
**STATE OF IDAHO
FIRST REGULAR SESSION OF THE 66TH SESSION
OF THE IDAHO LEGISLATURE,
HOUSE COMMITTEE ON ETHICS AND HOUSE POLICY**

In the Matter of Representative Priscilla Giddings

**REPORT AND RECOMMENDATION
OF THE HOUSE COMMITTEE ON ETHICS AND HOUSE POLICY**

August 31, 2021

**BEFORE THE IDAHO HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS AND HOUSE POLICY
1st Regular Session, 66th Idaho Legislature
In the Matter of Representative Priscilla Giddings**

Following our investigation and public hearing held pursuant to House Rule 45, the Committee unanimously finds by clear and convincing evidence that Representative Priscilla Giddings engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.

As a member of the House and as a citizen, Representative Giddings is entitled to exercise her First Amendment right, the right to freedom of speech; therefore, the Ethics Committee unanimously rejected the Chaney complaint. Like all citizens, she is not free from the consequences of abusing, or imprudently exercising, that right in connection with a personnel matter. Exposing an alleged victim's personal information may be construed as retaliation, could lead to bullying, and can cause such a chilling effect that future victims do not come forward.

Rep. Giddings engaged in conduct unbecoming when pressed about the Facebook post in the Aaron von Ehlinger hearing. Her conduct was compounded when she was evasive, combative, and not forthright in her sworn testimony before the Ethics Committee and did not offer evidence to contradict the evidence presented by the 24 representatives who filed the complaint. Her repeated lying, half-truths, and total disrespect for the Ethics Committee, and the Ethics Committee process, is conduct that cannot and will not be tolerated. The Ethics Committee is comprised of her peers who have been tasked with the very difficult responsibility to investigate ethical violations and report their findings to the House. This obligation was made more difficult by her conduct.

Therefore, we unanimously recommend that the House of Representatives censure Representative Giddings with the restrictions and conditions that she be removed from her seat on the House Commerce and Human Resources Committee.

Signed:


Done this 31st day of August, 2021.



Chairman Sage Dixon

(see attached statement)

Representative John Gannon



Representative Wendy Horman



Representative Brent Crane



Representative John McCrostie

**BEFORE THE IDAHO HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS AND HOUSE POLICY
1st Regular Session, 66th Idaho Legislature
In the Matter of Representative Priscilla Giddings**

I Representative John Gannon agree that the committee has investigated, held a public hearing pursuant to House Rule 45 with proper notice, and that the Committee unanimously finds by clear and convincing evidence that Representative Priscilla Giddings engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.

Representative Giddings engaged in unbecoming conduct by promoting a news article and picture of an alleged victim of sexual assault or harassment, through her Facebook page and through the newsletter published in her official capacity as a member of the House. The group complaint alleges the conduct is retaliation in that it is inappropriate to share the information of a complaining employee or intern. The victim was an intern at the House of Representatives who had properly brought her complaint to her employer. As a member of the House and as a citizen, Representative Giddings is entitled to the right of free speech, but the evidence at the hearing was that in public employment, personnel matters such as this are not discussed publicly by those in administrative or supervisory positions. All witnesses stated that at their outside employment those in the administration or in a supervisory position and even co-workers would be reprimanded or even fired for doing this. A long-time legislator testified that he is not aware of any sexual harassment or assault claimant at the Legislature ever being publicly named, and that the well-publicized alleged sexual harassment or assault events in the Senate several years ago never named the victim.


Exposing an alleged victim's personal information may be construed as retaliation and could lead to bullying and cause such a chilling effect that future victims do not come forward.

Although 12 witnesses were named, and subpoenas issued, none testified and there is simply no evidence to refute the testimony of the 5 Representatives and exhibits. Mason's custom and precedence requirement for legislators to follow therefore requires a finding that the conduct is unbecoming. Combative argument is not evidence. Citing the First Amendment is fine, but in a personnel situation limitations apply. That is the evidence.

The ethics committee is composed of elected representatives who investigate ethical violations and report their findings to the House and the only way I can fairly do this is to weigh the evidence presented and follow custom and precedent.

Therefore, I join in the unanimous recommendation that the House of Representatives censure Representative Giddings with the restrictions and conditions that she be removed from her seat on the House Commerce and Human Resources Committee.

