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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Dr. Michael P. Ward, D.O., *et al.*;
Plaintiffs,
v.

Bennie G. Thompson, *et al.*;
Defendants.

Case No. 3:22-cv-08015-DJH
**REPLY IN SUPPORT OF MOTION
FOR INJUNCTION OR
ADMINISTRATIVE INJUNCTION
PENDING APPEAL**

In this unprecedented case, a highly partisan “select committee” of Congress subpoenaed the telephone call data and text message records of the state chair of the rival political party for a period encompassing one of the most contentious political moments in American history.¹ Plaintiffs argued that the subpoena should be quashed because the disclosure of the subpoenaed information would have a chilling effect on the First Amendment associational rights of partisan political actors in Arizona, all of whom are certain to be queried by Congressional investigators about their conversations with Chairwoman Ward. This is not, as the Committee contends, speculation. It is a certainty.

¹ It is more than ironic that Committee Chair Bennie Thompson voted not to certify the delegation of Ohio electors lawfully sent to Congress by Ohio due to his concerns about the integrity of the presidential election results in Ohio in 2004. <https://www.washingtonexaminer.com/opinion/what-bennie-thompson-did-on-jan-6-2005> (last accessed September 30, 2022).

1 This was confirmed by the recent appearance of former Congressman Denver
 2 Riggleman on *60 Minutes* on September 25, 2022. There, Congressman Riggleman
 3 detailed his contact tracing activities on behalf of the
 4 Committee and showed a graphic that he created, called
 5 “The Monster [Fig 1],” which purportedly depicts the
 6 connections between certain partisan political actors and
 7 the White House.

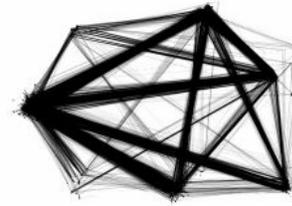


Figure 1

8 Congressman Riggleman confirmed what Congressional investigators will do with
 9 the information they seek. “The thread that needs to be pulled identifying all the White
 10 House numbers and why we have certain specific people, why they were talking to the
 11 White House,” he told *60 Minutes*.² The precedent set here will be applied in the opposite
 12 direction if control of the House changes and Republicans initiate an investigation of those
 13 who challenged the legitimacy of the 2016 presidential election.

14 Chairwoman Ward and her husband are also practicing physicians. The disclosure
 15 of their telephone records is certain to reveal the identities of some of their patients (all of
 16 whom are being treated for weight loss issues) to the prying eyes of partisan congressional
 17 investigators. The Committee has no legitimate need for that information and its
 18 blunderbuss subpoena will cause those suffering from a sensitive medical condition to
 19 receive calls from investigators and erase any notion of patient privacy.

20 **I. Defendants Misstate and Misapply the Applicable Standard.**

21 The Committee argues that courts apply the same factors for injunctions pending
 22 appeal that apply to ordinary injunctions. That is incorrect. The factors are more leniently
 23 worded and applied when a party seeks an injunction pending appeal.

26
 27 ² Areeba Shah, “*The Monster*”: *Ex-Jan. 6 investigator sounds alarm over mysterious*
 28 *WH call — here’s what we know*, SALON (available at:
<https://www.salon.com/2022/09/26/the-monster-ex-jan-6-investigator-sounds-alarm-over-mysterious-wh-call--heres-what-we-know/> (Sept. 26, 2022).

1 The “success on the merits factor cannot be rigidly applied [to a motion for
2 injunction pending appeal] because[,] if it were, an injunction would seldom, if ever, be
3 granted because the district court would have to conclude that it was probably incorrect in
4 its determination on the merits.” *Protect Our Water v. Flowers*, 377 F. Supp. 2d 882, 884
5 (E.D. Cal. 2004) (collecting cases) (cleaned up). The prong is satisfied, and an injunction
6 pending appeal is usually appropriate, “where the trial court is charting a new and
7 unexplored ground and the court determines that a novel interpretation of the law **may**
8 succumb to appellate review.” *Protect*, 377 F. Supp. 2d at 884) (emphasis added); *see also*
9 *Republican Nat’l Comm. v. Pelosi*, 2022 U.S. Dist. LEXIS 91503, at *10 (D.D.C. May 20,
10 2022) (case presented “fair ground for litigation” on RNC’s First Amendment claim
11 sufficient to satisfy this prong for purposes of an administrative stay).

