

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

JOSEPH MICHAEL ARPAIO, an individual
Fountain Hills, AZ

Plaintiff,

v.

MICHELLE COTTLE, an individual
c/o New York Times
1627 I Street NW, #700
Washington, DC 20006

And

THE NEW YORK TIMES
1627 I Street NW, #700
Washington, DC 20006

Defendants.

Case No.:

COMPLAINT

I. INTRODUCTION

Plaintiff Sheriff Joseph Michael Arpaio (“Plaintiff Arpaio”) brings this Complaint for defamations against Michelle Cottle (“Cottle”) and The New York Times (“NYT”).

II. JURISDICTION AND VENUE

1. This Court has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

2. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

III. PARTIES

3. Plaintiff Arpaio is an individual, natural person who is a citizen of the state of Arizona.

4. Defendant Cottle is an individual, natural person who is, on information and belief, a citizen of New York.

5. Defendant NYT is a nationwide news publication that published as set forth herein in this judicial district and with a major news bureau in this judicial district.

IV. STANDING

6. Plaintiff Arpaio has standing to bring this action because he has been directly affected by the unlawful conduct complained herein. Their injuries are proximately related to the conduct of Defendants Cottle and NYT.

V. FACTS

Background Facts

7. Plaintiff Arpaio is a long-time member of the law enforcement community who served as a Washington, D.C. and Las Vegas police officer following his honorable army discharge in 1953.

8. In November of 1957, Plaintiff Arpaio was appointed as a special agent with the Federal Bureau of Narcotics, which later became part of the Drug Enforcement Agency (“DEA”), which is headquartered in Washington, D.C.

9. Following his career with the DEA, Plaintiff Arpaio was elected as sheriff of Maricopa County, Arizona in 1993. He held that position for almost 25 years or until January 1, 2017.

10. In January of 2018, Plaintiff Arpaio announced that he would run for U.S. Senate in Arizona. He was defeated in the August 28, 2018 Republican primary.

11. Plaintiff Arpaio intends to run for U.S. Senate again in 2020 for the seat vacated by the late senator John McCain, which is currently held by John Kyl, a placeholder until the 2020 special election can take place.

Facts Pertaining to the Defamatory Publication

12. On August 29, 2018, Defendant NYT published an article titled “Well, at Least Sheriff Joe Isn’t Going to Congress- Arpaio’s Loss in Arizona’s Senate Republican Primary is a Fitting End to the Public Life of a Truly Sadistic Man.” (the “Defamatory Article”) written by Defendant Michelle Cottle. Exhibit 1.

13. While the Defamatory Article is strategically titled as an opinion piece, it contains several false, defamatory factual assertions concerning Plaintiff Arpaio.

14. These false factual assertions are carefully and maliciously calculated to damage and injure Plaintiff Arpaio both in the law enforcement community - which is centered in this judicial district – as well as with Republican establishment and donors, which is also centered in this judicial district, in order to prevent him from successfully run for U.S. Senate in 2020 or another public office as a Republican.

15. The false and defamatory factual representations and statements contained in the Defamatory Article include but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio's department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

A copy of this Defamatory Article is attached as Exhibit 1 and its contents are wholly incorporated herein by reference.

16. The Defamatory Article further publically places Plaintiff in a false light that is offensive to any reasonable person using false statements, representations, or imputations.

17. In addition to the statements set forth in Paragraph 15, the Defamatory Article includes, but is not limited to the following statements that portray Plaintiff Arpaio in a false light as well as the totality of the article taken as a whole:

Joe Arpaio, the former sheriff of Maricopa County, Ariz., who so robustly devoted himself to terrorizing immigrants that he was eventually convicted of contempt of court and would have lived out his twilight years with a well-deserved criminal record if President Trump, a staunch admirer of Mr. Arpaio's bare-knuckle approach to law enforcement, had not granted him a pardon.

Cast aside and left to wallow in the knowledge that his moment has passed, he has a fitting end to the public life of a true American villain.

It was no secret that Mr. Arpaio's methods often crossed the line into the not-so-legal

For nearly a quarter-century, Sheriff Joe Arpaio was a disgrace to law enforcement, a sadist masquerading as a public servant. In a just system, we would not see his like again.

