



JAN 19 2021

January 19, 2021

The Hon. Stefan Mychajliw
Erie County Comptroller's Office
95 Franklin Street, 11th Floor
Buffalo, New York 14202

Re: January 6, 2021 Insurrection Against the U.S. Capitol

Comptroller Mychajliw,

We write to you today to call your attention a number of complaints and comments that have been received by our offices regarding the recent insurrection in Washington, D.C. on January 6, 2021 and the anti-democratic participants, some of whom were from Erie County, who were a part of it.

While the public's right to peacefully protest is constitutionally protected, violence was instead the goal and focus of the group that stormed and vandalized the Capitol that day. The people of Erie County, our constituents, are understandably reaching out to our offices (and presumably yours, as well) to voice their displeasure with this treasonous act and to demand better from their fellow citizens.

Weapons including pipe bombs, fire arms, Molotov cocktails, and more were found around the Capitol after the attack, an attack that saw participants use fire extinguishers, sticks, rocks, and even flag poles to assault and beat law enforcement officials. Rioters were photographed carrying nylon restraints, used to tie and control hostages, into the building as others actively fought with police and some searched in coordination for the Vice-President and members of Congress. This sickening and anti-American display of violence must never be repeated.

Furthermore, although you have not publicly indicated as much in the week since the attack, I am sure you share our sorrow for the loss of Capitol Police Officer Brian Sicknick, who was murdered by the mob, as well as for the four other Americans who died on that awful day. Even as horrible as the day was, emerging reporting on the insurrection indicates that participants planned much worse for members of Congress.

In the days since the attack, a nationwide effort has been underway to track down and arrest the perpetrators of the insurrection. As you know, a local contingent travelled to Washington, D.C. to take part in the day's events. This has brought FBI attention to our region and the recent arrest of your close friend, Peter Harding, for his connections to the attack has only amplified that attention.

You are also most likely already aware of the growing public perception that **you** were involved in the attack on the Capitol, a perception fueled by local AM talk radio and social media environments,

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including, as relayed to us, a statement made on-air by a caller to WBEN that you were in Washington, DC on January 6 and participated in the protest. Your photographs with Mr. Harding and vocal support for his and others anti-governmental affiliations only serve to solidify the public's perception of you as a willing participant in the insurrection. The fact that you have not disavowed this perception more than a week after the riot is more than troubling.

All Erie County elected officials take an oath to "support the Constitution of the United States." It is also incumbent on us to serve the public and respond to their concerns. Any citizen who loves our democracy and pledges allegiance to our Constitution, not a person, should be assisting the FBI in its efforts to arrest those who participated in the treasonous attack on the Capitol. As the elected leaders of Erie County's executive and legislative branches, we therefore ask you to answer the following questions:

- Were you in Washington, D.C. on January 6th, and if so what was your reason for going?
- What did you do while you were there?
- How long were you there and how did you travel from and back to our region?
- Were you with any group or individual that massed on, or entered, the Capitol, and, if so, please name those individuals?
- Did you take part in any violent acts against people or property?
- Will you renounce this anti-democratic attack on our government?
- Why have you waited so long to say anything about it?

You were very vocal in 2020 about the Black Lives Matter protests, but your continued silence regarding this traitorous attack on the citadel of our democracy is deafening.

We are sure you will agree that we want Erie County to be known for reasons that are good, not for supporting attempts to overthrow the U.S. government. Elected officials who knowingly and willingly support insurrection are not fit for office and do not represent the people. It is time for you to be honest with Erie County residents about your whereabouts and actions on January 6, 2021.

On behalf of ourselves and the people of Erie County, we look forward to your response.

Sincerely,



Mark C. Poloncarz, Esq.
Erie County Executive



April N.M. Baskin
Erie County Legislature Chairwoman

cc: Erie County Attorney Michael Siragusa