12 The irreparable injury prong is also satisfied differently when seeking an injunction
13 pending appeal. It is sufficient to demonstrate irreparable harm where, as is the case here,
14 failure to issue an injunction would deprive a party of a meaningful right to appeal. *Pelosi*,
15 2022 U.S. Dist. LEXIS at *11 (D.D.C. May 20, 2022).

16 The third factor is substantially different. Rather than balancing equities, a court
17 looks to “whether the grant of a stay will substantially injure other interested parties[.]”
18 Mot. 3:17-4:9 (citing various cases); *See also Doe v. Trump*, 944 F.3d 1222, 1225 (9th Cir.
19 2019). This factor merges with “public interest” prong when an injunction is sought
20 against the government. (Doc. 63) (hereafter “Resp.”) at 2.

21 The Ninth Circuit applies a “sliding scale” approach to preliminary injunctions,
22 meaning that “the elements of the preliminary injunction test are balanced, so that a
23 stronger showing of one element may offset a weaker showing of another.” *Apache*
24 *Stronghold v. United States*, No. 21-15295, 2021 U.S. App. LEXIS 6562, at *7 (9th Cir.
25 Mar. 5, 2021). In applying this sliding scale, the first two elements are the most important.
26 *Doe*, 944 F.3d at 1225-26. And, even in the D.C. Circuit, which has never recognized the
27 “sliding scale”, the district court in *Pelosi* entered an administrative injunction (as opposed
28

1 to stay pending appeal), despite the fact that only the “serious questions” and “irreparable
2 harm” prongs tipped in the RNC’s favor. *Pelosi* at *10 (D.D.C. May 20, 2022).

3 **II. The Appeal Raises Substantial and Difficult Questions of Law.**

4 The Committee asserts that Plaintiffs fail to raise a “serious question” under the
5 First Amendment and this case is unlike *Pelosi* because it involves individuals, not a
6 political party. Resp. at 2-3. Citing *Warth v. Seldin*, 422 U.S. 490 (1975) and *NAACP v.*
7 *Alabama*, 357 U.S. 449 (1958), the Committee seems to argue that Plaintiffs lack standing
8 to make an associational First Amendment claim. Resp. at 3.

9 But Plaintiffs’ standing was not questioned by the Court. Moreover, *Warth*
10 concerned the standing of individuals to challenge zoning laws in a town where they did
11 not reside. 422 U.S. at 503-07. It was not a case involving an unprecedented intrusion by
12 a congressional committee into the contacts between the state opposition party chair and
13 partisan political actors. The Chair of the Arizona GOP plainly has standing to assert and
14 attempt to vindicate the associational rights of Republicans.

15 The Committee also argues that Plaintiffs’ claims are “speculative.” Resp. at 4. Not
16 so. Congressman Riggleman’s statements on *60 Minutes* leave no doubt as to what will
17 happen if T-Mobile complies with the subpoena. The Committee will feed that information
18 data visualization matrix called “The Monster.” **Exh. A** (transcript of *60 Minutes* episode).
19 That information will permit investigators to identify every person in contact with Chair
20 Ward. Each person can then expect to be contacted by congressional investigators. A more
21 chilling impact on public participation in politics can hardly be imagined than federal law
22 enforcement asking questions about one’s political activities.

23 The facts in this case are closely analogous to those in *Pelosi*. Both cases concern
24 a subpoena from the Committee seeking data that would identify persons engaged in
25 protected partisan political activity. As the district court in *Pelosi* stated, this case
26 “presents a serious legal question” and “an issue of first impression” involving the
27 application of *Ams. for Prosperity Foundation v. Bonta*, 141 S. Ct. 2373 (2021), “in the
28

1 context of” *AFL-CIO v. FEC*, 333 F.3d 168 (D.C. Cir. 2003). 2022 U.S. Dist. LEXIS
2 91503 at *9-10. The same is true here.

3 Defendants attempt to distinguish *Pelosi* and *NAACP v. Alabama* by arguing that
4 the subpoena seeks only “call detail records.” The production of call detail records will
5 elicit the same kind of identifying information that the Supreme Court held infringed “the
6 right of the members [of the NAACP] to pursue their lawful private interests . . . and to
7 associate freely with others in so doing.” *NAACP*, 357 U.S. at 466. Can anyone seriously
8 argue that the result in *NAACP* would have been different had Alabama sought only the
9 telephone numbers of local NAACP members when reverse-lookup directories make
10 identifying the identity of telephone subscribers trivial?

