affiliation.” To suggest this is false. Under this twisted
4 logic, I would also be deemed a member of Rotary Clubs, Chambers of Commerce,
5 Veterans groups, County Supervisor Boards, etc., etc. I speak to a lot of groups.
6
7

8 As stated above, I do not condone violence at any time. Whereas nothing I
9 have said condones violence, can the same be said of Ms. Jayapal? Not according
10 to this headline involving Ms. Jayapal:
11

12 **Dem. Rep. Jayapal celebrates as violent Antifa thugs beat Trump**
13 **supporter at Seattle #MarchAgainstSharia³⁷**

14 I have never “celebrated” violence. But I will continue to speak to my constituents
15 and give them an update on Congress and current events. To retroactively imply
16 that my talk in 2017 is somehow related to the events four years later, or that I am
17 a “member” of a group or “have a relationship” with every group I talk to over the
18 years is infantile and to the extent Ms. Jayapal is saying I am a violent extremist or
19 member of such a group, it is defamatory.
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27 ³⁷ <https://conservativefiringline.com/violent-antifa-thugs-beat-trump-supporter-seattle-marchagainstsharia/>

1 Ms. Jayapal is correct in alleging that Democrats in Arizona made
2 defamatory statements about me and other leaders seeking an investigation into the
3 November election. Her repetition of such defamation does not exonerate her, it
4 implicates her.
5

6
7 I stand proud before my country and my people in my district. I have at all
8 times conducted myself credibly. Far more so than my accuser, a woman
9 apparently known for celebrating violence, and known for her hypocrisy of
10 challenging the 2016 election but accusing others using the same law of
11 wrongdoing and unethical behavior. Pursuant to Ethics Rule 15(4), the Complaint
12 should be dismissed as “the facts alleged” do not give rise to the violation. Indeed,
13 in contravention to the Ethics Rules, the Jayapal complaint is based entirely on
14 “innuendo, speculative assertions, or conclusory statements.”³⁸
15
16
17

18 **E. Condemnation of Violence**

19 Ms. Jayapal also, somewhat incredibly, suggests I support violence and that
20 I have not condemned the riots. Specifically, she falsely claims: “Representative
21 Gosar has not released any statement across his public platforms denouncing the
22 rioters ...”³⁹ This is categorically false, and I put my views on the record, in public,
23
24
25

26
27 ³⁸ Ethics Rule 15(4).

³⁹ Jayapal Complaint p. 3

1 long ago. I said this, and it is listed in the Congressional Record, on January 19,
2 2021:

3
4 I restate my call for civility. I call for unity. I ask the leftists here, the
5 socialists who want to deconstruct this great Nation, to stop the nonsense and
6 join with me in building our country, not tearing it down.

7 ***I condemn the violence we saw all over the United States from May***
8 ***to the present, from Portland to Washington, D.C.,*** led by domestic terrorist
9 organizations like Black Lives Matter and the profascist, protocommunist
Antifa.

10 ***I call out the rioters at the Capitol last week and condemn their***
11 ***violation of our House proceedings,*** indeed directly stopping me from
12 conducting House business. My request for a remand for the state legislature
13 to double check electoral integrity lost cosponsors and lost immediacy
because of the violence that day.

14 I thank the overwhelmed Capitol Police. Unlike some of my
15 colleagues, I note my long-term support for our police. It is not a fashion for
16 me, as it is others, who condemn police and seek to defund it on one day,
17 and then after feeling scared and vulnerable, call for more police.

18 I remain consistent in my support for ethical law enforcement. ***I wish***
19 ***they had back up that day and were able to arrest and stop any incursion.***
20 The leftists in this body have brow beaten our law enforcement to such a
21 degree the rules of engagement are not known to even themselves. All law
22 enforcement knows is one mistake and they are cancelled. It does not have
23 to be that way. It should not be that way.⁴⁰

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27 ⁴⁰ <https://www.congress.gov/117/crec/2021/01/19/CREC-2021-01-19-pt1-PgE46->

