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THE BIG LIE

Late on election night 2020, President Donald J. Trump addressed the nation from the East Room of the White House. When Trump spoke, at 2:21 a.m. on November 4th, the President's re-election was very much in doubt. Fox News, a conservative media outlet, had correctly called Arizona for former Vice President Joseph R. Biden. Every Republican presidential candidate since 1996 had won Arizona. If the President lost the State, and in the days ahead it became clear that he had, then his campaign was in trouble. But as the votes continued to be counted, President Trump's apparent early lead in other key States—States he needed to win—steadily shrank. Soon, he would not be in the lead at all—he'd be losing.

So, the President of the United States did something he had planned to do long before election day: he lied.

"This is a fraud on the American public. This is an embarrassment to our country," President Trump said. "We were getting ready to win this election," the President continued. "Frankly, we did win this election. We did win this election." Trump claimed, without offering any evidence, that a "major fraud" was occurring "in our nation."¹

Neither of President Trump's claims were true. He had no basis for claiming victory or that fraud was taking place. Millions of votes still had not been counted. The States were simply tabulating the ballots cast by the American people. Trump's own campaign advisors told him to wait—that it was far too early to declare victory.

As the evening progressed, President Trump called in his campaign team to discuss the results. Trump Campaign Manager William Stepien and other campaign experts advised him that the results of the election would not be known for some time, and that he could not truthfully declare victory. Stepien was of the view that, because ballots were going to be counted for days, "it was far too early to be making any proclamation [about having

won the election].” Stepien told President Trump that his recommendation was to say, “votes are still being counted. It’s... too early to call the race.”²

Jason Miller, another senior Trump Campaign advisor, told the Select Committee that he argued in conversations with Stepien and others that night against declaring victory at the time as well, because “it was too early to say one way [or] the other” who had won. Miller recalled recommending that “we should not go and declare victory until we had a better sense of the numbers.”³

According to testimony received by the Committee, the only advisor present who supported President Trump’s inclination to declare victory was Rudy Giuliani, who, according to Miller, was “definitely intoxicated” that evening.⁴

President Trump’s decision to declare victory falsely on election night and, unlawfully, to call for the vote counting to stop, was not a spontaneous decision. It was premeditated. The Committee has assembled a range of evidence of President Trump’s preplanning for a false declaration of victory. This includes multiple written communications on October 31st and November 3, 2020, to the White House by Judicial Watch President Tom Fitton.⁵ This evidence demonstrates that Fitton was in direct contact with President Trump and understood that he would falsely declare victory on election night and call for vote counting to stop. The evidence also includes an audio recording of President Trump’s advisor Steve Bannon, who said this on October 31, 2020, to a group of his associates from China:

And what Trump’s going to do is just declare victory, right? He’s gonna declare victory. But that doesn’t mean he’s the winner. He’s just gonna say he’s a winner.... The Democrats, more of our people vote early that count. Their vote in mail. And so they’re gonna have a natural disadvantage, and Trump’s going to take advantage of it. That’s our strategy. He’s gonna declare himself a winner. So when you wake up Wednesday morning, it’s going to be a firestorm.... Also, if Trump, if Trump is losing, by ten or eleven o’clock at night, it’s going to be even crazier. No, because he’s gonna sit right there and say ‘They stole it. I’m directing the Attorney General to shut down all ballot places in all 50 states. It’s going to be, no, he’s not going out easy. If Trump—if Biden’s winning, Trump is going to do some crazy shit.’⁶

Also in advance of the election, Roger Stone, another outside advisor to President Trump, made this statement:

I really do suspect it will still be up in the air. When that happens, the key thing to do is to claim victory. Possession is 9/10s of the law. No, we won. Fuck you, Sorry. Over. We won. You're wrong. Fuck you.⁷

In the days after the election, the President's own campaign team told him he had lost and there was no evidence of significant fraud. When his campaign staff wouldn't tell him what he wanted to hear, President Trump replaced them with what Attorney General William Barr described as a "clown car" of individuals willing to promote various conspiracy theories.⁸

But Donald Trump was no passive consumer of these lies. He actively propagated them. Time and again President Trump was informed that his election fraud claims were not true. He chose to spread them anyway. He did so even after they were legally tested and rejected in dozens of lawsuits. Not even the electoral college's certification of former Vice President Biden's victory on December 14, 2020, stopped the President from lying. Throughout, the Big Lie remained central to President Trump's efforts to block the peaceful transfer of power on January 6, 2021.

