

The Honorable Michael Guest
Chairman
Committee on Ethics

The Honorable Susan Wild
Ranking Member
Committee on Ethics

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

May 15, 2024

Dear Chairman Guest and Ranking Member Wild:

Pursuant to House Rule XXIII, Clause 1, I write to urge the Committee on Ethics to immediately open an investigation into the conduct of Representatives Seth Magaziner, Bill Pascrell Jr., Diana DeGette, the other Members listed below, and any identifiable Member who waved a Ukrainian flag following the passage of H.R. 8035 (118th Cong.) (collectively, “Respondents”), and to impose the appropriate penalties as warranted.¹

The Respondents include²:

Rep. Marcy Kaptur (OH-9)
Rep. Katie Porte (CA-47)
Rep. Nancy Pelosi (CA-11)
Rep. Kevin Mullin (CA-15)
Rep. Jonathan Jackson (IL-1)
Rep. Haley Stevens (MI-11)
Rep. Dr. Ami Bera, M.D. (CA-6)
Rep. Suzannne Bonamici (OR-1)
Rep. Jill Tokuda (HI-2)
Rep. Steny Hoyer (MD-5)
Rep. Lori Trahan (MA-3)
Rep. Melanie Stansbury (NM-1)
Rep. Dan Goldman (NY-10)

¹ To assist the Committee in identifying potential Respondents, please see the linked clip from C-Span of the House floor following passage of H.R. 8035. House Session—April 20, 2024, C-SPAN, available at <https://www.c-span.org/video/?c5114921/user-clip-wrong-flag-congress> (last visited May 14, 2024).

² Upon information and belief, the individuals contained in the list below can be seen waving Ukrainian flags on the House floor following the vote on H.R. 8035 in the video linked in footnote 1 and other sources. Representatives DeGette, Magaziner, and Pascrell were observed passing out Ukrainian flags to their colleagues.

Rep. Joaquin Castro (TX-20)
Rep. Valerie Foushee (NC-4)
Rep. Sean Casten (IL-6)
Rep. Robert C. Scott (VA-3)
Rep. Robert Jacobsen Menendez Jr (NJ-8)
Rep. Ted Lieu (CA-36)
Rep. Jimmy Gomez (CA-34)
Rep. Veronica Escobar (TX-16)
Rep. Ruben Gallego (AZ-3)
Rep. Pramila Jayapal (WA-7)
Rep. Michelle Sherill (NJ-11)
Rep. Marilyn Strickland (WA-10)

On April 23, 2024, the United States House of Representatives voted to provide Ukraine with \$60.8 billion in aid. The legislative vehicle for the aid was H.R. 8035 (118th Cong.). Directly following this vote, House Members passed out and waved hand-held Ukrainian flags on the House floor. Several lawmakers correctly pointed out that these disorderly displays were conduct unbecoming of elected officials and were subject to official reprimand for the violations.³ Indeed, Rep. Kat Cammack stated she planned to pass legislation to amend House Rules to prohibit foreign flags on the House Floor.⁴ According to media reports, Democratic Representatives Seth Magaziner, Bill Pascrell Jr., and Diana DeGette helped pass out the flags.⁵

I address this letter to the House Committee on Ethics to formally condemn this egregious behavior and to recommend your office open an investigation into the Respondents. I submit that the conduct of waving Ukrainian flags on the House floor immediately following the passage of H.R. 8035 (118th Cong.) include the

³ Justin Papp, *Flag Fracas: Republicans 'Infuriated' by Show of Support for Ukraine*, ROLL CALL, (2024), <https://rollcall.com/2024/04/23/flag-fracas-republicans-infuriated-by-show-of-support-for-ukraine/> (last visited May 14, 2024).

⁴ Cami Mondeaux, *Republican looks to ban foreign flags in House chamber after Democrats celebrate Ukraine aid*, WASHINGTON EXAMINER, <https://www.washingtonexaminer.com/news/house/2973293/republican-looks-to-ban-foreign-flags-in-house/> (last visited May 14, 2024).

⁵ Justin Papp, *Flag Fracas: Republicans 'Infuriated' by Show of Support for Ukraine*, ROLL CALL, (2024), <https://rollcall.com/2024/04/23/flag-fracas-republicans-infuriated-by-show-of-support-for-ukraine/> (last visited May 1, 2024); see also *Colorado Communist Democrat Diana DeGette Is the One Who Handed out Ukraine Flags during "Aid" Vote*, PACIFIC PUNDIT (Apr. 22, 2024), (last visited May 14, 2024).

following violations of the Rules of the House of Representatives:

VIOLATION I

Pursuant to House Rules a “Member . . . shall behave at all times in a manner that shall reflect creditably on the House.” House Rule XXIII, cl. 1 (118th Congress). As the House Ethics Manual explains, violations of this key provision include “[making] statements that impugn the reputation of the House.” House Ethics Manual 15 (2022).

Here, Respondents’ statements included passing out and waving Ukrainian flags on the House floor even after being reproached by the Speaker pro tempore.⁶ The conduct of waving the flag impugns the reputation of the House because foreign flags dilute the primacy and importance of deep American traditions, American lives sacrificed, and the land that the American flag represents. Not only do these flagrant displays of foreign capitulation disrespect our American heritage and the American way of life, but it also directly insults the American people.

With the national debt surpassing \$34.5 trillion, the southwest border wide open, and little to no oversight over how the funds are spent in a notoriously corrupt country, the Members impugned the reputation of the House of Representatives by celebrating the continued mortgaging of our children’s future on a war with no end in sight by waving Ukrainian flags on the floor of the House of Representatives. This flag waving represents Ukraine—not America. Those Members dishonored America and impugned the reputation of the House by waving these flags in front of the hard-working and honest American people. It is insulting. It is un-American. And it violates House Rules.

VIOLATION II

House Rules explicitly prohibit “[a] Member, Delegate, the Resident Commissioner, officer, or employee of the House may not engage in disorderly or disruptive conduct in the Chamber, including . . . (2) the use of an exhibit to impede, disrupt, or disturb the proceedings of the House[.]” Rule XXVIII, cl. 9(a)(2) (118th Congress).

Here, Respondents were told to stop their disruptions, that the flag waving was inappropriate conduct on the House floor, and that the House would be called

⁶ House Session—April 20, 2024, C-SPAN, available at <https://www.c-span.org/video/?c5114921/user-clip-wrong-flag-congress> (last visited May 14, 2024).

to order.⁷ In the video provided in footnote one, the Speaker gaveled the House multiple times to try and impose order in response to the members waving the flag.⁸

Conclusion

Members of the House of Representatives violated House Rules when they waved the Ukrainian flag following the vote on H.R. 8035. I urge the Committee to investigate these allegations and hold the wrongdoers accountable for their violations of House Rules.

Thank you in advance for considering my complaint. If you have any questions, or feel you need clarification of this complaint please contact me at oversightproject@heritage.org.

Sincerely,



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⁷ 170 Cong. Rec. H2621 (daily ed. Apr. 20, 2024) (statement of Rep. Marc Molinaro) (“The SPEAKER pro tempore (Mr. MOLINARO). The House will be in order. The House will be in order. The Chair would remind my colleagues to observe proper decorum. Flag waving on the floor is not appropriate. The House will be in order.”)

⁸ House Session—April 20, 2024, C-SPAN, available at <https://www.c-span.org/video/?c5114921/user-clip-wrong-flag-congress> (last visited May 14, 2024).