11 *Pelosi* also did not involve important patient privacy interests. Dr. Ward’s patients
12 are being treated for weight loss issues. It is easy to imagine the humiliation they will
13 experience when congressional investigators interrogate them about their discussions with
14 Dr. Ward. This Court has the same power that it does in the grand jury subpoena context
15 to quash or limit the scope of a subpoena that is unduly burdensome or oppressive. *United*
16 *States v. Bergeson*, 425 F.3d 1221, 1226-27 (9th Cir. 2005). Whether that power could or
17 should have been exercised here is an important and substantial question that is now for
18 the Ninth Circuit to decide - it warrants a stay.

19 **III. Plaintiffs Will Suffer Irreparable Harm Absent an Injunction.**

20 Plaintiffs will suffer irreparable harm if an injunction is not granted because T-
21 Mobile will produce the subpoenaed information and Plaintiffs will have no meaningful
22 right of appeal. The Committee simply ignores this argument and, instead, addresses
23 points such as potential chilling effects and the potential for harassment and threats, which
24 the Committee contends are based on pure speculation. Resp. 6. This fails to squarely
25 address the irreparable harm inherent in being deprived of a meaningful right of appeal.

26 An identical argument for irreparable harm was made – *and accepted* – in *RNC v.*
27 *Pelosi*. “The RNC has shown this form of irreparable harm because, absent an injunction
28 pending appeal, Salesforce will comply with the subpoena. [] And once Salesforce does,

1 the Speech and Debate Clause prohibits this Court (or any other) from ordering the Select
2 Committee to take any action with respect to the records that could provide any kind of
3 ‘effectual relief’ to the RNC.” Case no. 1-22-cv-00659-TJK, Slip. Op. at 8, ECF Doc. No.
4 42 (D.D.C. May 20, 2022). The same is true here. There is no serious argument that
5 Plaintiffs will not be irreparably harmed if T-Mobile complies with the subpoena.

6 **IV. The Committee’s Actions Demonstrate That It Has No Immediate Need for**
7 **the Requested Information.**

8 Plaintiffs showed that since the Committee issued its subpoena in January 2022,
9 the Committee sought and was granted five requests for an extension to respond to
10 Plaintiffs’ Complaint and Motion to Quash. But for this Court’s July 27, 2022 Order, this
11 matter would still be awaiting briefing. Based on this course of conduct, the Committee
12 cannot credibly contend that it has an immediate need for the information.

13 The Committee argues that its mission is important and of great public interest.
14 That has nothing to do with whether the Committee has an *immediate* need for the
15 information sought. In *Pelosi*, the Committee suddenly reversed course and abandoned
16 the pretense that the Salesforce information was important after three D.C. Circuit judges
17 opined that the issues in that case raised “important and unsettled constitutional questions.”
18 USCA Case 22-5123, Doc. #1964512 (D.C. Circuit Sept. 16, 2022). Thus, the fact the
19 Committee argues something is important does not necessarily make it so.

20 The Committee contends that while its “investigative priorities have dictated its
21 ligation focus over time,” those shifting priorities have no bearing on whether the equities
22 now favor Plaintiffs. Yes, they do. *Cooper v. Rimmer*, 379 F.3d 1029, 1032 (9th Cir. 2004)
23 (appropriate to weigh “undue delay in the balance of equities[.]”). The Committee spent
24 the first half of 2022 collecting documents and interviewing/deposing witnesses. It then
25 aired eight professionally directed, prime-time televised hearings highlighting the
26 Committee’s findings. The Committee is certain to issue an “interim report” in October in
27 advance of the mid-term elections. The Committee did all of this without exhibiting the
28 slightest need to push for the T-Mobile records. This Court should also carefully examine

1 how, as of September 2nd, the Committee could claim that its work had “progressed” to
2 the point where it “that it no longer ha[d] a need” for what it argues is far more substantial
3 information subpoenaed from the RNC and yet now contend that it has a specific and
4 urgent need for supposedly insignificant call record data from the Chair of the AZGOP.
5 (Case #22-5123, Doc. #1962096) at pg. 3.

