

Congress of the United States
Washington, DC 20515

May 17, 2024

The Hon. Kristin Mayes
Attorney General
State of Arizona
2005 N. Central Ave
Phoenix, AZ 85004

Attorney General Mayes:

We write concerning your egregious decision on April 23rd, 2024, to indict several individuals for questioning the results of the 2020 election. Not only is this a violation of the 1st Amendment, it is blatant interference in the 2024 election. Every American has the right to free speech, including the right to question the results of elections. Your choice to indict American citizens for expressing constitutional rights represents the worst of machine politics, and we intend to take every action available to Congress to rectify your decision.

On April 23rd, you chose to indict several individuals on counts of “Conspiracy,” “Fraudulent Schemes and Artifices,” “Fraudulent Schemes and Practices,” and “Forgery.”¹ These felony-level indictments rely on a shaky legal framework and are malicious in nature. While we do not expect you will change your mind after being presented with the facts laid out in this letter, we intend to spend the following paragraphs breaking down each of the baseless charges and laying out their weak foundations.

I. Conspiracy:

Under Arizona law, conspiracy requires “...intent to promote or aid the commission of an offense.”² You allege the accused, “...raised false claims of widespread election fraud in Arizona to pressure election officials to change the outcome of a democratic election,” in order to “...keep Unindicted Coconspirator 1 in office against the will of Arizona’s voters.”³ Clearly, this unindicted “coconspirator” is President Trump. Claiming the results of an election are fraudulent is not a crime, nor is requesting an investigation into the alleged fraud, nor is suing or taking any other legal action to prevent the certification of an election. Therefore, the conspiracy charge is invalid.

¹ [Case No: CR2024-006850](#)

² A.R.S. § 13-1003

³ Ibid.

II. Fraudulent Schemes and Artifices:

Arizona law defines fraudulent schemes and artifices as "...knowingly [obtaining] any benefit by means of false or fraudulent pretenses, representations, promises, or material omissions."⁴ Arizona law defines a benefit as "Anything of value or advantage."⁵ You allege, "...creating the opportunity for Pence to reject the legitimate certified Democratic elector[s]..." meets the definition of a benefit, yet you provide no evidence of how this would in any way advantage the indicted. Therefore, the fraudulent schemes and artifices charge is invalid.

III. Fraudulent Schemes and Practices:

Arizona law defines fraudulent schemes and practices as knowingly falsify, concealing or covering up material facts through tricks, schemes, and false statements.⁶ You allege that the defendants' claims of election fraud in order to create a slate of Republican electors satisfies the requirements of that statute.⁷ Yet, you cannot prove the defendants believed these statements to be false. Therefore, the fraudulent schemes and practices charge is invalid.

IV. Forgery:

Arizona law defines forgery as falsely making, completing or altering a written instrument, possessing a forged document, or offering a document that contains false information to an individual with intent to defraud.⁸ You allege the defendants' submission of a document detailing President Trump's victory in the state of Arizona to the District Court for the District of Arizona as a forgery due to the contents being "false." You cannot prove the individuals believed the information they were submitting was false, and thus, cannot prove they intended to defraud the state. Therefore, the forgery charge is invalid.

Clearly, your intention is not to follow the law but to initiate a political witch hunt. Your case comes at a curious time, just six months before a presidential election in which several of the indicted individuals are assisting one of the candidates. Which raises several questions such as, why was this case not brought forward earlier? Why did the last attorney general not bring this forward? Why did you wait until the election year to bring the case forward?

The answer to those questions is clear, you are engaging in election interference to benefit the re-election of President Joe Biden. Sending multiple slates of electors is not illegal, it was done in 1876 and 1960; expressing an opinion that election fraud occurred, or that one candidate beat another in the presidential election is not illegal – in fact it is protected by the 1st Amendment; and lobbying the state government to send a slate of electors in favor of one candidate is not illegal.

America is in turmoil. Nearly ten million illegal aliens have entered this nation since January 20th, 2021, almost as many as the twelve million legal immigrants who entered the nation through Ellis Island over sixty years; working families have seen prices go up and the strength of their dollar go

⁴ A.R.S. § 13-2310

⁵ A.R.S. § 13-105

⁶ A.R.S. § 13-2311

⁷ [Case No: CR2024-006850](#)

⁸ A.R.S § 13-2002

down, and crime is so prevalent that any neighborhood in America could be victimized. Yet, you are still determined to ensure the failing Biden administration retains the White House for four more years.

Due to this egregious violation of your duty and oath to the state of Arizona, we request that you drop this frivolous lawsuit and resign your office by June 1st, 2024. If you do not, we the undersigned look forward to using the full extent of our authorized powers to rectify your abuse of office.

Sincerely,



Josh Brecheen
Member of Congress



Troy Nehls
Member of Congress



Andy Biggs
Member of Congress