

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building

Washington, D.C. 20515-6157

(202) 225-2061

<https://cha.house.gov>

May 6, 2021

The Honorable Theodore E. Deutch
Chair
Committee on Ethics

The Honorable Jackie Walorski
Ranking Member
Committee on Ethics

Re: Ethics Complaint Against Rep. Mikie Sherrill *et al.* for Violations of House Standards of Official Conduct and House Rules

Dear Chair Deutch and Ranking Member Walorski:

Pursuant to House Rule XI, Cl. 3(b)(2)(A), I write today, joined by my Republican colleagues from the Committee on House Administration, to urge the Committee on Ethics to open an investigation immediately into the conduct of Representative Mikie Sherrill and the other Members listed in **Appendix A** (collectively, “Respondents”) and to impose the appropriate penalties as warranted.

On January 13, 2021, Representative Mikie Sherrill and 33 other Democrat Members of Congress, sent a letter (“Sherrill Letter”) (*attached as Appendix B*) to Acting House Sergeant at Arms Timothy Blodgett, Acting Senate Sergeant at Arms Jennifer Hemingway, and Acting Chief of the United States Capitol Police Yogananda Pittman asking them to investigate unsubstantiated claims that Members of Congress led “suspicious” groups through the Capitol Complex on January 5, 2021, on a reconnaissance mission in preparation for the January 6, 2021 attack on the Capitol.

Respondents claimed—without evidence—that Republican Members of Congress conducted these alleged tours in order to provide “unusually detailed knowledge of the layout of the Capitol Complex” to “group[s] that left the White House and marched to the Capitol with the objective of preventing Congress from certifying our election” on January 6, 2021. In an official appearance from her congressional office, which was broadcast on her official Facebook account, Rep. Sherrill doubled down on these unsubstantiated allegations, arguing for punishment for crimes that did not occur: “I also intend to see that . . . those Members of Congress who had groups coming through the Capitol that I saw on January 5th for reconnaissance for the next day—those Members of Congress who incited the violent crowd, those Members of Congress that attempted to help our president undermine our democracy—I’m going to see that they’re held accountable.”¹

¹ Congresswoman Mikie Sherrill, *An Address to the 11th District*, Facebook (January 12, 2021), https://www.facebook.com/RepMikieSherrill/videos/2316754338448152/?so=channel_tab&rv=all_videos_card. See also <https://www.politico.com/news/2021/01/12/mikie-sherrill-capitol-hill-attack-458655>.

The problem is that no Republican Member of Congress led any kind of “reconnaissance” tours through the Capitol on any date, including January 5, 2021. Security footage captured by the U.S. Capitol Police easily confirms these facts. Despite the threat presented by the Sherrill Letter to these Republican Members and to the House itself, Respondents appear not to have let their lack of evidence or the truth stand in the way of making these false accusations.

VIOLATION 1

House Rules clearly prohibit a Member of Congress from making false, spurious, and unsubstantiated accusations against other Members. A “Member . . . shall behave at all times in a manner that shall reflect creditably on the House.” House Rule XXIII, cl. 1 (117th Congress). As the *House Ethics Manual* explains, violations of this key provision include “[m]aking statements that impugn[] the reputation of the House”. *House Ethics Manual* 16 (2008). Here, Respondents released a letter and made further public statements alleging, without evidence, that Republican Members of Congress led bands of would-be insurrectionists through the Capitol in a bid to assist their planning for the January 6, 2021, attack. These accusations were false and unsupported by evidence, as confirmed by security footage. Indeed, it is difficult to imagine an action that would more seriously “impugn[] the reputation of the House” than making public, unsubstantiated and unsupported accusations of treason against Members of Congress. The Sherrill Letter was not the result of a simple policy disagreement between Members. Rather, this appears to be a coordinated disinformation campaign meant to mislead the public into believing that certain Members of Congress attempted to overthrow the U.S. Government.

VIOLATION 2

The Code of Governmental Ethics requires that Members, “[a]dhere to the highest moral principles.” *House Ethics Manual*, 2nd Ed. 20 (2008). Respondents released the Sherrill Letter and its serious accusations without supporting evidence. At the very least, Respondents engaged in misleading behavior.