18. The false and fraudulent statements including outright lies in the form of false or misleading facts or false and misleading mixed opinion and fact, in the Defamatory Article, which were widely published in this judicial district, nationally and internationally and have severely harmed Plaintiff Arpaio's reputation and caused him financial damage.

19. Plaintiff Arpaio's distinguished 55-year law enforcement and political career has been severely harmed, as his reputation has been severely damaged among and with the Republican establishment, which is centered in the District of Columbia.

20. Plaintiff Arpaio's chances and prospects of election to the U.S. Senate in 2020 have been severely harmed by the publication of false and fraudulent facts in the Defamatory Article. This also harms Plaintiff financially, as his chances of obtaining funding from the Republican establishment and donors for the 2020 election have been damaged by the publication of false and fraudulent representations in the Defamatory Article.

21. Plaintiff Arpaio's reputation has also been severely harmed in the law enforcement community, which is centered in this judicial district, and includes the DEA, where he served for 26 years as an agent and top official.

FIRST CAUSE OF ACTION
Defamation Per Se

22. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint with the same force and effect, as if fully set forth herein again at length.

23. Defendants made and published false and defamatory statements concerning Plaintiff Arpaio by calling, representing and publishing within this district, the nation and the world, with malice, that Plaintiff Arpaio was directly responsible for numerous inmate deaths during his time as sheriff of Maricopa County.

24. Defendants made and published false and defamatory statements concerning Plaintiff Arpaio by calling, representing and publishing within this district, the nation and the world, with malice, that Plaintiff Arpaio was directly responsible for numerous abused, assaulted, and battered inmates during his time as sheriff of Maricopa County.

25. The statements at issue for this cause of action are contained in ¶ 15 of this Complaint. They include, but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio’s department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

26. These statements are defamatory per se because they falsely accuse Plaintiff Arpaio of committing a serious crime, which amounts to a crime of moral turpitude. As defamation per se, damage to Plaintiff Arpaio is presumed as a matter of law.

27. Defendants acted in concert and are therefore jointly and severely liable as joint tortfeasors. The statements were made by Defendant Cottle and then published and/or broadcast in this district, nationwide and throughout the world by Defendant NYT.

28. Defendants acted with actual malice insofar as they knew that the statements made against Plaintiff Arpaio were false and/or recklessly disregarded their falsity.

29. Defendants’ statements and the publishing/broadcasting thereof were made without any privilege.

30. As a direct and proximate result of Defendants and their agents’ extreme, outrageous and malicious defamatory conduct set forth above, Plaintiff Arpaio has been the

subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

SECOND CAUSE OF ACTION
Tortious Interference with Prospective Business Relations

31. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

32. Plaintiff Arpaio has a prospective business relationship with the Republican National Committee (“RNC”), and its National Republican Senate Campaign Committee (“NRSC”) which is headquartered in Washington D.C., as well as their affiliated political action committees and entities and persons, including donors.

33. The RNC and its RNCC, in conjunction with affiliated political action committees and entities and donors routinely provide funding to Republican political candidates for their campaigns. Plaintiff Arpaio ran for U.S. Senate in 2018 as a Republican, and intends to run again for a U.S. Senate seat or other public office in 2020 as a Republican and ardent supporter of President Donald J. Trump and his administration.

34. Defendants are aware of these prospective business relationships and thus, given their malice and leftist enmity of Arpaio sought to destroy them with the publication of the subject Defamatory Article.

35. Defendants published the Defamatory Article to influence the RNC, the RNCC and affiliated political action committee and persons, and other donors, to withhold funding for Plaintiff Arpaio’s 2020 political campaign by smearing and destroying his reputation and standing in his law enforcement, government and political community.

36. Plaintiff Arpaio has been harmed as to his reputation as “America’s Toughest Sheriff” and financially by the publication of the Defamatory Article.

THIRD CAUSE OF ACTION

False Light

37. Plaintiff Arpaio repeats and re-alleges all of the previous allegations of the entirety of this Complaint, including with the same force and effect, as if fully set forth herein again at length.

38. The Defamatory Article falsely and very publically portrayed Plaintiff Arpaio in a negative, false light.

39. The Defamatory Article contained false statements, representations, or imputations understood to be of and concerning Plaintiff Arpaio.

40. The statements at issue are found in ¶¶ 15-17 of this Complaint, and include but are not limited to:

His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor “tent city,” which he once referred to as a “concentration camp,” to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained.

