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Representative Scott Perry

Complaint against Representative Scott Perry (PA-10)

September 6, 2022

I. Introduction

This is a complaint under House Ethics Committee Rule 15 against Representative Scott Perry (PA-10) for misconduct arising from his role in efforts to overturn the 2020 election, from November 2020 through the attack on the Capitol of January 6, 2021. Sections I-III are introductory; Sections IV and V discuss the facts giving rise to the violation and the nature of the violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; Section VI contains the complainant verification under oath.

As set forth in more detail below, Representative Perry played a key role in efforts to overturn the 2020 election leading up to January 6, 2021. Beginning with a November 9, 2020 meeting with White House and campaign officials at Trump campaign headquarters,

Representative Perry helped develop and lead a strategy for overturning the election results. Toward this end, he repeatedly promoted false claims about the 2020 election, ranging from supposed county-by-county “irregularities” in Pennsylvania, to an elaborate scheme by which Italian and (apparently separately) British agents were supposedly manipulating voting machines in the United States. But more than that, Representative Perry pressured the Department of Justice to investigate his baseless claims, and to install Jeffrey Clark, an environmental lawyer whose apparent sole relevant qualification for higher office was a willingness to engage in illegal activity in support of overturning the election, as Acting Attorney General. Representative Perry introduced Clark to then-President Trump, and repeatedly pressured then-White House Chief of Staff Mark Meadows to elevate Clark to Acting Attorney General. Finally, Representative Perry participated in White House discussions about various schemes for January 6 itself. Perry internally promoted the legally baseless idea that then-Vice President Pence could unilaterally reject electoral votes, and specifically encouraged Trump supporters to march to the Capitol—with deadly results.

This course of misconduct warrants the Ethics Committee’s investigation.

II. Standards for Expulsion

Under Article I of the U.S. Constitution, each chamber of Congress may “punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.”¹ Over the course of our history, the House has censured some twenty-four Members (most

¹ U.S. Const. art. I, § 5, cl. 2.

recently, in 2021, Representative Gosar, for promoting a video depicting himself killing President Biden and Representative Ocasio-Cortez) and expelled five.²

The House Ethics Committee Rules do not specify precisely which offenses meet the standard for expulsion. Under Committee Rule 24(g), “reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member . . . is appropriate for the most serious violations.”³ The Supreme Court has held that “[t]he right to expel extends to all cases where the offense is such as in the judgment of the [chamber] is inconsistent with the trust and duty of a member.”⁴ That is true even if the misconduct “was not a statutable offense, nor was it committed in [the member’s] official character,” and even when “no presentment or indictment had been found against him, and no prosecution at law was ever commenced upon the case.”⁵

Historically, the grounds for expelling Members have “involved either disloyalty to the United States, or the violation of a criminal law involving the abuse of one’s official position.”⁶ Specifically, in 1861, Representatives John B. Clark, John W. Reid, and Henry C. Burnett were expelled for supporting the Confederate rebellion; in 1980, Representative Michael J. Myers was

² “The numbers of actual expulsions from the House may be small because some Members of the House who have been found to have engaged in serious misconduct have chosen to resign (or have lost an election) before any formal action could be taken against them by the House. Thus, the House committees investigating allegations of misconduct have from time to time expressly recommended the expulsion of a Member, who then resigned before the expulsion vote could be taken by the full body.” Cong. Res. Serv., *Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives* 4, RL31382, June 27, 2016, https://www.everycrsreport.com/files/20160627_RL31382_8b0e5d7921411e047eee6a9a7bba38e6c389a172.pdf.

³ House Ethics Comm. Rule 24(g), <https://ethics.house.gov/sites/ethics.house.gov/files/documents/20210225%20Committee%20Rules%20for%20the%20117th%20Congress%20%28FINAL%29.pdf>.

⁴ *In re Chapman*, 166 U.S. 661, 669 (1897).

⁵ *Id.*; 1 Joseph Story, *Commentaries on the Constitution* § 836 (1833).

⁶ Cong. Res. Serv., *Expulsion, Censure, Reprimand, and Fine: Legislative Discipline in the House of Representatives*, RL31382, June 27, 2016,

https://www.everycrsreport.com/files/20160627_RL31382_8b0e5d7921411e047eee6a9a7bba38e6c389a172.pdf.

expelled for bribery; and in 2002, Representative James Traficant was expelled for bribery, conspiracy to defraud the United States, obstruction of justice, and other offenses.