VIOLATION 3

House Rules and Ethics Committee guidance are clear that that House Rules are not meant to be read narrowly or in a technical manner. “A Member . . . shall adhere to the spirit and the letter of the Rules of the House[.]” House Rule XXIII, Cl. 2. Further, “Members . . . may not do indirectly what they would be barred from doing directly.” *House Ethics Manual*, 17 (2008). In remarks before the House, House Rules require Members to “confine[their remarks] to the question under debate, avoiding personality.” House Rule XVII, Cl. 1(b). Yet, Respondents sought to avoid this restriction by doing through written correspondence and media appearances what they could not do on the House Floor: the disparagement of their Republican colleagues. Had Respondents made similar remarks on the Floor, it is likely that each would have been called to order and their unparliamentary words taken down. In such a case, the House Rules would permit “censure or such other punishment as the House may consider proper.” House Rule XVII Cl. 4(b). Respondents should not be permitted to evade appropriate consequences for their actions simply because of the method chosen to convey their words.

The Honorable Theodore E. Deutch and The Honorable Jackie Walorski

The Committee on Ethics

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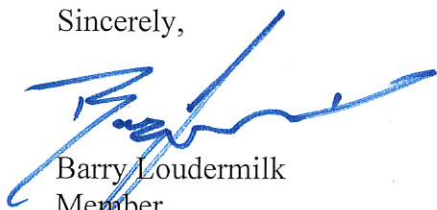
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The Sherrill Letter is not a petty political spat between Republican Members and Rep. Sherrill and her Democrat colleagues. In fact, the Sherrill Letter is a public allegation of a crime.² In my capacity as a member of the Committee on House Administration, I am deeply concerned about Respondents' actions.

I request that the Committee on Ethics act immediately to open an investigation into Respondents' cavalier behavior. If your committee determines that Respondents have violated the Rules of the House, I ask that the committee consider and impose sanctions sufficiently serious to discourage other Members from engaging in similar activity in the future.

It has been my hope that, following the attack on January 6th, Members of Congress of both parties would work together in a bipartisan manner to investigate those events and ensure they do not happen again. Letters like the one drafted by Respondents are irresponsible and only work to spread misinformation and impugn the reputation of the House and its Members.

Sincerely,

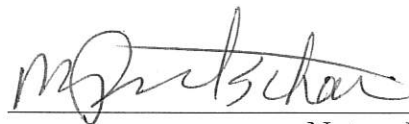


Barry Loudermilk

Member

Committee on House Administration

Signed and sworn to (or affirmed) before me on 11 May 2021 by Rep. Barry Loudermilk.



Notary Public



Mary Pritschau
Notary Public, District of Columbia
My Commission Expires 2/29/2024

² U.S. Constitution, Art. III, Sec. 3, Cl. 1.

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Rodney Davis

Ranking Member

Committee on House Administration



Bryan Steil

Member

Committee on House Administration

The Honorable Theodore E. Deutch and The Honorable Jackie Walorski

The Committee on Ethics

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Appendix A

Respondents

Representative Mikie Sherrill
Representative Frank Pallone, Jr.
Representative Abigail D. Spanberger
Representative Tom Malinowski
Representative Jahana Hayes
Representative Ted W. Lieu
Representative Michael F. Doyle, Jr.
Representative Dean Phillips
Representative Donald M. Payne, Jr.
Representative Elaine G. Luria
Representative Norma J. Torres
Representative Suzanne Bonamici
Representative Lizzie Fletcher
Representative Nikema Williams
Representative Bill Pascrell, Jr.
Representative Albio Sires
Representative Josh Gottheimer

Representative Katherine Clark
Representative Daniel T. Kildee
Representative Grace Meng
Representative Pramila Jayapal
Representative Veronica Escobar
Representative Ann McLane Kuster
Representative Mary Gay Scanlon
Representative Jared Huffman
Representative Sara Jacobs
Representative Mike Levin
Representative Susan Wild
Representative Jackie Speier
Representative Kathleen M. Rice
Representative André Carson
Representative Marie Newman
Representative Marilyn Strickland
Representative Lisa Blunt Rochester

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The Committee on Ethics
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Appendix B

Congress of the United States
House of Representatives
Washington, DC 20515

January 13, 2021

The Honorable Timothy Blodgett
Acting House Sergeant at Arms
Room H-124 U.S. Capitol
Washington, DC 20510

The Honorable Jennifer A. Hemmingway
Acting Senate Sergeant at Arms
Room S-151 U.S. Capitol
Washington, DC 20510

Yogananda Pittman
Acting Chief
United States Capitol Police
119 D Street, NE
Washington, DC 20510

Dear Mr. Blodgett, Ms. Hemmingway, and Acting Chief Pittman:

We write today to request an immediate investigation into the suspicious behavior and access given to visitors to the Capitol Complex on Tuesday, January 5, 2021 - the day before the attacks on the Capitol.