At the same time, Mr. Arpaio’s department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

Joe Arpaio, the former sheriff of Maricopa County, Ariz., who so robustly devoted himself to terrorizing immigrants that he was eventually convicted of contempt of court and would have lived out his twilight years with a well-

deserved criminal record if President Trump, a staunch admirer of Mr. Arpaio's bare-knuckle approach to law enforcement, had not granted him a pardon.

Cast aside and left to wallow in the knowledge that his moment has passed, he has a fitting end to the public life of a true American villain.

It was no secret that Mr. Arpaio's methods often crossed the line into the not-so-legal

For nearly a quarter-century, Sheriff Joe Arpaio was a disgrace to law enforcement, a sadist masquerading as a public servant. In a just system, we would not see his like again.

41. These statements are misleading and false.

42. These statements, made with malice, place Plaintiff in a false light that would be offensive to a reasonable person.

43. As a direct and proximate result of Defendants and their agents' extreme, outrageous and malicious defamatory conduct set forth above, Plaintiff Arpaio has been the subject of widespread ridicule and humiliation and has suffered severe loss of reputation, which has in turn also caused him pain and financial damage.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief and judgment against each Defendant, jointly and severally, as joint tortfeasors as follows: actual, compensatory, and punitive damages in excess of \$147,500,000 USD, as well as attorneys' fees and costs, and any other relief that this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all counts, as to all issues so triable.

DATED: October 16, 2018

Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

Chairman and General Counsel
FREEDOM WATCH, INC.
2020 Pennsylvania Ave NW Suite 345
Washington, DC, 20006
Email: leklayman@gmail.com
Tel: 310-595-0800
Counsel for Plaintiff

The New York Times

Well, at Least Sheriff Joe Isn't Going to Congress

Arpaio's loss in Arizona's Senate Republican primary is a fitting end to the public life of a truly sadistic man.

By Michelle Cottle

Ms. Cottle is a member of the editorial board.

Aug. 29, 2018

Let us pause for a moment to mark the loss of a fierce and tireless public servant: Joe Arpaio, the former sheriff of Maricopa County, Ariz., who so robustly devoted himself to terrorizing immigrants that he was eventually convicted of contempt of court and would have lived out his twilight years with a well-deserved criminal record if President Trump, a staunch admirer of Mr. Arpaio's bare-knuckle approach to law enforcement, had not granted him a pardon.

To clarify, Mr. Arpaio the man has not passed. As of Tuesday, he was still very much alive and kicking, the proto-Trumpian embodiment of fearmongering ethnonationalism. Mr. Arpaio's dream of returning to elective office, however, has been dealt what is most likely a fatal blow by his loss in Arizona's Republican primary for the Senate. Cast aside and left to wallow in the knowledge that his moment has passed, he has a fitting end to the public life of a true American villain.

This defeat came as a surprise to no one. In the closing weeks of the race, his campaign had begun melting down. His staff was in chaos, and polls showed him trailing both Representative Martha McSally, Tuesday's victor, and Kelli Ward, an anti-immigration firebrand also courting the right wing of the party.

As "America's toughest sheriff," as Mr. Arpaio liked to call himself, prepares to ride off into the sunset, it bears recalling that he was so much more than a run-of-the-mill immigrant basher. His 24-year reign of terror was medieval in its brutality. In addition to conducting racial profiling on a mass scale and terrorizing immigrant neighborhoods with gratuitous raids and traffic stops and detentions, he oversaw a jail where mistreatment of inmates was the stuff of legend. Abuses ranged from the humiliating to the lethal. He brought back chain gangs. He forced prisoners to wear pink underwear. He set up an outdoor "tent city," which he once referred to as a "concentration camp," to hold the overflow of prisoners. Inmates were beaten, fed rancid food, denied medical care (this included pregnant women) and, in at least one case, left battered on the floor to die.

[Receive the day's most urgent debates right in your inbox by subscribing to the Opinion Today newsletter.]

Indeed, many prisoners died in Mr. Arpaio's jail — at an alarming clip. The number of inmates who hanged themselves in his facilities was far higher than in jails elsewhere in the country. More disturbing still, nearly half of all inmate deaths on his watch were never explained. Over the years, the county paid out tens of millions in wrongful death and injury settlements.