Representative Perry's misconduct, which was calculated to obstruct and prevent congressional certification of the lawful election results of the 2020 election, and which helped lead to a violent attack on the U.S. Capitol which succeeded in temporarily preventing Congress from certifying the lawful transfer of power and, not incidentally, nearly succeeded in assassinating the Vice President, the Speaker, and other Members within the Capitol, equals or exceeds that past misconduct.

III. Procedural framework

Under this Committee's rules, it may investigate the conduct of an individual Member when "information offered as a complaint, in writing and under oath, by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee."⁷ When such information offered as a complaint is submitted, the Chair and Ranking Minority Member have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.⁸ If so, then they have 45 calendar days or 5 legislative days, whichever is later, to either establish an investigative subcommittee, request that the full Committee extend the 45-day period, or recommend that the full Committee dispose of the complaint.⁹ If they do not take any of these three actions within the

⁷ House Ethics Comm. Rule 14(a)(2); *see also* House Rules, Rule XI(3)(b)(2)(B).

⁸ House Ethics Comm. Rule 16(a).

⁹ *Id.* Rule 16(b)(1)-(3).

45-day period, then they *must* “establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration.”¹⁰

This complaint meets all the requirements for a complaint set forth in House this Committee’s Rule 15(a)-(e), and it is not excluded under Rule 15(h) or (i) because it is filed more than 60 days before the next federal election in which Representative Perry is a candidate, and the action complained of occurred in this Congress and the previous Congress.

IV. Facts

I certify that, to the best of my knowledge and upon information and belief, the following facts are true and correct:

On November 6, 2020, Representative Perry spoke at a rally at the Pennsylvania Capitol, and falsely claimed that the election was being “stolen” in Pennsylvania.¹¹

On November 9, 2020, Representative Perry shared a letter sent to Pennsylvania Governor Wolf outlining false claims of widespread fraud.¹² Over the course of November and December 2020, Representative Perry repeatedly used television appearances and social media to spread false claims of widespread fraud in the 2020 election.¹³

On November 9, 2020, two days after major media called the results of the 2020 presidential election for Joe Biden, Representative Perry attended a meeting at Trump campaign headquarters in Arlington, Virginia, along with then-White House Chief of Staff Mark Meadows,

¹⁰ *Id.* Rule 16(d).

¹¹ Robby Brod, *How Pa. Rep. Scott Perry promoted election lies between Election Day and January 6*, WITF, June 9, 2022, <https://www.witf.org/2022/06/09/how-scott-perry-promoted-election-lies-between-election-day-and-january-6/>; Dan Gleiter, Second ‘Stop the Steal’ rally once again calls for fair vote count in battleground state Pa., Penn Live, Nov. 6, 2020, <https://www.pennlive.com/news/2020/11/stop-the-steal-rally-on-day-two-once-again-calls-for-fair-vote-count-in-battleground-state-pa.html>.

¹² Brod, *supra* note 11; Rep. Scott Perry, Facebook, Nov. 9, 2020, 5:21 PM, <https://www.facebook.com/repsscottperry/posts/pfbid04mvdSAiEupZArfLRuMhFdEtCC2kKlKcue2vmTH5G2mzNaYAajVL3v7BznZLwb1nZl>.

¹³ Brod, *supra* note 11.

Stephen Miller, a top Trump adviser; Bill Stepien, the campaign manager, and Kayleigh McEnany, the White House press secretary. Perry and his collaborators formed a plan to portray the election as tainted and bolster the case with allegations of fraud.¹⁴

On November 12, 2020, Representative Perry texted Meadows, “From an Intel friend: DNI needs to task NSA to immediately seize and begin looking for international comms related to Dominion [Voting Systems].”¹⁵ Later that day, Perry texted Meadows claiming that “the Brits” orchestrated a conspiracy to manipulate voting machines in the US and that then-CIA Director Gina Haspel was helping cover it up. In Perry’s words, “Gina is still running around on the Hill covering for the Brits who helped quarterback this entire operation.”¹⁶

On November 21, 2020, Meadows contacted Representative Perry asking for contact information for key Republican leaders in the Pennsylvania state legislature. As Meadows explained, “POTUS wants to chat with them.”¹⁷

In late November or early December 2020, Representative Perry and others met with Meadows to discuss options by which Vice President Pence could refuse to certify electoral votes from certain states that had voted for Biden.¹⁸ On or about December 8, 2020, Representative Perry played a key role at an in-person White House meeting in which he advocated a plan to use “alternate electors.”¹⁹

¹⁴ Katie Benner et al., *Meadows and the Band of Loyalists: How They Fought to Keep Trump in Power*, N.Y. Times, Dec. 15, 2021, <https://nyti.ms/3TdRopt>.