Many of the Members who signed this letter, including those of us who have served in the military and are trained to recognize suspicious activity, as well as various members of our staff, witnessed an extremely high number of outside groups in the complex on Tuesday, January 5. This is unusual for several reasons, including the fact that access to the Capitol Complex has been restricted since public tours ended in March of last year due to the pandemic.

The tours being conducted on Tuesday, January 5, were a noticeable and concerning departure from the procedures in place as of March 2020 that limited the number of visitors to the Capitol. These tours were so concerning that they were reported to the Sergeant at Arms on January 5.

The visitors encountered by some of the Members of Congress on this letter appeared to be associated with the rally at the White House the following day. That group left the White House and marched to the Capitol with the objective of preventing Congress from certifying our election. Members of the group that attacked the Capitol seemed to have an unusually detailed knowledge of the layout of the Capitol Complex. The presence of these groups within the Capitol Complex was indeed suspicious. Given the events of January 6, the ties between these groups inside the Capitol Complex and the attacks on the Capitol need to be investigated.

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It is important that we feel safe in the halls of Congress, and we applaud the Sergeant at Arms (SAA) and US Capitol Police (USCP) for their efforts. But the fact remains that there were unusually large groups of people throughout the Capitol who could only have gained access to the Capitol Complex from a Member of Congress or a member of their staff.

To that end, please provide answers to the following questions:

- 1) Are logbooks of Capitol Complex visitors inspected regularly and collected in any type of database?
 - a) Do additional law enforcement agencies have access to that database?
 - b) Does SAA/USCP track visitors by Member?
 - c) Does SAA/USCP ask for ID from visitors?
 - d) If yes, will SAA/USCP provide the information, including names of Members or staff who were part of these tours?
- 2) Does SAA/USCP enforce Members signing in guests?
 - a) Does SAA/USCP have logs of which Members signed guests in on 1/5/21?
 - b) If yes, will SAA/USCP provide the information, including names of Members or staff who were part of these tours?
- 3) Have any additional law enforcement agencies requested access to these logs?
- 4) What would prevent the SAA/USCP from permitting a visitor from entering the building?
- 5) What tracking does the SAA/USCP employ to ensure that one staffer did not bring more than their allotted "official visitors" through multiple entrances?
- 6) Are there video logs of the day in question?
 - a) If Yes, will SAA/USCP provide the video logs?
- 7) Is facial recognition software used for visitors entering the complex?
 - a) If Yes, will SAA/USCP provide the facial recognition results?
- 8) Are any of the individuals recorded in the Capitol complex on January 5 being investigated for their role in the insurrection the following day?

We appreciate your immediate attention to this matter.

Sincerely,

Mikie Sherrill
Member of Congress

Katherine Clark
Member of Congress

Frank Pallone, Jr.
Member of Congress

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Daniel T. Kildee
Member of Congress