6 Equally important, what Dr. Ward and the other alternate Arizona electors did was
7 hardly a secret. The information the Committee now seeks is strictly about disrupting the
8 associational interests of partisan political actors.

9 Further, balancing the equities is not required. The question is whether Congress
10 would be seriously harmed by an injunction. Congress may re-authorize the committee as
11 often as it likes if it feels it has unfinished work after January 3. Conversely, Congress
12 may terminate the Committee before January 3 if it so chooses. How Congress might
13 exercise its powers is not an appropriate consideration for this Court. Further, given the
14 facts set forth above, it strains credulity for the Committee to argue that it will be harmed
15 by a stay.

16 **V. The Public Interest Favors a Stay.**

17 Though this Court held that patient privacy concerns were insufficient to defeat the
18 Subpoena, it nonetheless “encourage[d] the parties to engage in discussions regarding
19 entry of a protective order designed to protect any potential PHI.” (Doc. 55) pg. 18. It is
20 in the public interest to allow the parties time to engage in such discussions prior to any
21 potential disclosure. *Daniel Health CARE, Inc. v. Harden*, 2019 U.S. Dist. LEXIS 243312,
22 at *3 (S.D. Miss. Oct. 8, 2019) (“[M]aintaining the confidentiality of citizens’ private
23 health information” serves the “public interest.”).

24 “There is a strong public interest in upholding the requirements of the First
25 Amendment. *Watkins v. United States*, 354 U.S. 178, 188 (1957) (holding that the
26 constitutional rights of witnesses must be respected by the Congress . . . [and] the Bill of
27 Rights is applicable to . . . congressional investigations”). And, “if a plaintiff demonstrates
28 both a likelihood of success on the merits and irreparable injury, it almost always will be

1 the case that the public interest will favor the plaintiff.” *Amalgamated Transit Union Local*
2 *85 v. Port Auth. of Allegheny Cty.*, 39 F.4th 95, 109 (3d Cir. 2022). Here, because the
3 likelihood of success on the merits prong is satisfied by the showing that this case raises
4 novel questions of law that may succumb to appellate review, this prong is satisfied.

5 Additionally, though this Court notes that, in 1988, the Ninth Circuit held that a
6 fear of future reprisal was in some instances insufficient to trigger First Amendment
7 protections, (Doc. 55 pg. 15), the validity of this rule is questionable in light of subsequent
8 Supreme Court cases, especially *Citizens United*, wherein the Court held that a
9 “reasonable probability” that compelled disclosure of donor identities would “subject
10 them to threats, harassment, or reprisals from either Government officials or private
11 parties” was adequate to support a First Amendment challenge. 558 U.S. 310, 367 (2010).
12 As this Court noted, Plaintiffs have already been subject to significant harassment.

13 For these reasons, as well as those set forth previously in this brief, the public
14 interest favors a stay. However, it should be noted that the District Court in *Pelosi* entered
15 an administrative injunction despite finding that only the first two prongs tipped in the
16 RNC’s favor. If the Court does not grant an injunction pending appeal, it should at least
17 grant an administrative injunction.

18
19
20 Respectfully submitted this 2nd day of October, 2022

21 /s/ Alexander Kolodin

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CERTIFICATE OF SERVICE

I certify that on October 2, 2022, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing, which electronically sends a copy to be served on all registered parties.

/s/ Alexander Kolodin

Exhibit A

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EXHIBIT A
Denver Riggleman 60 Minutes Transcript

Broadcast by CBS News, and posted to YouTube, on September 25, 2022.¹
Transcribed by Clark Fonda, Esq., (Samek, Werther, Mills, LLC) on September 30, 2022.

Begin Transcription:

Bill Whitaker (Host): Tonight, you're going to hear from a former senior staffer inside the January 6th committee — which resumes public hearings on the Capitol siege Wednesday.

Members of the committee aren't happy that Denver Riggleman, an experienced military intelligence officer and former Republican congressman, is talking to 60 Minutes about the work he did for them. Nor are they thrilled he's written a book about his time on the committee, called "The Breach."

Riggleman has a history of swimming against the tide. Once a member of the ultra-conservative House Freedom Caucus, he was endorsed twice by then-President Trump, but after hearing what Denver Riggleman has to say tonight, it's unlikely the former president will be buying his book.