Related

More on Joe Arpaio

Opinion | The Editorial Board

The Perils of a Pardon for Joe Arpaio Aug. 24, 2017



Opinion | Paul Krugman

Fascism, American Style Aug. 28, 2017



At the same time, Mr. Arpaio's department could not be bothered to uphold the laws in which it had little interest. From 2005 through 2007, the sheriff and his deputies failed to properly investigate, or in some cases to investigate at all, more than 400 sex-crime cases, including those involving the rape of young children.

Mr. Arpaio embraced the racist birther movement more energetically than most, starting an investigation aimed at exposing President Barack Obama's American birth certificate as a forgery. The inquiry ran five years, with Mr. Arpaio announcing his "troubling" findings in December of 2016, just weeks after having been voted out of office. Even many of his own constituents, it seemed, had grown weary of the sheriff's excesses. No matter, as of early this year, Mr. Arpaio was still claiming to have proved "100 percent" that Mr. Obama's birth certificate had been faked — to be clear, he has not — and suggesting he would revive the issue if elected to the Senate.

It was no secret that Mr. Arpaio's methods often crossed the line into the not-so-legal. In 2011, a federal district judge ordered the sheriff to end his practice of stopping and detaining people on no other grounds than suspecting them of being undocumented immigrants. Mr. Arpaio declined to oblige, secure in the rightness of his own judgment. The legal battle dragged on until last summer, when he was found guilty of criminal contempt of court for blatantly thumbing his nose at the law.

Such unwillingness to bow to an uppity judiciary surely impressed Mr. Trump, who sees his own judgment as superior to any moral or legal precept. In this way, Mr. Arpaio was arguably the perfect pick to be the very first person pardoned by this president. The two men are brothers in arms, fighting the good fight against the invading hordes of immigrants — and their liberal enablers, of course. And if that requires dismissing the Constitution and destroying the rule of law, so be it. What true patriot would object to a few tent cities or human rights violations when the American way of life is in mortal peril?

In announcing the pardon last August, Mr. Trump praised Mr. Arpaio as an “American patriot.” The official statement by the White House gushed: “Throughout his time as Sheriff, Arpaio continued his life’s work of protecting the public from the scourges of crime and illegal immigration.” To Mr. Trump’s fans, this was another welcome sign of the president’s commitment to keeping them safe from The Other.

Not everyone in the president’s party was pleased. Members of his administration reportedly advised against the pardon as too controversial. It was widely noted that the announcement was made in the hours right before Hurricane Harvey slammed the Gulf Coast, presumably with an eye toward minimizing the negative media coverage of the pardon while journalists were busy reporting on the storm. (For his part, Mr. Trump later claimed that the pardon actually had been timed to take advantage of the higher ratings generated by Harvey watchers.)

Even so, John McCain, the Arizona senator and frequent Trump critic who passed away on Saturday, made his dismay known. “The president has the authority to make this pardon,” he said in a statement, “but doing so at this time undermines his claim for the respect of rule of law, as Mr. Arpaio has shown no remorse for his actions.”

Certainly, Mr. Arpaio showed little sign of remorse on the campaign trail. In a recent interview with *The Times*, he rambled about all the Mexican rapists and murderers who filled his jails back in the day, and he said the answer to the debate over Dreamers was simple: Deport all 700,000 of them back to their home countries.

The former sheriff also made clear that, despite all the legal drama swirling around the president, his loyalty to Mr. Trump was steadfast. “You can’t support people just because they’re convicted?” he asked rhetorically. “No matter what he’s convicted of, I’m still going to call it a witch hunt, so of course I’ll stand by him.”

Some might consider it ungenerous to celebrate Mr. Arpaio’s electoral failure and continuing slide into irrelevance. But the man has a long and storied history of mistreating people in unfortunate circumstances, so it seems only appropriate to return the favor.

For nearly a quarter-century, Sheriff Joe Arpaio was a disgrace to law enforcement, a sadist masquerading as a public servant. In a just system, we would not see his like again. In the current political climate, it may be enough that Arizona Republicans solidly rejected him.

Well, you just Sheriff Joe isn't going to Congress, the New York Times
Follow The New York Times Opinion section on Facebook and Twitter (@NYTopinion), and sign up for the Opinion Today newsletter.

A version of this article appears in print on Aug. 29, 2018, on Page A22 of the New York edition with the headline: So Long, Sheriff Joe