Done this 31 day of August, 2021

Signed 
JOHN GANNON

The House Committee on Ethics and House Policy (“Committee”)¹ submits this report in support of its recommendations in the matter of Representative Priscilla Giddings following an investigation and hearing on the ethics complaints brought on April 19, 2021 (“Chaney Complaint”) and on May 3, 2021 (“Group Complaint”), sometimes collectively referred to as the “Complaints”. Upon the completion of its investigation and upon hearing the evidence related to the Complaints, the Committee voted unanimously to adopt the recommendation of censure with conditions and restrictions. Consistent with House Rule 45(5), the Committee now respectfully submits this report setting forth its findings, recommendation, and reasons for such recommendation.

Background

The Complaints both arise from a previous ethics investigation into Representative Aaron von Ehlinger. Representative von Ehlinger was investigated on reports of inappropriate sexual conduct involving a volunteer intern (referred to here as “Jane Doe”) culminating in a public hearing held on April 28 and April 29, 2021. The timelines of the von Ehlinger investigation and the current Giddings investigation are intertwined:

On April 15, 2021, after the Committee completed its preliminary investigation into the allegations against Representative von Ehlinger, Representative von Ehlinger was notified that the Committee had unanimously found probable cause in the Complaint and that the matter would move forward to a public hearing under House Rule 45(4).

On April 16, 2021, Representative Priscilla Giddings made a post on her publicly visible Facebook account that included a picture of Jane Doe, and included a link to an article that contained that same picture and several mentions of Jane Doe’s actual name. Representative Giddings had captioned the post “Follow the Money! Idaho’s very own Kavanaugh.”

On or around April 17, 2021, Representative Giddings included a link to the same article in her newsletter that she produces in her official capacity as a member of the House.

On April 19, 2021, Representative Chaney filed a complaint with the Committee regarding the propriety of Representative Giddings’s social media activity. Per House Rules, the complaint is confidential until a finding of probable cause is made by the Committee.

On April 28 and April 29, 2021, the Committee held a public hearing on the complaint against Representative von Ehlinger. Representative Giddings was not subpoenaed by the Committee but voluntarily testified on behalf of Representative von Ehlinger.

On May 3, 2021, a Group Complaint signed by 24 members of the House was filed with the Committee. The Group Complaint alleges that Representative Giddings’s newsletter and

¹ The House Committee on Ethics and House Policy currently consists of these five members: Representative Sage Dixon as Chairman, Representative Brent Crane, Representative John Gannon, Representative Wendy Horman, and Representative John McCrostie.

social media posts may constitute retaliation, intimidation, or bullying against Jane Doe for raising a claim of sexual harassment, and that such conduct threatens the integrity of the House. The Group Complaint also alleged that Representative Giddings's testimony on April 28, 2021 was "an affront to the House," elusive, and gave the appearance of dishonesty under oath. Pursuant to House Rules, the complaint is confidential until a finding of probable cause is made by the Committee.

On May 4, 2021, Representative Giddings was provided with notice of the Chaney Complaint and a copy of the same pursuant to House Rule 45(3).

On May 12, 2021, Representative Giddings was provided with notice of the Group Complaint and a copy of the same pursuant to House Rule 45(3).

On May 18, 2021, Representative Giddings provided the Committee with a written response to the Chaney Complaint.

On May 26, 2021, Representative Giddings provided the Committee with a second written response. The content of this second response was largely the same as the first response but also addressed the Group Complaint and included an updated version of the news article that was posted to her Facebook page (that was updated to remove Jane Doe's name and picture sometime after the April 28, 2021 hearing).

On June 3, 2021 and June 21, 2021, the Committee, first by email and then by served letter, invited Representative Giddings to meet with the Committee.

On June 29, 2021 the Committee planned to meet with Representative Giddings but she did not appear before the Committee.

On July 14, 2021 the Committee passed a motion finding probable cause for the Complaints. An official Notice of Probable Cause and Public Hearing was served on Representative Giddings on July 19, 2021.

On July 21, 2021 Representative Giddings was served with a subpoena to testify in a public hearing on the Complaints.

On July 21, 2021 and again on July 27, 2021, Representative Giddings was sent the Rules of Procedure for the public hearing via email.

On July 30, 2021, Representative Giddings provided the Committee a written "Respondent's Disclosure of Witnesses" listing 11 witnesses that Representative Giddings "may call at the hearing of this matter" and requesting that the Committee issue subpoenas for those

witnesses. On the same date, the Committee issued subpoenas for those 11 witnesses and provided those subpoenas to Representative Giddings for her to serve on her witnesses.²

Public Hearing and Summary of Evidence Presented

On August 2 and 3, 2021, the Committee held a public hearing in connection with the Complaints. Prior to the hearing, Representative Giddings submitted a written response to the Committee and was given a full and fair opportunity to obtain and review all of the evidence in support of the Complaint.³ The hearing was held consistent with House Rule 45(4), which empowers the Committee “to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in Section 67-407, Idaho Code, and make inquiry and discover evidence relevant to the allegation.”