Abigail D. Spanberger
Member of Congress

Grace Meng
Member of Congress

Tom Malinowski
Member of Congress

Pramila Jayapal
Member of Congress

Jahana Hayes
Member of Congress

Veronica Escobar
Member of Congress

Ted W. Lieu
Member of Congress

Ann McLane Kuster
Member of Congress

Michael F. Doyle, Jr.
Member of Congress

Mary Gay Scanlon
Member of Congress

Dean Phillips
Member of Congress

Jared Huffman
Member of Congress

Donald M. Payne, Jr.
Member of Congress

Sara Jacobs
Member of Congress

Elaine G. Luria
Member of Congress

Mike Levin
Member of Congress

Norma J. Torres
Member of Congress

Susan Wild
Member of Congress

Suzanne Bonamici
Member of Congress

Jackie Speier
Member of Congress

Lizzie Fletcher
Member of Congress

Kathleen M. Rice
Member of Congress

Nikema Williams
Member of Congress

André Carson
Member of Congress

Bill Pascrell, Jr.
Member of Congress

Marie Newman
Member of Congress

Albio Sires
Member of Congress

Marilyn Strickland
Member of Congress

Josh Gottheimer
Member of Congress

Lisa Blunt Rochester
Member of Congress

The Honorable Theodore E. Deutch and The Honorable Jackie Walorski

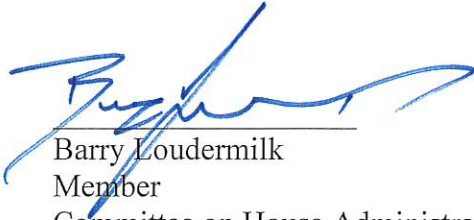
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ATTESTATION OF COMPLIANCE

I, the undersigned, do hereby attest and confirm that I have caused to be provided an exact copy of the filed complaint and all attachments to each of the Respondents via hand delivery and inside mail to the addresses listed below.



Barry Loudermilk
Member
Committee on House Administration

Respondents

Representative Mikie Sherrill
1414 Longworth House Office Building
Washington, D.C. 20515

Representative Frank Pallone, Jr.
2107 Rayburn House Office Building
Washington, D.C. 20515

Representative Abigail D. Spanberger
1431 Longworth House Office Building
Washington, D.C. 20515

Representative Tom Malinowski
1318 Longworth House Office Building
Washington, D.C. 20515

Representative Jahana Hayes
1415 Longworth House Office Building
Washington, D.C. 20515

Representative Ted W. Lieu
403 Cannon House Office Building
Washington, D.C. 20515

Representative Michael F. Doyle, Jr.
270 Cannon House Office Building
Washington, D.C. 20515

Representative Katherine Clark
2448 Rayburn House Office Building
Washington, D.C. 20515

Representative Daniel T. Kildee
200 Cannon House Office Building
Washington, D.C. 20515

Representative Grace Meng
2209 Rayburn House Office Building
Washington, D.C. 20515

Representative Pramila Jayapal
2346 Rayburn House Office Building
Washington, D.C. 20515

Representative Veronica Escobar
1505 Longworth House Office Building
Washington, D.C. 20515

Representative Ann McLane Kuster
320 Cannon House Office Building
Washington, D.C. 20515

Representative Mary Gay Scanlon
1227 Longworth House Office Building
Washington, D.C. 20515

The Honorable Theodore E. Deutch and The Honorable Jackie Walorski

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Representative Dean Phillips
2452 Rayburn House Office Building
Washington, D.C. 20515

Representative Donald M. Payne, Jr.
106 Cannon House Office Building
Washington, D.C. 20515

Representative Elaine G. Luria
412 Cannon House Office Building
Washington, D.C. 20515

Representative Norma J. Torres
2444 Rayburn House Office Building
Washington, D.C. 20515

Representative Suzanne Bonamici
2231 Rayburn House Office Building
Washington, D.C. 20515

Representative Lizzie Fletcher
119 Cannon House Office Building
Washington, D.C. 20515

Representative Nikema Williams
1406 Longworth House Office Building
Washington, D.C. 20515

Representative Bill Pascrell, Jr.
2409 Rayburn House Office Building
Washington, D.C. 20515

Representative Albio Sires
2268 Rayburn House Office Building
Washington, D.C. 20515

Representative Lisa Blunt Rochester
1724 Longworth House Office Building
Washington, D.C. 20515

Representative Jared Huffman
1527 Longworth House Office Building
Washington, D.C. 20515

Representative Sara Jacobs
1232 Longworth House Office Building
Washington, D.C. 20515

Representative Mike Levin
1030 Longworth House Office Building
Washington, D.C. 20515

Representative Susan Wild
1027 Longworth House Office Building
Washington, D.C. 20515

Representative Jackie Speier
2465 Rayburn House Office Building
Washington, D.C. 20515

Representative Kathleen M. Rice
2435 Rayburn House Office Building
Washington, D.C. 20515

Representative André Carson
2135 Rayburn House Office Building
Washington, D.C. 20515

Representative Marie Newman
1022 Longworth House Office Building
Washington, D.C. 20515

Representative Marilyn Strickland
1004 Longworth House Office Building
Washington, D.C. 20515