1.1 THE BIG LIE REFLECTED DELIBERATE EXPLOITATION OF THE "RED MIRAGE"

President Trump's "Big Lie" on election night was based on simple differences in how Americans vote. In 2020, it was well-known that Democrats were much more likely to vote via mail-in ballots than in person in 2020. On the other hand, Republicans generally preferred to vote in person on election day.⁹ In key swing States with tight margins between the candidates, the election day votes would favor President Trump and disproportionately be counted first. Mail-in ballots, which would favor former Vice President Biden, would disproportionately be counted later. In some States it would take days to process the remaining mail-in ballots.

The timing of how votes are counted created the potential for what is known as a "Red Mirage"—or an illusion of a Republican (Red) victory in the early stages of vote counting. President Trump would appear to be in the lead on election night, but this was not the whole picture. Many mail-in votes for former Vice President Biden would not be counted on election day. Therefore, the actual winner would likely not be known on election night.

The "Red Mirage" phenomenon was widely known prior to the 2020 presidential election. Chris Stirewalt was the head of the Fox News elections desk that correctly called Arizona for Biden. Stirewalt and his team tried to warn viewers of the Red Mirage. He testified that over the past 40 or 50 years, "Americans have increasingly chosen to vote by mail or early or absentee," and that "Democrats prefer that method of voting more than



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Republicans do.”¹⁰ In nearly “every election,” Stirewalt elaborated, “Republicans win Election Day and Democrats win the early vote, and then you wait and start counting.” It “[h]appens every time.”¹¹

President Trump’s campaign team made sure the President was briefed on the timing of vote tallying. Stepien, his campaign manager, told the Select Committee that President Trump was reminded on election day that large numbers of mail-in ballots would still remain to be counted over the coming days.¹² Stepien added that he personally reminded the President that while early returns may be favorable, the counting would continue: “I recounted back to 2016 when I had a very similar conversation with him on election day . . . I recounted back to that conversation with him in which I said, just like I said in 2016 was going to be a long night, I told him in 2020 that, you know, it was going to be a process again, as, you know, the early returns are going to be positive. Then we’re going to, you know, be watching the returns of ballots as, you know, they rolled in thereafter.”¹³

Ordinarily, the “Red Mirage” anomaly does not create problems in the election process because candidates wait for the votes to be tallied before declaring victory or conceding. As Stirewalt emphasized, prior to President Trump, “no candidate had ever tried to avail themselves of this quirk in the election counting system.”¹⁴

President Trump, however, made a different choice. In an extraordinary breach of the American democratic process, he decided to exploit the potential for confusion about the staggered timing of vote counting to deceive the American public about the election results. He and his allies foreshadowed this decision in their statements in the months leading up to the November 2020 election.

1.2 TRUMP'S PRE-ELECTION PLANS TO DECLARE VICTORY

On Halloween, advisor Steve Bannon, who had served four years earlier as Donald Trump's 2016 campaign manager, laid out the election night plan. "What Trump's gonna do is just declare victory. Right? He's gonna declare victory. But that doesn't mean he's a winner," Bannon told a private audience. "He's just gonna say he's a winner."¹⁵

Bannon explained that the Democrats "[would] have a natural disadvantage" on election night, because more Democrats would vote by mail than Republicans and it would take time to count the mail-in ballots. This would give President Trump the illusion of a lead. "And Trump's going to take advantage of it," Bannon said. "That's our strategy. He's gonna declare himself a winner."¹⁶

In an interview on Fox News the morning of the election, Bannon insisted that President Trump needed to address the nation that night, to "provide the narrative engine for how we go forward."¹⁷ During an episode of his podcast later that same day, Bannon clarified what he meant: President Trump is "going to claim victory. Right? He's going to claim victory."¹⁸

Tom Fitton drafted a victory statement for the President to read on election night.¹⁹ On October 31st, he emailed the statement to President Trump's assistant, Molly Michael, and social media guru, Dan Scavino. Fitton wrote that election day, November 3rd, was the "deadline by which voters in states across the country *must* choose a president." Fitton argued that counting ballots that arrived after election day would be part of an effort by "partisans" to "overturn" the election results.²⁰