After the hearing was called to order on August 2, 2021, Representative Giddings read an opening statement to the Committee. Representative Giddings left the hearing room after concluding her opening statement. The Chaney Complaint was then presented to the Committee by Representative Greg Chaney. The Group Complaint was presented to the Committee by Mr. Jeff Hepworth.

After the presentation of the Complaints, the Committee reviewed documentary evidence and heard testimonial evidence.

The documentary evidence submitted to the Committee for consideration is summarized as follows:

1. Chaney Complaint filed on April 19, 2021.
2. Group Complaint filed on May 3, 2021.
 - a. Signed by 24 current members of the House.⁴

² Subpoenas are not necessary for the voluntary appearance of witnesses—for example Representative Giddings testified at the April 28, 2021 hearing without a subpoena—but were provided for Representative Giddings’s use if she wished to compel the appearance of any of the 11 disclosed witnesses.

³ Representative Giddings was provided three copies of the Rules of Procedure adopted in advance of the hearing which stated that “Respondent or her counsel must, upon timely request, receive from the Committee’s counsel all of the evidence in support of the complaint by 8 a.m. MDT on July 30, 2021.” Representative Giddings made no such request.

⁴ The signatories are, in alphabetical order: Speaker Scott Bedke, Rep. Steve Berch, Rep. Matt Bundy, Rep. Megan Blanksma, Rep. Greg Chaney, Rep. Marco Erickson, Rep. Rod Furniss, Rep. Brooke Green, Rep. Linda Wright Hartgen, Rep. Laurie Lickley, Rep. Chris Mathias, Rep. Brandon Mitchell, Rep. Colin Nash, Rep. Lauren Necochea, Rep. Ilana Rubel, Rep. James Ruchti, Rep. Scott Syme, Rep. Sally Toone, Rep. Caroline Nilsson Troy, Rep. John Vander Woude, Rep. Jon Weber, Rep. Fred Wood, Rep. Julie Yamamoto, Rep. Rick Youngblood. Rep. Marc Gibbs is also listed but his signature is absent from the copy given to the Committee.

3. Copy of Idaho Code § 59-401.
4. Printout of Representative Giddings's Facebook page dated April 19, 2021.
 - a. Originally attached as Exhibit B to the Chaney Complaint.
 - b. Includes a post from April 16, 2021 that contains a collage photo of five individuals, one of whom is Jane Doe.
5. Printout of a Redoubt News Article dated April 18, 2021 titled "Idaho Swamp Trying to Unseat Another Conservative"
 - a. Originally attached as Exhibit A to the Chaney Complaint.
 - b. Includes Jane Doe's name and photo.
 - c. Article was contained in a link posted to Representative Giddings's Facebook page on April 16, 2021.
6. Transcript excerpts from the April 28, 2021 House Ethics Hearing regarding Representative Aaron von Ehlinger.
7. Copy of Article I, Section 22 of the Idaho Constitution.
8. Subpoena to Representative Priscilla Giddings.
9. Copy of Idaho Code § 67-407.
10. December 3, 2020 and February 5, 2021 excerpts from the House Journal of the Idaho Legislature.
11. Written Response to Ethics Complaints from Representative Giddings dated May 26, 2021.

Redacted screenshots from Exs. 4 and 5 are as follows:



Idaho Swamp Trying To Unseat Another Conservative

by Shari Dovale

The Saga of the Idaho Legislative Swamp continues with accusations being made against Rep. Aaron von Ehlinger by [REDACTED], a former page for the Idaho House.