1 My views were made public, in January 2021, long before Ms. Jayapal filed her
2 baseless Complaint.
3

4 **F. Request to Deem Complaint Frivolous**

5 Pursuant to Ethics Rule 27, the Committee may deem a complaint
6 frivolous and take remedial or punitive action against the complainant.⁴¹ The
7 filing of frivolous complaints is a matter that should be addressed here, particularly
8 as it appears the purpose of this frivolous complaint was to create bad publicity for
9 me as well as Rep. Brooks and Rep. Boebert, as opposed to any genuine concern
10 about ethics, facts or truth.
11

12 The National Council of State Legislatures addressed the issue of frivolous
13 ethics complaints and explained:
14

15
16 Legal costs for defending an ethics complaint can be high. Expenses range
17 broadly based on numerous factors, but the cost of defending even a
18 frivolous complaint can run up into the tens or hundreds of thousands of
19 dollars.

20 Several states allow for the recovery of reasonable attorneys' fees when
21 defending against ethics complaints in certain situations. States most often
22 permit recovery of costs if a complaint is found to have been filed in bad
23 faith. Definitions vary, but complaints are generally considered frivolous or
24

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26
27 ⁴¹ "**Rule 27. Frivolous Filings** If a complaint or information offered as a
28 complaint is deemed frivolous by an affirmative vote of a majority of the members of the
Committee, the Committee may take such action as it, by an affirmative vote of a majority deems
appropriate in the circumstances."

1 filed in bad faith if the complainant knowingly or intentionally files false
2 allegations with the intent to harm an official's reputation.⁴²

3 One scholar explains the harm frivolous complaints inflict on the adjudicatory
4 system, in this case the committee, and on the respondents:
5

6 Frivolous lawsuits cause appreciable harm to many persons, and in many
7 ways. The person against whom the groundless suit is brought is subjected
8 to serious harassment and inconvenience, pecuniary loss through necessary
9 attorney's fees, deprivation of time from his business or profession, and, in some
10 cases, harm to reputation and even physical damage to person or property.
11 The court system itself becomes more clogged, disrupted, and delayed, thus
affecting the taxpayers in general, and other litigants who have their suits
delayed. The situation cries out for remedies to avert these harms.⁴³

12 Here, Ms. Jayapal had no personal knowledge of any facts that would give rise
13 to a cognizable ethics violation. She knew, or should have known, of my denials
14 set forth in the Congressional Record on January 25. She was neither a witness,
15 directly or indirectly, to any action by me, never talked to me to determine accuracy
16 and context, and simply assumed, based on internet rumors and speculation, that
17 ethics violations occurred. Her filing was done in bad faith to harass me and others
18 as witnessed by her simultaneous press release and media tour repeating her
19 defamatory accusations. This is the definition of frivolous and harassing. See
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26 ⁴² <https://www.ncsl.org/research/ethics/legal-fees.aspx>

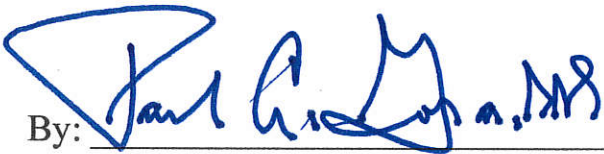
27 ⁴³ J. Wade, On Frivolous Litigation: A Study of Tory Liability and Procedural
28 Sanctions, 14 Hofstra Law Review 433, 433 (1986) (though in a tort context, the harm in any
context is identical).

1 *Murphy v. Board of Educ. of Rochester City School Dist.*, 420 F. Supp. 2d 131, 135
2 (W.D.N.Y. 2006) (awarding attorney’s fees to defendant and finding that the
3 “plaintiff brought and pursued this litigation in bad faith, for the improper purpose
4 of attacking the District and school administrators”).
5

6
7 **II. CONCLUSION**

8 The Complaint submitted by Ms. Jayapal is frivolous, ill-conceived
9 and defamatory. I have at all times conducted myself within the acceptable norms
10 of Congress. The assertion that I planned, created, assisted or otherwise
11 participated in the riot on January 6 is a malicious and knowing falsehood. The
12 Complaint should be dismissed, and sanctions imposed for filing a frivolous and
13 bad faith complaint.
14

15
16 Dated April 16, 2021

17 By: 
18 Paul A. Gosar, DDS (AZ-04)