Of course, that claim wasn't true—mail-in ballots are regularly processed after election day. Regardless, Fitton encouraged the President to pre-emptively declare victory. "We had an election today—and I won," Fitton wrote for President Trump.²¹ Early in the evening on election day, Fitton emailed Michael again to say he had "[j]ust talked to him [President Trump] about the draft [statement]."²² Later that evening, before President Trump made his election night remarks, Michael replied that she was "...redelivering to him [President Trump] now."²³



Photo by Alex Wong/Getty Images

Roger Stone, President Trump’s longtime political confidante, told several associates just prior to the election that Trump needed to declare victory—especially if the race wasn’t called on election day. “Let’s just hope we are celebrating” on election night, Stone said. “I really do suspect it will still be up in the air. When that happens, the key thing to do is claim victory.” Stone elaborated with colorful language. “Possession is nine-tenths of the law. No, we won. Fuck you. Sorry. Over. We won. You’re wrong. Fuck you.”²⁴

Indeed, published reports echoed these warnings about President Trump’s election strategy. Two days before the election, Jonathan Swan of *Axios* reported that President Trump “has told confidants he’ll declare victory on Tuesday night if it looks like he’s ‘ahead.’”²⁵ Swan added that “Trump’s team is preparing to falsely claim that mail-in ballots counted after Nov. 3—a legitimate count expected to favor Democrats—are evidence of election fraud.”²⁶ If the vote tally swung against Trump after election night in States such as Pennsylvania, then the Trump team would claim the Democrats had “stolen” the election.²⁷ Fox News election analysis Chris Stirewalt testified that he and his team “had gone to pains” to inform viewers that early votes would favor Republicans but the lead would be illusory “because the Trump campaign and the President had made it clear that

they were going to try to exploit this anomaly.”²⁸ Others warned that President Trump could exploit the Red Mirage as well.²⁹

1.3 TRUMP’S PRE-ELECTION EFFORTS TO DELEGITIMIZE THE ELECTION PROCESS

President Trump also paved the way for his false election-night declaration of victory by blanketing voters with a blizzard of lies and statements delegitimizing mail-in voting in the middle of a deadly pandemic and consistently questioning the security of ballots. President Trump used the president’s bully pulpit, including his heavily-trafficked Twitter feed, to tell one lie after another.

The Select Committee found dozens of instances in which President Trump claimed that mail-in voting would produce a “rigged” election. Trump repeatedly denounced mail-in voting on Twitter, during interviews, and even during the presidential debate. Here is a small sample of President Trump’s attempts to delegitimize mail-in balloting.

On April 7, 2020, President Trump claimed:

*Mail ballots are a very dangerous thing for this country, because they’re cheaters. They go and collect them. They’re fraudulent in many cases. . . . These mailed ballots come in. The mailed ballots are corrupt, in my opinion. And they collect them, and they get people to go in and sign them. And then they—they’re forgeries in many cases. It’s a horrible thing.*³⁰

The following day, April 8, President Trump tweeted:

*Republicans should fight very hard when it comes to statewide mail-in voting. Democrats are clamoring for it. Tremendous potential for voter fraud, and for whatever reason, doesn’t work out well for Republicans. @foxandfriends*³¹

On May 24, President Trump tweeted:

*The United States cannot have all Mail In Ballots. It will be the greatest Rigged Election in history. People grab them from mailboxes, print thousands of forgeries and “force” people to sign. Also, forge names. Some absentee OK, when necessary. Trying to use Covid for this Scam!*³²

On September 17, President Trump falsely alleged that mail-in ballots were ripe for foreign interference:

@TrueTheVote There is a group of people (largely Radical Left Democrats) that want ELECTION MAYHEM. States must end this CRAZY mass

*sending of Ballots. Also, a GIFT to foreign interference into our election!!! Stop it now, before it is too late.*³³

Before the election, as President Trump campaigned against mail-in voting, Bill Stepien sought an intercession. Along with House Minority Leader Kevin McCarthy, Stepien attempted to convince the President that mail-in voting was “not... a bad thing for his campaign.”³⁴ They argued that President Trump’s decision to discourage mail-in voting, while “urging [his] voters to vote only on election day leaves a lot to chance” and would fail to take advantage of a superior grassroots operation that could encourage Trump voters to return their ballots.³⁵ President Trump did not heed their warning. He continued to demonize mail-in voting. The Red Mirage was a key part of his “Big Lie.”