The sworn testimony offered during the August 2, 2021 hearing is summarized here and available verbatim in a court reporter transcript⁵:

a. Representative Brooke Green, Idaho House of Representatives

- i. Testified that she was the “chief complainant” for the Group Complaint and had organized a bipartisan effort to file an ethics complaint.
 1. She testified that she approached individual members of the House about joining the complaint and wanted to maintain confidentiality about which members had signed on until the complaint was officially filed. “To repeat, I was the only one who had the full list; I was the only one who knew who actually had been contacted; and I was the only one who had ensured, should somebody be interested in participating, I was the one who confirmed it via email.”⁶
- ii. Signed the Group Complaint for two reasons: 1) Representative Giddings’s testimony during the von Ehlinger hearing; and 2) Representative Giddings’s Facebook post that included identifying information of Jane Doe.
- iii. Believed that the testimony and social media posts were victimizing Jane Doe a second time.
 1. Testified “that this institution has an obligation to ensure the confidentiality and the privacy of those who come forward should the egregious behavior happen. And we also have an obligation to ensure victims of sexual assault are safe and will continue to be safe in this institution”⁷
- iv. Testified that she accessed Representative Giddings’s Facebook page around the time of the April 28, 2021 hearing and was able to see the picture of Jane Doe on that page (Ex. 4).
 1. Also that she clicked on the link that accompanied that picture and again saw Jane Doe’s picture and her name included in that article (Ex. 5).
 2. Testified that she was also aware that Representative Giddings included the same news article link in her official newsletter to constituents.

⁵ Representative Giddings left the hearing room during the testimony of her colleagues but was offered the opportunity to return to the hearing room to cross-examine each witness.

Representative Giddings declined to do so.

⁶ August 2, 2021 Transcript, Page 49, Lines 7-12.

⁷ *Id.*, Page 53, Lines 12-18.

- v. Testified that she was not aware of any other members of the House that shared Jane Doe's identity with the public.⁸
- vi. Testified that Representative Giddings's testimony in the April 28, 2021 was evasive, not forthcoming, and not consistent with her witness oath.
- vii. Testified that, based on her understanding of personnel policies at the Ada County Highway District ("ACHD"), that Representative Giddings's conduct would have violated those policies and would have resulted in reprimand or termination if it happened at ACHD.
 - 1. "ACHD has a culture of fair and honest proceedings and also ensuring confidentiality and privacy of individuals who come forward. We're dealing with taxpayer dollars. We're dealing with HR policies. I'm pretty darn certain I can assert that they would either reprimand and/or terminate the individual who disclosed the victim's identity."⁹

b. Representative Greg Chaney, Idaho House of Representatives

- i. Testified that he drafted and signed the Chaney Complaint.
- ii. He personally accessed Representative Giddings's Facebook page on April 17, 2021 and saw the post referencing Jane Doe. Around the same date, he printed to pdf copies of the Facebook page (Ex. 4) and the news article that was linked to that page (Ex. 5).
 - 1. Testified that the same images were still active on Representative Giddings's Facebook page shortly after the April 28, 2021 hearing.
 - 2. Testified that there is no valid reason Representative Giddings would not have been fully aware that the image of Jane Doe would be displayed on her account when she posted.
 - 3. Testified that these posts may have a chilling effect on victims coming forward.
 - 4. "Victims of sexual assault are very unlikely to come forward in the first place. This sort of behavior makes it even more unlikely that the next time somebody in this building is subjected to those conditions that they will say anything to anybody about it for fear of this sort of retaliation."¹⁰
- iii. Testified that the standard of conduct for a member of the House includes decorum, civility, and honesty.

⁸ Representatives Green, Chaney, Vander Woude, Mathias, Yamamoto, and Giddings were all asked this question, and all answered that they were not aware of any other members of the Legislature who posted the name or identity of Jane Doe.

⁹ August 2, 2021 Transcript, Page 66, Lines 16-23.

¹⁰ *Id.*, Page 27, Lines 17-23.

1. And that Representative Giddings's behavior and testimony in connection with the von Ehlinger matter did not meet that standard.
- iv. Testified that Representative Giddings amplified Jane Doe's personal information making it more widely available.
 1. "I believe that it did amplify it. Not only did it amplify it because it helped disseminate an article that, frankly, I don't believe would have had a whole lot of traction or a very wide audience to begin with, to a broader area, but it legitimized it. People, without knowing better assume, that if you're wearing one of these black tags you know what's going on and that somehow our -- our behaviors and the behaviors that we approve of are legitimate and good or at least legitimate and acceptable. And by virtue of her position, especially by linking it to an official government newsletter, she essentially gave the government's stamp of approval to that sort of communication."¹¹
- v. Testified that he is familiar with personnel policies in the Nampa Police Department and that revealing the identity of an individual that filed a complaint would result in a severe reprimand or termination under those policies.
- vi. Further testified that legislators act in a supervisory capacity to interns, directing their work.
 1. "I would place every legislator in the building in a supervisory role over every attaché, including and especially the intern."¹²

c. Representative John Vander Woude, Idaho House of Representatives

- i. Testified that he signed the Group Complaint.
- ii. He signed the Group Complaint because he was concerned about "outing the person who filed the [von Ehlinger] complaint."¹³
 1. "I believe that that testimony is unbecoming anybody, and not just a member of the House. I believe that we should all always be telling the truth, and sometimes we suffer the consequences."¹⁴
- iii. Testified that identifying information of prior alleged victims of sexual harassment in the Legislature was kept confidential.
 1. "REPRESENTATIVE GANNON: [H]ow many terms have you served in the Legislature?"