¹⁵ Zachary Cohen et al., *CNN Exclusive: Meadows’s texts reveal new details about the key role a little-known GOP congressman played in efforts to overturn election*, CNN, Apr. 26, 2022, <https://cnn.it/3R7T1CY>.

¹⁶ Cohen, *supra* note 15.

¹⁷ Cohen, *supra* note 15.

¹⁸ Interview of Cassidy Hutchinson, Feb. 23, 2022, *available at* Meadows v. Pelosi, No. 21-cv-3217-CJN, Doc. No. 15 (D.D.C. filed Apr. 22, 2022), Ex. P, at 73, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220422%20Motion%20for%20Summary%20Judgment.pdf#page=146>.

¹⁹ Interview of Cassidy Hutchinson, Mar. 7, 2022, *available at* Meadows v. Pelosi, No. 21-cv-3217-CJN, Doc. No. 15 (D.D.C. filed Apr. 22, 2022), Ex. G, at 67, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220422%20Motion%20for%20Summary%20Judgment.pdf#page=98>.

On December 21, 2020, Representative Perry and others met with Trump in the Oval Office.²⁰ The purpose of this meeting, as later tweeted by Meadows, was “preparing to fight back against mounting evidence of voter fraud.”²¹

Representative Perry communicated repeatedly by text with Meadows regarding a plan to replace Department of Justice leadership in the days before January 6, 2021.²² On or about December 22, 2020, Representative Perry returned to the White House, escorting Jeffrey Clark, who had recently been promoted from Assistant Attorney General for the Environment and Natural Resources Division to Acting Assistant Attorney General for the Civil Division but was uninvolved with the Department’s election responsibilities, to Clark’s first meeting with Trump.²³ The purpose of this meeting was to introduce Clark to Trump with the goal of Trump replacing the Acting Attorney General and installing Clark in that position for the purpose of carrying out Trump’s plans to overturn the results of the 2020 election.²⁴

On December 26, 2020, Representative Perry texted Meadows, “Mark, you should call Jeff. I just got off the phone with him and he explained to me why the principal deputy won't

²⁰ Jacqueline Alemany et al., *Rep. Scott Perry played key role in promoting false claims of fraud*, Wash. Post, June 23, 2022, <https://wapo.st/3Th7cHZ>; U.S. Senate Committee on the Judiciary, Majority Staff Rept., *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election*, A-3, <https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>.

²¹ Alemany et al., *supra* note 20.

²² Meadows v. Pelosi, No. 21-cv-3217-CJN, Doc. No. 15 (D.D.C. filed Apr. 22, 2022), at 30, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220422%20Motion%20for%20Summary%20Judgment.pdf#page=41>.

²³ Alemany et al., *supra* note 20; U.S. Senate Committee on the Judiciary, Majority Staff Rept., *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election*, A-3, <https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>.

²⁴ January 6th Committee, *Cassidy Hutchinson about Meeting with Clark*, YouTube, July 5, 2022, https://youtu.be/CRk9iBN7_Uk.

work especially with the FBI. They will view it as as [sic] not having the authority to enforce what needs to be done.”²⁵ Meadows responded, “Let me work on the deputy position.”

On December 27, 2020, Representative Perry contacted Richard Donoghue, then the Acting Deputy Attorney General, on behalf of Trump’s political campaign. Perry told Donoghue that he had compiled a dossier of voter fraud allegations that the Department needed to vet. Further, Perry told Donoghue that Clark would take action on Trump’s baseless claims even if others in the Department would not: “He’s the kind of guy who could really get in there and do something about this.”²⁶ Department of Justice officials understood the request as political pressure on Trump’s behalf.²⁷

As a majority report of the U.S. Senate Judiciary Committee later recounted in detail over three single-spaced pages, Perry’s December 27 outreach to Donoghue included not only promoting Clark but also transmitting false claims that the Pennsylvania election had been severely tainted by fraud.²⁸

That same day, Trump met with Donoghue and Rosen and urged them to investigate various false claims of election fraud. When they informed Trump that each such claim was meritless, Trump responded, “Just say the election was corrupt and leave the rest to me and the Republican Congressmen.”²⁹

²⁵ CNN, *READ: Text messages Sean Hannity, Marjorie Taylor Greene, Ivanka Trump and others sent to Mark Meadows*, Apr. 25, 2022 <https://cnn.it/3CxLSb4>; *Meadows v. Pelosi*, No. 21-cv-3217-CJN, Doc. No. 15 (D.D.C. filed Apr. 22, 2022), Ex. O, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220422%20Motion%20for%20Summary%20Judgment.pdf#page=137>.