Bill Whitaker: Did it hit you at one point that this is way bigger than it appeared in the beginning?

Denver Riggleman: Absolutely. You get a real "A-ha" moment when you see that the White House switchboard had connected to a rioter's phone while it's happening. That's a big, pretty big "A-ha" moment.

Bill Whitaker: Wait a minute: Someone in the White House was calling one of the rioters while the riot was going on?

Denver Riggleman: On January 6th, absolutely.

Bill Whitaker: And you know who both ends of that call?

Denver Riggleman: I only know one end of that call. I don't know the White House end, which I believe is more important. But the thing is the American people need to know that there are link connections that need to be explored more.

¹ FORMER JANUARY 6 COMMITTEE TECHNICAL ADVISER DENVER RIGGLEMAN: THE 60 MINUTES INTERVIEW – YOUTUBE, <https://www.youtube.com/watch?v=n9adLsXTpZQ&list=PPSV> (last visited September 30, 2022).

1 **60 Minutes Narrator:** As senior technical adviser for the January 6th committee, Denver
2 Riggleman, a former House Republican and ex- military intelligence officer, ran a data-
3 driven operation pursuing phone records and other digital clues tied to the attack on the Capitol.
4

5 **Denver Riggleman:** From my perspective, you know, being in counterterrorism, you know, if
6 the White House, even if it's a short call, and it's a connected call, who is actually making that
7 phone call?
8

9 **Bill Whitaker:** Is there a simple, innocent explanation for that?
10

11 **Denver Riggleman:** Was it an accidental call? When the White House just happened to call
12 numbers that somebody misdialed a rioter that day, on January 6th? Probably not.
13

14 **60 Minutes Narrator:** Denver Riggleman told us he uncovered a lot of disquieting information
15 for the committee. Republican vice chair Liz Cheney recommended the former conservative
16 congressman for the staff — partly for his political experience, but mostly for his technical
17 expertise.
18

19 **Denver Riggleman:** I think Liz and some of the other people recognized, "He does know how
20 Congress works, he knows how the political system works: He was in the Freedom Caucus, but
21 he also has a background in data intelligence."
22

23 **60 Minutes Narrator:** For two decades he served as an Air Force intelligence officer, a
24 contractor for the secretive National Security Agency and ran his own data analysis firm. When
25 the January 6th committee came calling, he assembled a small squad of data miners and analysts,
26 like he'd had in the military, to comb through 20 million lines of data: e-mails, social media
27 posts, phone records, texts, anything to learn who did what leading up to and on January 6th.
28

29 **Denver Riggleman:** We were able to do things I think in a way that had never
30 been done before with millions of lines of data. And to actually create a graph that shows how
31 these groups actually intermingled.
32

33 **Bill Whitaker:** Now you were able to identify, I believe, six "centers of gravity?"
34

35 **Denver Riggleman:** Yeah. There are six pretty big centers of gravity, or six groups that we
36 looked at. Really, it came down to Trump team, Trump family, rally goers, unaffiliated DOJ-
37 charged defendants, Proud Boys and Oath Keepers, and others, which are state
38 legislators, alternate electors, things like that. So when you have those six groups of people, you
39 can actually start looking at the connections between them.
40

41 **60 Minutes Narrator:** Once he started connecting the dots this complex graph emerged, which
42 he presented to the committee. Each thick line represents tens-of-thousands of calls and contacts
43 among and between the groups. These are calls and texts from just one person of interest.
44 Multiply that hundreds of times and you end up with this graph Riggleman calls "the monster."
45
46

1 **Denver Riggleman:** We don't have text content. What we do have is how long they talked,
2 when they talked. That is very important. And really does suggest that there was much more
3 coordination than the American public can even imagine when it came to January 6th.
4

5 **60 Minutes Narrator:** For example, the data revealed five calls in the weeks before January 6th
6 between the White House and a stop-the-steal activist named Bianca Gracia. The committee
7 obtained video from the evening of January 5th. Gracia was part of a clandestine meeting with
8 the heads of the Proud Boys and Oath Keepers, the paramilitary groups that would breach the
9 Capitol the next day.
10

11 **Denver Riggleman:** And, you know, when you have the White House switchboard and certain
12 other cell phone numbers connected to Bianca Gracia, that is a link that needs to be
13 investigated. The thread that needs to be pulled, is identifying all the White House numbers,
14 and why we have certain specific people, why they were talking to the White House.
15