¹¹ August 2, 2021 Transcript, Page 83, Line 13 through Page 84, Line 3.

¹² *Id.*, Page 86, Line 23 through Page 87, Line 1.

¹³ *Id.*, Page 98, Lines 3-4.

¹⁴ *Id.*, Page 103, Lines 5-6.

REPRESENTATIVE VANDER WOUDE: This is my seventh term. . . .

REPRESENTATIVE GANNON: During the 13 years, are you aware of any -- at any time anyone, any legislator, disclosing the name or information -- let's say information regarding a complaint that had been made alleging sexual harassment?

REPRESENTATIVE VANDER WOUDE: Mr. Chairman and Representative Gannon, I have not.”¹⁵

- iv. Testified that Representative Giddings’s testimony in the von Ehlinger hearing was “very evasive and attempting to not actually admit what was going on.”¹⁶ “[I]t probably wasn’t the whole truth, but we all know half truths are more dangerous than whole truths.”¹⁷

d. Representative Chris Mathias, Idaho House of Representatives

- i. Testified that he signed the Group Complaint.
- ii. Testified that he personally viewed Jane Doe’s picture from Representative Giddings’s Facebook page.
 - 1. And that it is important to “protect the identity of people who come forward to report allegations of sexual assault.”¹⁸
- iii. Testified that he was familiar with Representative Giddings’s testimony in the von Ehlinger hearing and did not believe she told the whole truth during that testimony because she was unable or unwilling to answer straightforward questions.
- iv. Testified that he is familiar personnel policies in other public entities, including Boise State University and Idaho state government. And that revealing the identity of an individual that filed a complaint would reflect negatively on the person who revealed that information, under those policies.
- v. Believes that conduct unbecoming is conduct that if every legislature did an act, “it would lead the public to frown upon the body as a whole.”¹⁹
- vi. Testified that Representative Giddings’s conduct was not consistent with the standard of conduct necessary for members of the House.

e. Representative Julie Yamamoto, Idaho House of Representatives

- i. Testified that she signed the Group Complaint.

¹⁵August 2, 2021 Transcript, Page 104, Line 15 through Page 105, Line 1.

¹⁶ *Id.*, Page 101, Lines 2-3.

¹⁷ *Id.*, Page 102, Lines 22-24.

¹⁸ *Id.*, Page 114, Lines 7-8.

¹⁹ *Id.*, Page 116, Lines 23-24.

- ii. Signed the Group Complaint because she did not believe that Representative Giddings told the whole truth during her testimony in the von Ehlinger hearing.
 - 1. “We need to hold ourselves to that higher standard that says we’re going to tell the truth, the whole truth, and nothing but the truth, and that even though we can do something, it doesn’t necessarily mean it’s the prudent and right thing to do.”²⁰
 - 2. Testified that Representative Giddings was not forthright in her testimony during the von Ehlinger hearing.
- iii. Testified that Representative Giddings’s social media posts regarding Jane Doe were not appropriate or prudent.
 - 1. Believes that posting Jane Doe’s name is not prudent because of the magnitude of the accusations against Representative von Ehlinger.
- iv. Testified regarding the standard of conduct required of members of the House.
 - 1. “[B]y our own actions as legislators, as politicians, we have caused there to be a real mistrust of government officials. And to the degree that we have within our power to not add to that narrative and to be seen as people that you can't trust to not own your truth and own what you say and take responsibility for your actions, to me, that is something that, as a representative -- believe me, my own family busts my chops if they think that I'm not doing, in my personal life or in my legislative life, what I should be doing, and that your words and your actions need to line up and that you need to be ready at the end of the day to face your maker and say what you said, that you stood for truth and right, and you did the best you knew to do even if other people disagreed with you, that your vote or whatever, your decision, what you posted, was wrong, you know, we need to . . . uphold that higher standard.”²¹
 - 2. Testified that Representative Giddings’s actions related to the von Ehlinger matter were not consistent with that standard of conduct.
- v. Testified that she was an educator for 32 years at all levels K-12 and that she was familiar with the personnel policies and processes related to sexual harassment complaints.
 - 1. “And so it’s very clear that they are -- especially employees, are not to be posting things on social media, not to be putting

²⁰ August 2, 2021 Transcript, Page 132, Line 24 through Page 133, Line 4.