Ominously, President Trump consistently refused to commit to accepting the outcome of the election. During an interview on Fox News in July, Chris Wallace asked: “Can you give a direct answer [if] you will accept the election?” President Trump responded: “I have to see. Look, you—I have to see. No, I’m not going to just say yes. I’m not going to say no, and I didn’t last time either.”³⁶

On September 23, 2020, a reporter asked President Trump if he would commit to a “peaceful transfer of power after the election.” The President refused, saying, “we’re going to have to see what happens.”³⁷ The President claimed, “the ballots are disaster,” adding that if he could “get rid of the ballots... we’ll have a very peaceful—there won’t be a transfer, frankly; there’ll be a continuation.”³⁸ That is, according to President Trump, there would be a “continuation” of his presidency.

The following day, September 24, another reporter followed up by asking if the election would be legitimate only if President Trump won. The President again suggested there was something suspect about mail-in ballots, adding that he was “not sure” the election could be an honest one.³⁹

1.4 PRESIDENT TRUMP’S LAUNCH OF THE BIG LIE

Consistent with the pre-election narrative planted by President Trump, within hours of polls closing, President Trump began pushing the claim that late-reported vote tallies were illegitimate.⁴⁰ Even though he had been reminded by his Campaign Manager that very day that a large number of mail-in ballots would not be counted for several hours or days,⁴¹ President Trump claimed that Democrats were going to “find... ballots at four o’clock in the morning and add them to the list.”⁴² He also suggested that Democrats were continuing to vote after the polls had closed.⁴³

Indeed, this is exactly what Steve Bannon described when he said President Trump would “take advantage” of the Democrats’ “natural disadvantage” on election night.⁴⁴

In the ensuing days and weeks, President Trump often referred to “dumps” of votes that were injected into the counting process.⁴⁵ His supporters latched onto these false claims.⁴⁶ There were no “dumps” of votes—just tallies of absentee ballots as they were reported by jurisdictions throughout the country in a fully transparent process.⁴⁷ These batches of ballots included votes for both Trump and Biden. The late-reported votes favored the former Vice President, just as President Trump’s campaign advisors said they would, particularly in primarily Democratic cities.⁴⁸

Attorney General Bill Barr recognized immediately that the “Red Mirage” was the basis for President Trump’s erroneous claim of fraud. “[R]ight out of the box on election night, the President claimed that there was major fraud underway,” Barr said. “I mean, this happened, as far as I could tell, before there was actually any potential of looking at evidence.”⁴⁹ President Trump’s claim “seemed to be based on the dynamic that, at the end of the evening, a lot of Democratic votes came in which changed the vote counts in certain states, and that seemed to be the basis for this broad claim that there was major fraud.”⁵⁰

President Trump knew about the Red Mirage. He chose to lie about it repeatedly—even after being directly informed that his claims were false. This was often the case in the post-election period. The President consciously disregarded facts that did not support his Big Lie.

1.5 POST-ELECTION: PRESIDENT TRUMP REPLACES HIS CAMPAIGN TEAM

President Trump’s campaign leadership, including Bill Stepien (the campaign’s manager) and Justin Clark (the campaign’s deputy manager), supported President Trump, and were willing to pursue recounts and other standard post-election litigation, but they were not willing to promote baseless conspiracy theories.⁵¹ Stepien and others characterized this group as “Team Normal.”⁵²

Less than two weeks after the election, President Trump pushed “Team Normal” aside because its members didn’t tell him what he wanted to hear. In their place, Trump promoted Rudy Giuliani and his associates, men and women who spread baseless and extreme claims of election fraud. Giuliani, the former mayor of New York City, recruited several investigators and lawyers to assist him.⁵³ Giuliani’s team included Jenna Ellis, Bernard Kerik, Boris Epshteyn, Katherine Friess, and Christina Bobb.⁵⁴ Ellis functioned as

Giuliani's deputy on the new Trump Campaign legal team.⁵⁵ Kerik, the former commissioner of the New York Police Department and a pardoned felon, served as Giuliani's chief investigator.⁵⁶ Other attorneys who collaborated with Giuliani's legal team included Sidney Powell, Cleta Mitchell, and John Eastman. As discussed elsewhere in this report, Eastman became a key player in President Trump's efforts to overturn the election.