²⁶ U.S. Senate Committee on the Judiciary, Majority Staff Rept., *Subverting Justice: How the Former President and His Allies Pressured DOJ to Overturn the 2020 Election*, at 17, <https://www.judiciary.senate.gov/imo/media/doc/Interim%20Staff%20Report%20FINAL.pdf>.

²⁷ Katie Benner et al., *Meadows and the Band of Loyalists: How They Fought to Keep Trump in Power*, N.Y. Times, Dec. 15, 2021, <https://nyti.ms/3TdRopt>.

²⁸ U.S. Senate Committee on the Judiciary, *supra* note 26, at 16-19.

²⁹ NPR, *Here’s every word from the fifth Jan. 6 committee hearing on its investigation*, June 23, 2022, <https://n.pr/3dXVsKa>.

On December 28, 2020, Perry again texted Meadows, asking, “Did you call Jeff Clark?”³⁰ That same day, Clark drafted a letter for the Department of Justice to send to Georgia state officials, urging them to convene the legislature and consider appointing alternate (false) electors, as a “proof of concept” for Georgia and five other states where Trump had lost the election.³¹ Over the next several days, continuing through at least January 3, 2021, Trump and Clark pressured the Department of Justice to issue the letter.³²

On December 31, 2020, Representative Perry texted Meadows urging him to investigate the false claim that an Italian defense contractor had conspired with senior CIA officials to use military satellites to flip votes from Trump to Biden.³³ Perry’s text included a YouTube link, and asked, “Why can’t we just work with the Italian government?”³⁴ Meadows later emailed this link to Acting Attorney General Jeffrey Rosen.³⁵ Perry frequently pressed government officials, including Rosen, to investigate this baseless claim.³⁶

On at least five separate occasions—including on January 5, 2021—Perry texted Meadows to request the conversation move to the encrypted messaging app “Signal” or to alert Meadows to a message he’d sent on Signal.³⁷

³⁰ CNN, *supra* note 25.

³¹ N.Y. Times, *Read the Unsent Letter by Jeffrey Clark to Georgia Officials*, June 23, 2022, <https://nyti.ms/3PX3vUS>; Ryan Goodman, *Timeline: False Alternate Slate of Electors Scheme, Donald Trump and His Close Associates*, JustSecurity, July 18, 2022, <https://www.justsecurity.org/81939/timeline-false-alternate-slate-of-electors-scheme-donald-trump-and-his-close-associates/>.

³² Goodman, *supra* note 31.

³³ Alemany et al., *supra* note 20; Cohen et al., *supra* note 15.

³⁴ Cohen et al., *supra* note 15.

³⁵ Cohen et al., *supra* note 15; Mark Meadows, email to Jeffrey Rosen, Jan. 1, 2021, *available at* [https://www.judiciary.senate.gov/imo/media/doc/Rosen%20Ex%2011%20-%20SJC-Pre-CertificationEvents-000678-679%20\(January%201%202021%20email%20chain\)1.pdf](https://www.judiciary.senate.gov/imo/media/doc/Rosen%20Ex%2011%20-%20SJC-Pre-CertificationEvents-000678-679%20(January%201%202021%20email%20chain)1.pdf).

³⁶ Alemany et al., *supra* note 20.

³⁷ Cohen et al., *supra* note 15; Jeremy Herb & Ryan Nobles, *‘Need to end this call’: January 6 committee reveals new text messages to Meadows on House floor*, CNN, Dec. 14, 2021, <https://cnn.it/3Tkft4o>; Kim Bellware, *Who is Scott Perry, Trump ally and lawmaker whose phone was seized by FBI?*, Wash. Post, Aug. 10, 2022, <https://wapo.st/3crOFYH>.