²¹ *Id.*, Page 137, Lines 6-24.

things out to -- you know, whether to defend yourself or whatever that is, that it's just not acceptable and would -- and it clearly states in policy that it's grounds for up to and including termination.”²²

In addition to the witnesses listed above, Representative Giddings also requested, and received, 11 subpoenas for additional witnesses that she intended to call during the hearing. Representative Giddings ultimately did not serve those subpoenas on potential witnesses and did not call any of those potential witnesses to the stand, despite the presence of several of those witnesses in the hearing room on August 2, 2021.

The Committee also provided Representative Giddings the opportunity to testify in response to the Complaint in this matter and to clarify to her testimony from the von Ehlinger hearing.

For example, during the April 28, 2021 von Ehlinger hearing, Representative Giddings testified as follows:

LESLIE HAYES: *And after these ethics proceedings became public, you posted a picture of Jane Doe; is that correct?*

REPRESENTATIVE GIDDINGS: *That is not correct.*

LESLIE HAYES: *Did you post her name?*

REPRESENTATIVE GIDDINGS: *No.*

Ex. 6 (Page 224, Lines 8-13 (emphasis added)). However, during the August 2, 2021 hearing Representative Giddings testified that she made the April 16, 2021 Facebook post that contained Jane Doe’s picture and a link to the article containing that same picture and Jane Doe’s name.²³

Further, Representative Giddings’s testimony was not consistent, as shown in these subsequent excerpts from the April 28, 2021 von Ehlinger hearing:

REPRESENTATIVE GIDDINGS: *It is my understanding that Jane Doe's name was in that article. I had not, you know, thoroughly examined all of that. I wanted both sides of the story to be accurately represented.* It was my understanding there was no criminal proceeding going on at the time, therefore everything was in accordance with the House Rule 45, and if Representative von Ehlinger's name was going to be made public, I believe that everybody should be innocent until proven guilty, and that both sides of the story need to be equally represented.

Ex. 6 (Pages 226, Lines 9-20 (emphasis added)).

²² August 2, 2021 Transcript, Page 142, Lines 3-9.

²³ *Id.*, Page 222, Lines 16-19.

REPRESENTATIVE CRANE: So in that article though that you posted, her name was revealed; is that correct.

REPRESENTATIVE GIDDINGS: *I'm not sure what that status is right now.* I'd be happy to look it up and pull it up.

Ex. 6 (Page 227, Lines 2 through Page 228 Line 3 (emphasis added)).

REPRESENTATIVE GANNON: I'm looking at the Facebook post now, and there is a picture of -- you did post a picture of Jane Doe on there.

REPRESENTATIVE GIDDINGS: Representative Gannon, I posted a link to a news article.

REPRESENTATIVE GANNON: Are there pictures?

REPRESENTATIVE GIDDINGS: You're saying that there are, so --

REPRESENTATIVE GANNON: Are -- to the best of your recollection, did you post pictures?

REPRESENTATIVE GIDDINGS: Representative Gannon, I posted a link to a news article.

REPRESENTATIVE GANNON: With pictures.

CHAIRMAN DIXON: I think we --

REPRESENTATIVE GANNON: And also states "follow the money." What do you mean by that?

REPRESENTATIVE GIDDINGS: Representative Gannon, I don't know that I can -- I'm not sure that I understand the question.

REPRESENTATIVE GANNON: On your post on April 16th at 9:43 p.m., it says: Follow the money. Idaho's very own Kavanaugh. I'm just wondering what you mean by "follow the money."

REPRESENTATIVE GIDDINGS: Nothing significant that's worth -- I think relevant to the situation.

Ex. 6 (Page 228, Line 9 through Page 229, Line 11). In her testimony on August 2, 2021, Representative Giddings was given the opportunity to clarify her previous testimony, and stated that she "stand[s] by my statement that everything that I said that day was accurate to the best of my knowledge."²⁴

During her August 2, 2021 testimony, Representative Giddings also testified:

1. That she made the April 16, 2021 post to her Facebook page that included the picture of Jane Doe and the link to the news article also containing Jane Doe's name and picture.

²⁴ August 2, 2021 Transcript, Page 209, Lines 22-24.