16 **60 Minutes Narrator:** Specific White House phone records are kept secret to protect every
17 administration. But in his book, "The Breach," Riggleman wrote he begged the
18 committee to push harder to identify numbers that showed up on the monster.
19

20 **Denver Riggleman:** I was one of those individuals, sadly, at the beginning, you know, where I
21 was very, very aggressive about these linked connections; getting those White House phone
22 numbers.
23

24 **Bill Whitaker:** Did you express those concerns to the committee at the time?
25

26 **Denver Riggleman:** Yes.
27

28 **Bill Whitaker:** What was the response?
29

30 **Denver Riggleman:** The response was, "Go forth and just do the best you can with the resources
31 that we have."
32

33 **60 Minutes Narrator:** Riggleman requested \$3.2 million -- but only received a fraction of that.
34 His team burrowed into the data. The mother lode dropped into their laps -- not just phone
35 records, but more than 2,000 actual texts to and from Mark Meadows, former President Trump's
36 chief of staff.
37

38 There were numbers, but no names, so, Riggleman told us, his team made a giant
39 spreadsheet painstakingly identifying the people behind each number -- and when they did, they
40 were privy to the real time thoughts of Trump family members, former cabinet
41 secretaries, members of Congress, conspiracy mongers, even a Supreme Court justice's wife.
42

43 **Bill Whitaker:** You've called the texts from President Trump's Chief of Staff,
44 Mark Meadows "the Crown Jewels." Why?
45
46

1 **Denver Riggleman:** It was a roadmap. You know, it showed actually the evolution
2 of the beginning arguments from alternate electors all the way through rally planning,
3 all the way to day of. It showed conspiracy theories. It showed the saturation of QAnon.

4
5 **Bill Whitaker:** How'd you get 'em?
6

7 **Denver Riggleman:** He gave 'em up.
8

9 **Bill Whitaker:** Do you think it was a mistake?
10

11 **Denver Riggleman:** You know, if you go back to the simplest explanation,
12 I think he wanted to give up some of his text messages. By the way, I got a,
13 this is a caveat: We don't know if we got 'em all. But what we got is pretty valuable.
14

15 **Bill Whitaker:** You have said, "These texts provide irrefutable, time-stamped proof of a
16 comprehensive plot at all levels of government to overturn the election." "Irrefutable?"
17

18 **Denver Riggleman:** Irrefutable. Early in the text messages they were talking about
19 alternate electors, you know, I think as soon as November 5th or November 6th.
20

21 **Bill Whitaker:** Right off the bat.
22

23 **Denver Riggleman:** Come on. Right off the bat.
24

25 **60 Minutes Narrator:** The first mention of January 6th was two days after the election. Donald
26 Trump Jr. wrote the White House chief of staff, "this is what we need to do," and laid out
27 a rambling scheme to seat alternate electors, a plot the department of justice is investigating.
28

29 "We get Trump electors," he wrote in part... "it gets kicked to Congress 6 January 2021."
30 ... "once again," he concludes, "Trump wins."
31

32 Many other texts were of bizarre election conspiracies: Chinese plots to install President Biden
33 ... entreaties to seize voting machines as part of God's plan ... even a call from Republican
34 lawmakers for President Trump to declare martial law and stay in power. From the sheer number
35 of texts, it seems almost half the world had Mark Meadows' phone number.
36

37 **Denver Riggleman:** The Meadows text messages show you an administration that was
38 completely eaten up with a digital virus called QAnon and conspiracy theories: an apocalyptic,
39 Messianic buffoonery, You can look at the text messages as that roadmap,
40 but it's also a look into the psyche of the Republican Party today.
41

42 **Bill Whitaker:** People in the Republican Party would say, "You're an opponent,
43 you're the opposition. Of course you're gonna say this."
44

45 **Denver Riggleman:** I would tell them this: I'm not their enemy,
46 I'm just a guy who's trying to tell you that the data doesn't support that the election was stolen.

1 **60 Minutes Narrator:** Denver Riggleman III is a proud son of Virginia. He told us his
2 family never questioned going to church or voting Republican.

3
4 **Denver Riggleman:** I'm an Appalachian boy, man.