Sometime between January 3 and January 6, 2021, Representative Perry was a primary participant in a phone call with White House officials and others in which Perry expressly supported the idea of encouraging Trump supporters to march on the Capitol on January 6.³⁸

On January 5, 2021, Perry tweeted a letter from members of the Pennsylvania state senate to U.S. House and Senate Republican Party leaders asking them to delay certification of electoral results, adding “I’m obliged to concur.”³⁹

After January 6, 2021, Perry requested a preemptive pardon from Trump for his activities in the run-up to the January 6 attack.⁴⁰ He spoke about this request directly with Cassidy Hutchinson, then a special assistant to Trump working directly with Meadows.⁴¹

Subsequent developments

On December 20, 2021, the Select Committee to Investigate the January 6th Attack on the United States Capitol (“January 6 Committee”) wrote to Representative Perry, asking him to voluntarily cooperate by providing information in his possession.⁴² The letter stated:

We have received evidence from multiple witnesses that you had an important role in the efforts to install Mr. Clark as acting Attorney General. Acting Attorney General Rosen and acting Deputy Attorney General Donoghue have provided evidence regarding these issues, and we have received evidence that others who worked with Mr. Clark were aware of these plans. We are also aware that you had multiple text and other communications with President Trump’s former Chief of Staff regarding Mr. Clark—and we also have evidence indicating that in that time frame you sent communications to the former Chief of Staff using the encrypted Signal app. Mr. Clark has informed us that he

³⁸ Interview of Cassidy Hutchinson, Feb. 23, 2022, *available at* Meadows v. Pelosi, No. 21-cv-3217-CJN, Doc. No. 15 (D.D.C. filed Apr. 22, 2022), Ex. P, at 45, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/20220422%20Motion%20for%20Summary%20Judgment.pdf#page=142>

³⁹ Rep. Scott Perry, Facebook, Jan. 5, 2021, 9:31 PM, <https://www.facebook.com/repsscotperry/posts/3768230386606555>; Rep. Zoe Lofgren, *Social Media Review: Members of the U.S. House of Representatives who Voted to Overturn the 2020 Presidential Election*, at 1484, <https://housedocs.house.gov/lofgren/SocialMediaReview8.pdf#page=1484>.

⁴⁰ Alemany et al., *supra* note 20; Myah Ward, *Cheney: Scott Perry sought pardon for role in trying to overturn 2020 election results*, Politico, June 9, 2022, <https://politi.co/3APatH6>.

⁴¹ Alemany et al., *supra* note 20.

⁴² Letter to Representative Scott Perry, Dec. 20, 2021, <https://january6th.house.gov/sites/democrats.january6th.house.gov/files/2021-12-20.BGT%20Letter%20to%20Perry.pdf>.

plans to invoke his 5th Amendment right against self-incrimination in anticipation of a deposition to be conducted by the Committee. When Mr. Clark decided to invoke his 5th Amendment rights, he understood that we planned to pose questions addressing his interactions with you, among a host of other topics.

In addition, we have information indicating that you communicated at various relevant times with the White House and others involved in other relevant topics, including regarding allegations that the Dominion voting machines had been corrupted.

To date, Representative Perry has refused to speak with the January 6 Committee.

On August 9, 2022, pursuant to a court-authorized search warrant that was part of a criminal probe into efforts to overturn the results of the 2020 presidential election, the Federal Bureau of Investigation seized Representative Perry's phone.⁴³

V. Nature of the alleged violation

Representative Perry's conduct appears to violate at least one of the following:

Code of Official Conduct, House Rule XXIII(1)

“A Member, Delegate, Resident Commissioner, officer, or employee of the House shall behave at all times in a manner that shall reflect creditably on the House.”

Representative Perry's aforementioned misconduct discredited the United States House of Representatives. In particular, his efforts on behalf of then-President Trump to pressure the Department of Justice to investigate or announce investigations into false claims of election fraud (especially given Trump's plan by which the Department would “just say the election was corrupt” regardless of the facts, and leave the rest to Trump and unnamed “Republican Congressmen,” presumably including Perry, to abuse their positions to overturn the election), to promote “alternate” (false) electors, to support the idea that Vice President Pence could (contrary to the procedures specified in the Constitution and the Electoral Count Act) usurp Congress's

⁴³ Perry Stein, *FBI takes Rep. Scott Perry's phone as part of fake-electoral investigation*, Wash. Post, Aug. 9, 2022, <https://wapo.st/3QMdopH>.

power and unilaterally reject states' electoral votes, and to encourage Trump supporters to march on the Capitol where Congress would be exercising a core constitutional function in the House Chamber, do not reflect creditably on the House.

18 U.S.C. § 371, Conspiracy to defraud the United States

“If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.”