2. That she was not aware of any other members of the House that publicly shared the name or photo of Jane Doe.

Also during her August 2, 2021 testimony, Representative Giddings was evasive when asked direct questions. For example:

The first substantive line in Representative Giddings’s May 26, 2021 written response (Ex. 11) states that “[t]his complaint is unfounded in both law and fact and is an attempt at unconstitutional censorship.” The second substantive sentence states that “[t]he complaint constitutes an attack on my Free Speech – specifically political speech – rights protected under . . . the First Amendment to the United States Constitution”

- a. But during testimony, Representative Giddings was asked “is it your position that you’re the victim of censorship in this case?” and she responded “Mr. Chairman this really is absurd. That has nothing to do with this at all.” When asked a second time: “Q. So is part of your defense to the complaints that have been read to the committee and that are before you, that you're a victim of censorship? Is that accurate? A. It's interesting how you're trying to feed words into my mouth like was done at the previous hearing.”²⁵
- b. She was later asked: “Q. Representative Giddings, do you believe that the First Amendment is an absolute right? A. Mr. Chairman and Mr. McCurdy, I don't think I'm here to talk about my beliefs, because I believe in God and I believe in organic food. Q. Well, Representative Giddings, I think what I'm getting to is whether you believe that your actions that have been outlined in the complaints are protected by the First Amendment of the constitution? A. I believe I still don't know what I've been accused of and what the actual evidence is, so maybe you can show me, specifically point out to –”²⁶

Glossary of Key Terms

For purposes of this report, certain key terms are used consistent with the following definitions:

- *Clear and Convincing Evidence* - Evidence indicating that the thing to be proved is highly probable or reasonably certain.²⁷
- *Conduct Unbecoming* – Conduct which is detrimental to the integrity of the House as a legislative body.²⁸

²⁵ August 2, 2021 Transcript, Page 162, Line 18 through Page 163 Line 5.

²⁶ *Id.*, Page 164, Lines 10-19.

²⁷ EVIDENCE, Black's Law Dictionary (11th ed. 2019).

²⁸ See House Rule 45(2)(b).

- *Good Cause* - A legally sufficient reason.²⁹

Dismissal of the Chaney Complaint

On August 3, 2021, the Committee unanimously voted in favor of a motion to dismiss the April 19, 2021 Chaney Complaint. The motion to dismiss was made on the grounds that the allegations contained in the Chaney Complaint are fully addressed by the subsequently filed Group Complaint.

Findings

The Committee is charged by House Rule 45(4) to weigh presented evidence “according to its reliability” in consideration of the Complaints. Upon review of the available evidence, the Committee finds clear and convincing evidence:

1. That Representative Giddings is a member of the House and subject to the House Rules, including House Rule 45.
2. That House Rule 45 prohibits “[c]onduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.”
3. That rules of legislative procedure are derived from several sources, including but not limited to customs, usage, and precedents.³⁰
4. That the House has a right to self-protection in the exercise of its rules and in the discipline of its member.³¹
5. That there is a custom and precedent among members of the House to respect the privacy of individuals that make complaints against members of the House, and to exercise discretion before revealing biographical details of individuals that make such complaints.
6. That it is the custom in both the public and private employment sectors to avoid disclosing personal information of individuals that make complaints, so as to limit the risk of retaliation, invasion of privacy, and to avoid a potential chilling effect that may deter future victims from coming forward.
7. That on April 16, 2021, Representative Giddings’s shared a post on her publicly visible Facebook feed that included a photo of Jane Doe.

²⁹ GOOD CAUSE, Black's Law Dictionary (11th ed. 2019).

³⁰ Mason’s Manual of Legislative Procedure, § 4.2, at 13 (2020).

³¹ Mason’s Manual of Legislative Procedure, § 561.2, at 413 (2020).