5
6 **60 Minutes Narrator:** In 2013, he settled here on 50 green acres in the Blue Ridge Mountains
7 of Virginia outside Charlottesville, where he helped his wife, Christine, pursue her dream of
8 opening a distillery.

9
10 **Bill Whitaker:** This smells delicious.

11
12 **Denver Riggleman:** You wanna eat the air.

13
14 **60 Minutes Narrator:** It was Christine's Bourbon that got him into politics. Frustrated with high
15 liquor taxes and government red tape, he made an unsuccessful run for governor in 2017. Soon, a
16 seat opened up in Virginia's conservative fifth congressional district. He ran, and to his surprise,
17 he won, and in 2018 found himself in the seat once held by James Madison.

18
19 **Denver Riggleman:** "The Accidental Congressman" I called myself.

20
21 **60 Minutes Narrator:** A Republican with a libertarian bent, he joined the Freedom Caucus, the
22 most conservative wing of the party. He voted with President Trump 92% of the time, but says
23 his loyalty was questioned because he'd sometimes reach across the aisle to work with
24 Democrats. Christine told us the beginning of the end was when Denver decided to officiate the
25 wedding of two gay campaign workers.

26
27 **Bill Whitaker:** So you're this staunch conservative, and you officiate at a same-sex wedding?

28
29 **Denver Riggleman:** Yeah, Christine's driving there. She goes, "You know honey, you might
30 have the shortest political career in the history of Virginia." I said, "It'll blow over in two weeks."

31
32 **Bill Whitaker:** What happened?

33
34 **Christine Riggleman:** It didn't blow over.

35
36 **Denver Riggleman:** No. It was, it was brutal.

37
38 **Bill Whitaker:** What'd you think of how he reacted to the criticism?

39
40 **Christine Riggleman:** I think he stood his ground, and he doesn't regret doing it. He told us he
41 also doesn't regret calling white supremacists "cultural parasites" after they marched on
42 Charlottesville. Or denouncing QAnon from the floor of Congress.

43
44 **Denver Riggleman:** They were spreading this rumor that because of the gay wedding,
45 that I was trying to change the sexual orientation of children. You know, that, that really is a
46 QAnon-based conspiracy theory.

1 **60 Minutes Narrator:** But his independence riled the Republican base. He lost his
2 seat in 2020 to a Republican further to his right.

3
4 **Bill Whitaker:** Do you consider yourself a Republican today?

5
6 **Denver Riggleman:** No. No. I left the Republican party. I'm Independent. And I don't even want
7 to call it "Independent." I'm unaffiliated. I'm just me.

8
9 **60 Minutes Narrator:** And this now unaffiliated ex-congressman had a skill set that caught the
10 attention of the January 6th committee. He joined the staff in August of last year.

11
12 Riggleman's data team was first to identify a telephone number in Meadows' texts belonging to
13 Ginni Thomas – wife of Supreme Court Justice Clarence Thomas.

14
15 Thomas texted links tied to QAnon, including this one saying the "Biden crime family &
16 ballot fraud co-conspirators ... are being arrested & detained ... & will be living in barges
17 off Guantanamo Bay to face military tribunals for sedition ..." she added, "I hope this is true."

18
19 **Bill Whitaker:** What did you think of those Ginni Thomas texts?

20
21 **Denver Riggleman:** Actually as far as academically, it was hellaciously insightful.

22
23 **Bill Whitaker:** Insightful in what way?

24
25 **Denver Riggleman:** Insightful about how the conspiracy theories and, sort of, this, this digital
26 virus had really metastasized in the GOP.

27
28 **Bill Whitaker:** You make it sound like an infection.

29
30 **Denver Riggleman:** It is an infection. But Ginni Thomas, specifically, to see somebody like that
31 who has that type of access to the president and married to a Supreme Court justice pushing that
32 type of nonsense to the chief of staff to the president, that's, that should be an eye opener for
33 everybody.

34
35 **Bill Whitaker:** Riggleman left the committee last April. He told us one reason,
36 they wouldn't subpoena Ginni Thomas. The committee provided 60 Minutes a statement
37 that reads in part: "Mr. Riggleman had limited knowledge of the committee's investigation.
38 He departed... prior to... our most important investigative work... the committee has run
39 down all the leads that arose from his work." Last week, Ginni Thomas agreed to be interviewed.