

**COMPLAINT
TO THE
SUBCOMMITTEE ON ETHICAL CONDUCT
REGARDING THE ACTIONS
OF
SENATOR OMAR FATEH**

Senator Jeff Howe, being first duly sworn, states and alleges under oath the following based upon information and belief:

Complaint 1: Sen. Fateh violated Senate Rules 56.3 (Standards of Ethical Conduct) and Section 1.30 of Minnesota Senate Policies for Senators and Staff (Code of Ethics) by falsely alleging that members of the Senate called immigrants “terrorists” and “drug dealers.”

1. On February 22, 2023, Senator Omar Fateh stated the following on the Senate floor in regards to debate on House File 4:

“The fact is that our communities are much safer with our immigrant population... We heard them being called ‘terrorists.’ We heard them being called ‘drug dealers.’”

2. Actual senator comments to HF 4 differentiated between immigrants vs. foreign terrorists intent on attacks like those committed on 9/11/2001.
3. Actual senator comments to HF 4 differentiated between immigrants vs. drug cartels profiting from drug smuggling and human trafficking of immigrants.
4. The following is a complete chronological transcript of comments to HF 4 containing references to terrorism and drugs:
 - a. “I can’t fathom why if you read that SONAR and understood that 19 of those terrorists that flew those planes into the World Trade Center had 30 different state driver’s licenses and state IDs.”
 - b. “I am not confident that we don’t have people in our midst who are terrorists that may want that driver’s license.”
 - c. “Again, there’s nothing in this bill that prevents a terrorist from coming across the southern border, if this becomes law, getting a driver’s license and getting on an airline, and committing a terrorist act here in Minnesota or somewhere in this nation. Nothing! And regardless of what Sen. Latz said, any of the- almost all those items can be forged. Especially when we have an administration that has allowed millions of undocuments to rush across our border. Without being vetted for public health, for illegal drugs, or for anything else. And I’m supposed to believe that when there’s nothing in this bill that can’t be forged, that this is going to prevent a terrorist from coming to Minnesota and getting on an airline?”
 - d. “Madam President, I guess it’s just really disappointing that the author of the bill will not show me where in this bill there is actually a provision subject to Sen. Howe’s amendment that would actually help us to prevent terrorists from coming to Minnesota, getting a driver’s license, and endangering our citizens of all ethnic backgrounds here in the state or across the United States. Members, please support Sen. Howe’s amendment.”
 - e. “Certainly, the federal government’s identified nations of state sponsors of terrorism would be excluded in the bill under ‘foreign jurisdiction.’ But I’ve just heard, Madam President, that all countries- (...) the threat is Iran.”
 - f. “But coming to this country illegally opens a door of illegal drugs, sex trafficking, and a host of other problems in this country (...) and opens up a door for even terrorists.”
 - g. “The point is we have glaring holes in this bill that are going to endanger the citizens of this state. Especially in the 18 months where you can come up here as a terrorist, get a driver’s license, and do tremendous damage on an airline or somewhere else.”