8. That the April 16, 2021 Facebook post included a direct link to an article that contained the same photo of Jane Doe along with several mentions of Jane Doe's actual name.
9. That on or around April 17, 2021, Representative Giddings shared that same article link in her newsletter that she puts out at the end of every week in her official capacity as a member of the House.
10. That there is no evidence any other members of the House publicly shared or disseminated personal information of Jane Doe in April 2021 or thereafter, and there is no evidence of the personal information of any past complainants being widely shared by members of the House in other, similar circumstances.
11. That Representative Giddings's social media posting of Jane Doe's actual name and photo in the course of the von Ehlinger ethics investigation was conduct unbecoming a member of the House of Representatives and detrimental to the integrity of the House as a legislative body.
12. That Representative Giddings testified under oath in separate ethics hearings on April 28, 2021 and August 2, 2021.
13. That elements of Representative Giddings's testimony and her personal statement to the Committee prior to her public testimony were contradicted by other evidence in the record and cast doubt on her credibility as a witness. Those contradictions include, but are not limited to, those addressed above as well as the following:
 - a. Representative Giddings testified that she did not post a photo of Jane Doe after the ethics proceedings against Representative von Ehlinger became public, but Exhibit 4 shows a photo of Jane Doe visible on Representative Giddings's Facebook page on April 16, 2021 and the von Ehlinger proceeding became public on April 15, 2021.
 - b. Representative Giddings testified on April 28, 2021 that she posted the Redoubt News Article (Ex. 5) to accurately represent both sides of the von Ehlinger story³² but subsequently testified that she only skimmed the article before posting and did not read it thoroughly.³³
 - c. Representative Giddings misstated the nature of the Group Complaint. She stated that "the entire Democratic Caucus"³⁴ had signed the Group Complaint, when in fact only 8 of the 12 members of the Democratic Caucus had done so (Ex. 2). She also referred to the Group Complaint as the "Bedke Complaint,"

³² Ex. 6 at Page 226, Lines 9-20.

³³ August 2, 2021 Transcript, Page 176, Lines 7-19.

³⁴ *Id.*, Page 10, Lines 19-20.

but all four testifying witnesses who signed the Group Complaint testified that Representative Brooke Green organized the effort behind the Group Complaint. Further, Representative Green testified that Speaker Bedke was approached “at the very tail end” of the organizing process.³⁵

- d. Representative Giddings testified that she first learned that Jane Doe’s identity was to be concealed “hours before” the von Ehlinger hearing on April 28, 2021,³⁶ but she received an email on April 19, 2021 from Representative von Ehlinger’s then attorney Dave Leroy to confirm that unredacted witness information be destroyed and not disseminated to the media.
14. That Representative Giddings’s testimony during the April 28, 2021 ethics hearing was not forthright and not consistent with her witness oath to the tell “the truth, the whole truth, and nothing but the truth.” Committee members addressed this at length in their August 3, 2021 on-the-record remarks. For example:
- a. REPRESENTATIVE CRANE: “Was the House reputation damaged by releasing the story? Maybe. But the real damage . . . to the integrity of the House was how you responded. Under oath, when asked about releasing the photo, the posting of it, the administration of your Facebook account in the Aaron von Ehlinger hearing you were not forthright.”³⁷
 - b. REPRESENTATIVE McCROSTIE: “The half-truths, misinformation, and incomplete facts given by the respondent both yesterday and during a prior hearing harms the integrity of the House as a legislative body, as well as this Ethics Committee, whoever comprises its memberships now or in the future. To ignore the respondent's conduct is impossible without simultaneously harming the House as an institution.”³⁸
 - c. CHAIRMAN DIXON: “Our role up here is to determine whether a member's conduct is detrimental to the House of Representatives as a whole. Equally as important is the trust between members. Can we trust statements made in committee, from the dais, or in presenting legislation? Can we trust statements made on the floor? And being less than truthful during a public hearing while under oath abridges the trust in both the public and fellow members of the House of Representatives and can justly be construed as conduct unbecoming and detrimental to the House of Representatives.”³⁹

³⁵ August 2, 2021 Transcript, Page 50, Line 8.

³⁶ *Id.*, Page 172, Lines 8-23.

³⁷ August 3, 2021 Transcript, Page 24, Line 25 through Page 25, Line 6.

³⁸ *Id.* at Page 22, Line 23 through Page 23, Line 6.

³⁹ *Id.* at Page 33, Line 21 through Page 34, Line 7.

15. That Representative Giddings's conduct in connection with her testimony on April 28, 2021 damaged the integrity of the House as a legislative body.
16. That Representative Giddings's conduct constitutes conduct unbecoming a Representative under House Rule 45.

Recommendation

Following our investigation and hearing held pursuant to House Rule 45, the Committee unanimously finds by clear and convincing evidence that Representative Priscilla Giddings engaged in conduct unbecoming a Representative which is detrimental to the integrity of the House as a legislative body.

Therefore, we unanimously recommend that the House of Representatives censure Representative Giddings with the restrictions and conditions that she be removed from her seat on the House Commerce and Human Resources Committee.

Done this 31st day of August, 2021

Signed:



Chairman Sage Dixon