1.6 PRESIDENT TRUMP'S CAMPAIGN TEAM TOLD HIM HE LOST THE ELECTION AND THERE WAS NO SIGNIFICANT FRAUD

President Trump's campaign team quickly realized that none of the significant fraud claims were real. Bill Stepien testified that, as of November 5th, the Trump Campaign had not found any proof of fraudulent activity. There were "allegations and reports," but "nothing hard [and] fast" that drew the results of the election into question.⁵⁷

The Trump Campaign continued to investigate claims of fraud into the second week after the election. According to Stepien, as people shared "wild allegations" with the President, the campaign team was forced to review the facts and then serve as a "truth telling squad" to the President regarding why the claims "didn't prove to be true."⁵⁸ For example, Stepien recalled someone alleging that thousands of illegal votes had been cast in Arizona. That wasn't true. The votes had been submitted by overseas voters (such as military deployed or stationed abroad) who were obviously eligible to participate in the election.⁵⁹

Alex Cannon was a lawyer for the Trump Campaign and previously worked for the Trump Organization. After the election, Cannon was tasked with looking into allegations of voter fraud in the 2020 election—including the claim that thousands of ineligible votes had been cast in Arizona.⁶⁰ Cannon recalled that Vice President Pence asked him what he was finding. "And I said that I didn't believe we were finding it, or I was not personally finding anything sufficient to alter the results of the election," Cannon responded. Vice President Pence thanked him.⁶¹

Cannon reported his assessment to Mark Meadows, the White House Chief of Staff, as well. In mid to late-November 2020, Meadows asked Cannon what his investigation had turned up. "And I remember sharing with him that we weren't finding anything that would be sufficient to change the results in any of the key states," Cannon told Meadows. "So there is no there, there?" Meadows replied.⁶²

Jason Miller, a senior advisor to the Trump Campaign, pushed claims of election fraud in public. In private, however, Miller says that he told President Trump a different story, informing him numerous times that there was not enough election fraud to have changed the election:

Miller: My understanding is that I think there are still very valid questions and concerns with the rules that were changed under the guise of COVID, but, specific to election day fraud and irregularities, there were not enough to overturn the election.

Committee Staff: And did you give your opinion on that to the President?

Miller: Yes.

Committee Staff: What was his reaction when you told him that?

Miller: “You haven't seen or heard”—I'm paraphrasing, but—“you haven't seen or heard all the different concerns and questions that have been raised.”

Committee Staff: How many times did you have this conversation with the President?

Miller: Several. I couldn't put a specific number on it, though.

Committee Staff: But more than one?

Miller: Correct.⁶³

Matthew Morgan, the Trump Campaign's top lawyer, came to a similar conclusion. Nearly two months after the election, on January 2nd, Morgan met with the Vice President's staff. According to Morgan, the consensus in the room was that even if all the claims of fraud and irregularities were “aggregated and read most favorably to the campaign... it was not sufficient to be outcome determinative.”⁶⁴

As far as the Trump Campaign's professional leadership was concerned, there was no evidence that the election had been “stolen” from President Trump. To the contrary, they had seen ample evidence that President Trump simply lost—and told the President so.

On November 6th, Jared Kushner arranged for the senior campaign staff to brief President Trump in the Oval Office on the state of the race.⁶⁵ Since election day, Matt Oczkowski, the Campaign's leading data expert, had tracked voting returns in the swing States to analyze the campaign's odds of success.⁶⁶ Miller texted such updates on data from key States to Meadows.⁶⁷ The Trump Campaign's data did not add up to victory. Oczkowski “delivered to the President in pretty blunt terms that he was going to lose”



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the election.⁶⁸ There were not enough outstanding votes in the battleground States for President Trump to overcome Biden's lead. President Trump disagreed and insisted that he would still prevail through legal challenges.⁶⁹

But the data did not lie.