A federal court has already found that Trump's larger scheme to obstruct the Joint Session of Congress on January 6, 2021 by persuading or pressuring Vice President Pence to refuse to count electoral votes “more likely than not” constituted a conspiracy to defraud the United States by obstructing a lawful government function.⁴⁴ Representative Perry's involvement in this aspect of the scheme by encouraging “alternate” (false) electors and/or Pence's rejection of electoral votes likely constitutes participation in that conspiracy. So do his efforts to pressure the Department of Justice to announce investigations into false claims of election fraud (especially given Trump's plan by which the Department would “just say the election was corrupt” regardless of the facts).

18 U.S.C. § 372, Conspiracy to impede or injure officer

“If two or more persons . . . conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof, or to induce by like means any officer of the United States to leave the place, where his duties as an officer are required to be performed, or to

⁴⁴ Eastman v. Thompson, No. 8:22-CV-00099-DOC-DFM, __ F. Supp. 3d __, 2022 WL 894256, at *24 (C.D. Cal. Mar. 28, 2022).

injure him . . . on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, . . . each of such persons shall be fined under this title or imprisoned not more than six years, or both.”

Because the misconduct of Representative Perry (including his support for Trump supporters to march on the Capitol) and those with whom he conspired included the use of threats, intimidation, and force, to prevent Biden from accepting or holding the office of President of the United States, Perry’s participation may violate this provision.

18 U.S.C. § 600, Promise of employment or other benefit for political activity

“Whoever, directly or indirectly, promises any employment, position, . . . appointment, or other benefit . . . or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, . . . shall be fined under this title or imprisoned not more than one year, or both.”

Further investigation may confirm that Representative Perry’s efforts to install Jeffrey Clark as Acting Attorney General included promises of that position (or special consideration in obtaining that position) as consideration, favor, or reward for using the position to engage in political activity in support of then-candidate Trump, in violation of this provision.

18 U.S. Code § 1001(a)(2), False statements to executive branch

“[W]hoever, in any matter within the jurisdiction of the executive . . . branch of the Government of the United States, knowingly and willfully . . . makes any materially false, fictitious, or fraudulent statement or representation . . . shall be fined under this title, imprisoned not more than 5 years . . . or both.”

Representative Perry’s transmission of materially false information to the Department of Justice regarding supposed Italian interference in the 2020 election, if made knowingly and willfully, may violate this provision.

18 U.S.C. § 1512(c)(2), Obstruction of an official proceeding

“Whoever corruptly . . . obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.”

A federal court has already found that Trump “more likely than not” corruptly obstructed, influenced or impeded, or attempted to obstruct, influence or impede an official proceeding of the United States, namely, the Joint Session of Congress on January 6, 2021.⁴⁵ Representative Perry’s efforts to assist Trump’s plan by encouraging “alternate” (false) electors and/or Pence’s rejection of electoral votes likely constitutes aiding and abetting that effort. So do his efforts to pressure the Department of Justice to announce investigations into baseless conspiracy theories (especially given Trump’s plan by which the Department would “just say the election was corrupt” regardless of the facts).

(certification and signature on next page)

⁴⁵ *Id.* at *22.

VI. Conclusion and verification

For all these reasons, the Committee should establish an investigative subcommittee to investigate the aforementioned conduct by Representative Scott Perry. I certify that, in accordance with Rule 15(e), I have provided an exact copy of the filed complaint to the respondent, and that there are no attachments. I am over the age of eighteen and understand the obligations of an oath. I, under penalty of perjury, do hereby certify that the foregoing factual information is, to the best of my knowledge, true and correct.

Complainant #1

Name (print): Susan ROLLER
Legal address:

Signature: Susan Roller

Date: 9/6, 2022
Notary public

Signed and sworn to (or affirmed) before me on 9/6, 2022 by (name of complainant #1) SUSAN ROLLER.

Official signature of notary public

Susan K. Pickford

Notary name and commission expiration date:

Commonwealth of Pennsylvania - Notary Seal
SUSAN K. PICKFORD - Notary Public
Cumberland County
My Commission Expires Mar 23, 2023
Commission Number 1198799

Complainant #2

Name (print): M. Marlene Kanuck
Legal address:

Signature: M. Marlene Kanuck

Date: Sept 6, 2022
Notary public

Signed and sworn to (or affirmed) before me on 9/6, 2022 by (name of complainant #2) M. MARLENE KANUCK.

Official signature of notary public

Susan K. Pickford

Notary name and commission expiration date:

Commonwealth of Pennsylvania - Notary Seal
SUSAN K. PICKFORD - Notary Public
Cumberland County
My Commission Expires Mar 23, 2023
Commission Number 1198799