- h. “Let’s just look at some of the things that happen. Their women and children are raped and killed. Coyotes charge them between \$7,000 and \$10,000 to cross the border. We’re enriching cartels with millions of dollars as we provide benefits to draw in illegal immigrants. Secondly, illegal drugs are pouring across our border.”
 - i. “We’re not vetting them for crime. We’re not vetting them for bringing terrorists in here, Madam President.”
- 5. During the February 22, 2023 debate on HF 4, members of the Senate did not call immigrants “terrorists” and “drug dealers” as falsely claimed by Senator Fateh.
- 6. Actual senator comments expressly delineated between the immigrant population and bad actors seeking to exploit legislation under deliberation:
 - a. “It is not just about immigrants that are here with legal status, immigrants that are here without legal status. We are also talking about fugitives; we are also talking about other people that want to mask their identity.”
 - b. “I did not say, Madam President, that those that are driving presently illegally are committing these acts. What I said was – allowing these to be issued before REAL ID, will allow people who purpose themselves to commit acts of evil a loophole. And that could be anybody.”
 - c. “I also believe that doing this and exploiting these people in this way versus legal immigration is a white supremacist and racist approach to those individuals (...) I care too much about those people to vote for this bill. I want to bring them here legally. I want them vetted. I want to protect the citizens of the state of Minnesota.”
- 7. By conflating comments made in reference to distinct groups (immigrants vs. terrorists/drug dealers), Senator Fateh misled the public by falsely describing remarks made during debate on HF 4.
- 8. On May 20, 2011, Senator Ann Rest filed a Senate ethics complaint against Senator Gretchen Hoffman arguing that she had violated Senate Permanent Rule 56 for misrepresenting a member’s position: “Senator Hoffman’s public statement is damaging and misleading with respect to Senator Goodwin’s position on public policy issues relating to mental illness and those with mental illness.”
 - a. This complaint against Sen. Hoffman resulted in the Senate Subcommittee on Ethical Conduct issuing a resolution requiring Sen. Hoffman to issue a written apology, among other stipulations.
- 9. Section 1.30 of the Minnesota Senate Policies for Senators and Staff (Code of Ethics) states: “Act honestly, fairly and openly so that others can rely in good faith on your words and actions.”
- 10. Section 1.15 of the Minnesota Senate Policies for Senators and Staff (Senate Discipline) states: “Standards of ethical conduct are set forth in Rule 56 and in the Code of Conduct and Code of Ethics.”
- 11. Senate Rule 56.3 states: “Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.”
- 12. Sen. Fateh’s conduct violates Senate policy, violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor or disrepute.
- 13. It is your complainants’ belief that, based on the above information, Sen. Omar Fateh violated Senate Permanent Rule 56.

Complaint 2: Sen. Fateh violated Senate Rules 56.3 (Standards of Ethical Conduct) and Section 1.25 of Minnesota Senate Policies for Senators and Staff (Code of Conduct) by suggesting that Republican members of the Senate appear like violent extremists, specifically white supremacists.

1. On February 22, 2023, Senator Omar Fateh stated the following on the Senate floor:


“You want to know who the real threat is, Madam President? I’ll give you a hint: they don’t look like our chief author, they don’t look like the folks up in the gallery, they don’t look like the folks out in the rotunda. They look like many of the members that sit in the front. And you don’t have to take my word for it. According to DHS, Madam President, the greatest domestic threat facing the United States comes from ‘racially- or ethnically-motivated violent extremists, specifically those who advocate for the superiority of the white race.’”
2. Consistent with long-standing Senate custom, “members that sit in the front” of the chamber during the 2023-24 Session are exclusively Minority (i.e., Republican) caucus members.
3. Applying disparaging and derogatory terms to fellow members of the Senate is incongruous with the customs and decorum of the Minnesota Senate.
4. False accusations and name calling between members during Senate proceedings establishes a dangerous precedent that threatens to silence debate and undermine the institution.
5. Section 1.25 of the Minnesota Senate Policies for Senators and Staff (Code of Conduct) states: “We will treat each other and the public fairly, equally, and with dignity and respect.”
6. Section 1.15 of the Minnesota Senate Policies for Senators and Staff (Senate Discipline) states: “Standards of ethical conduct are set forth in Rule 56 and in the Code of Conduct and Code of Ethics.”
7. Senate Rule 56.3 states: “Improper conduct includes conduct that violates a rule or administrative policy of the Senate, that violates accepted norms of Senate behavior, that betrays the public trust, or that tends to bring the Senate into dishonor or disrepute.”
8. Sen. Fateh’s conduct violates Senate policy, violates accepted norms of Senate behavior, betrays the public trust, and brings the Senate into dishonor or disrepute.
9. It is your complainant’s belief that, based on the above information, Sen. Omar Fateh violated Senate Permanent Rule 56.

Your complainant asks that the Subcommittee on Ethical Conduct investigate the details of these matters. Specifically, the Subcommittee should investigate whether Sen. Fateh’s statements on the Senate floor violated Senate Rules 56.3 (Standards of Ethical Conduct), Section 1.25 of the Minnesota Senate Policies for Senators and Staff (Code of Conduct), and Section 1.30 of Minnesota Senate Policies for Senators and Staff (Code of Ethics).

Your complainant respectfully requests that all hearings on this matter be open to the public.

Your complainant asks that the Subcommittee on Ethical Conduct find that Sen. Omar Fateh violated Senate Rule 56, and that it recommends such disciplinary action as the Subcommittee finds appropriate.

Date: 4-24-2023



Senator Jeff Howe

Subscribed to, and sworn before me, a notary public, on April 24, 2023

