

Please consider this letter as a formal complaint against Sen. Lee Schoenbeck, District 5.

Sen. Schoenbeck has a history of slandering and intimidating me, and members of our volunteer group, South Dakota Canvassing.

February 16, 2022 in the Senate State Affairs Committee hearing at the South Dakota State Capitol building Room 414, I, along with four other members of our group, testified as proponents of election reform bills brought by Senator Julie Frye-Mueller. All of the bills were killed in committee. There were dozens of high school students attending that day visiting the capitol. Sen. Schoenbeck took it upon himself to tell the high school students that our group was a bunch of “extremists, fanatics and lunatics” and that “your parents don’t think like these crazy people do.”

Later in 2022, Sen. Schoenbeck is quoted in this Keloland article indirectly saying we should be “spanked”.

From the Keloland article found here <https://www.keloland.com/keloland-com-original/mike-lindell-fbi-investigation-and-sd-elections/>

“Senator Lee Schoenbeck, a Republican from Watertown and Senate President Pro Tempore, told SDPB election fraud is not a main concern for many South Dakotans. “There’s twenty of them and they all speak to each other,” Schoenbeck told SDPB about people concerned with the state’s elections. Schoenbeck praised local election workers. “They’re honest people who volunteered to do this work,” Schoenbeck told SDPB. “People who are calling them cheats should be spanked.””

From the Cambridge Dictionary: spank
verb [T]

to hit a child with the hand, usually several times on the bottom as a punishment

to hit an adult on the bottom in order to get or give sexual pleasure

Either Senator Schoenbeck was threatening South Dakota citizens with physical violence or was sexually harassing said members of our group with his sick and twisted use of the English language, as you will soon see is more of a pattern than random comments.

Wednesday, February 15th, 2023 10:00 a.m. in the Senate State Affairs Committee at the South Dakota State Capitol Building Room 414, I, along with other South Dakota citizens were there exercising our right to petition our government in a peaceful and respectful way. We took off of work, prepared testimony, drove three and a half hours one way, rented a hotel room, and spent the day at the capitol to participate in government, as is our Constitutional right. § 4. Right of petition and peaceable assembly. *The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.*

I, along with other South Dakota citizens, testified as proponents of SB123, SB124, and SB128. Sen. Schoenbeck sent all the bills to the 41st day, and then proceeded to verbally assault me, and all those who advocate for election reform. After killing SB 124, Sen. Schoenbeck went off on an uninterrupted tirade against us saying exactly this: “This is about harassing local officials. They are paid with property tax dollars. I have not had a single citizen come to me and say can you find more ways to spend property tax dollars having local elected officials do worthless things. In this case, you have a group of a

half a dozen people that clearly have some kind of obsession or **fetish**, and what they're doing is then, this would give them the ability to take their little hobby, their **obsession and fetish**, and give papers to these county auditors all across South Dakota, and instead of working on South Dakota local issues that the auditors are elected to do, they would be stuck trying to help these people with their **fetish**. There are multiple examples of why this is a bad idea, you've heard, I've thought of law we just passed, to protect sex trafficking victims, they would all come under, these people with this **fetish**, all those people that are in those shelters, would all be people that they would say are fraudulent voters. This, this, I mean, these bills can keep coming, but I would hope we will have the intestinal fortitude to fight this big government, more government effort to waste our property tax dollars.

After killing SB 128, Sen Schoenbeck proceeded to again slander us publicly by saying exactly this: "You can't be willy nilly, you can't be like some kind of **communist** that doesn't believe in the United States Constitution or the government system that we have, and thank God our local elected officials understand their role."

Here is a video recording of the incident: <https://rumble.com/v29wvf4-sen.-schoenbeck-accuses-south-dakota-election-fraud-fighters-of-strange-fet.html>

<https://www.merriam-webster.com/dictionary/fetish>

fetish

noun

fe-tish **'fe-tish**

: an object of irrational reverence or obsessive devotion

: an object or bodily part whose real or fantasied presence is psychologically necessary for sexual gratification and that is an object of fixation to the extent that it may interfere with complete sexual expression

: FIXATION

: a rite or cult of fetish worshippers

Communist: an adherent or advocate of a Communist government, party, or movement often capitalized : one held to engage in left-wing, subversive, or revolutionary activities.

Sen. Schoenbeck's abhorrent comments and behavior can and should be construed as slander, bullying, intimidation, threatening, malicious, sexual harassment, and an attempt to stifle our 1st Amendment right to free speech, our right to petition our government, and right to assemble. His threatening and intimidating comments specifically directed at me, and those of our group, is attempting to degrade and demoralize us so that we would not come back and not want to participate in government anymore.

I took my 17 year old son with me on February the 15th so he could watch and learn how our government operates. He, however, was subjected to watching his mother be publicly slandered, maligned, and called names of a sexual nature by the Sen. Pro Tempore of the Republican Party that we are a part of. This is particularly disgusting for him to have to hear that kind of language directed at his mother, in the State Capitol Building, Senate State Affairs Committee, by the Leader of the Senate.

South Dakota Constitution Article VI § 27. Maintenance of free government--Fundamental principles. *The blessings of a free government can only be maintained by a firm adherence to **justice, moderation, temperance, frugality and virtue** and by frequent recurrence to fundamental principles.*

One could argue Sen. Schoenbeck's actions and words are in direct violation of Article VI § 27 because his words are the direct opposite of just, moderate, tempered, or virtuous.

From the State Bar of South Dakota, Rules of Professional Conduct:

https://sdlegislature.gov/Statutes/Codified_Laws/2044876 Preamble: A Lawyer's Responsibilities:

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business *and personal affairs*. *A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others.* A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. *In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.* A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. *Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.*

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. *However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.*

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. *Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.*

Rule 4.4. Respect for Rights of Third Persons

- (a) In representing a client, *a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person,* or use methods of obtaining evidence that violate the legal rights of such a person.

It is clear from the above transcript and video evidence of Sen. Schoenbeck's verbal assault on the citizens of South Dakota, that he is in violation of the above listed State Bar of South Dakota's Code of Conduct.

I am requesting an inquiry into and action on this clear pattern of behavior that Sen. Schoenbeck freely doles out to those who do not align with his political and social views. Lawyers are held to a higher standard. Lawyers know the law, the code of conduct, and the rights of all granted by the Constitution. His clear lack of decorum and disregard for the rules should be grounds for removal from his position immediately.

I have the right to testify in the legislature without the threat of harassment, intimidation, bullying, sexual harassment, slander, malice, or political assassination. I have the right to be treated in a professional, courteous, and respectful manner, no matter the conflict. Every time I have been to the capitol to testify, I was professional and respectful. I expect to be treated the same. Sen. Schoenbeck obviously has let his arrogance grow out of control, to the detriment of the operation of our government, and those who wish to participate.

SD Constitution Article VI § 1. Inherent rights. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are instituted among men, *deriving their just powers from the consent of the governed.*

The South Dakota State Senate derives their power from the CONSENT of the governed. I do not consent to the treatment I have endured, and I demand for the situation to be rectified immediately.