On November 7th, the *Associated Press* called Pennsylvania and the overall presidential election for former Vice President Biden.⁷⁰ At that point, a small team of the President's campaign advisors including Stepien met with the President and told him that his path to victory was virtually non-existent.⁷¹ The campaign team conveyed to the President that his chance of success was only "5, maybe 10 percent," which Stepien explained to the Committee was a "very, very, very bleak" assessment.⁷²

In retrospect, the campaign's estimate of a 5 to 10 percent chance of winning, as of November 7th, was far *too optimistic*. In one of the most favorable possible scenarios, for example, President Trump and his team would need to win recounts in Arizona and Georgia, while also prevailing in litigation challenging absentee or vote by mail ballots in Wisconsin, or possibly Michigan or Pennsylvania.⁷³ But the election wasn't even close enough to trigger automatic recounts in Arizona or Georgia.

The narrowest margin of total votes between the two candidates was in Arizona, where former Vice President Biden won by more than 10,000 votes. This may seem like a small number of votes, but it was more than enough to avoid an automatic recount. As Benjamin Ginsberg, a longtime Republican elections lawyer, explained to the Select Committee, “the 2020 election was not close.”⁷⁴ Previous campaigns had successfully challenged vote differentials in the hundreds—not thousands—of votes.⁷⁵ Ginsberg explained, “you just don’t make up those sorts of numbers in recounts.”⁷⁶ Georgia performed a hand recount of all the ballots anyway, confirming within weeks of the election that Biden had won the State.⁷⁷ Also, by January 6th, Arizona and New Mexico had conducted statutory post-election audits of voting machines or randomly-selected, representative samples of ballots at the State- or county-level that affirmed the accuracy of their election results.⁷⁸

Chris Stirewalt, who led the elections desk at Fox News at the time, concurred with Ginsberg’s analysis. Asked what President Trump’s odds of victory were as of November 7th, Stirewalt replied: “None.”⁷⁹

Meanwhile, the Trump Campaign continued to crunch the numbers. On the morning of November 12th, Oczkowski circulated among top campaign advisors a presentation describing what happened in each of the battleground States the campaign was monitoring.⁸⁰ This analysis by the data team examined the turnout and margins on a county-by-county basis in a dozen States while also analyzing demographic changes that impacted the results.⁸¹ Among the States were Arizona, Georgia, Michigan, Pennsylvania, Nevada, and Wisconsin.⁸² Oczkowski’s team determined that President Trump lost each of those six States because Biden had performed better than President Trump in certain areas like population centers or suburbs.⁸³ Yet, in the weeks that followed, President Trump and his new legal team—the “clown car”—went to great lengths to challenge the results of the election in these six states, spreading multiple conspiracy theories.

The voting data told a clear story: President Trump lost. But, regardless of the facts, the President had no intention of conceding defeat.

On election night, President Trump and Rudy Giuliani agreed that the President should just declare victory—even though he had no basis for doing so. Giuliani also told the Select Committee that President Trump asked him on November 4th to take over his campaign’s legal operation.⁸⁴ Giuliani thought the only way that it would work would be for the President to call the existing campaign team to announce Giuliani’s takeover because, in Giuliani’s words, “they are going to be extraordinarily resentful, because they don’t like me already, and I don’t trust them.”⁸⁵ He said that the President agreed.⁸⁶

Although Giuliani wouldn't assume leadership of the Campaign's legal operations until mid-November, the former New York City mayor quickly began to butt heads with "Team Normal."

On November 6th, Giuliani and his team met with the Trump Campaign's leadership at its headquarters in Arlington, Virginia.⁸⁷

"Team Normal" was not impressed. Stepien told the Select Committee the campaign team was concerned that Giuliani would be a distraction to them and to President Trump.⁸⁸ When Giuliani suggested traveling to Pennsylvania to assist in the campaign's efforts, the campaign team "didn't dissuade him from doing so."⁸⁹ After just 10 to 15 minutes in the conference room, Stepien and other staffers left the meeting.⁹⁰

That same day, President Trump discussed the Campaign's legal strategy in the Oval Office with Giuliani, Clark, and Matt Morgan, the Trump Campaign's General Counsel.⁹¹ Prior to the election, Morgan was responsible for the Campaign's litigation strategy.⁹² Morgan and his team filed lawsuits challenging the changes States made to voting practices during the coronavirus pandemic.⁹³ Morgan also studied previous elections to determine the types of cases that were likely to succeed.⁹⁴ Clark described how the Campaign's original legal strategy was based on his general theory for election cases: "to look at what do you think, what do you know, and what can you prove" and then determine which cases to file from there.⁹⁵

Giuliani had other ideas and advocated to President Trump that he be put in charge of the Campaign's legal operation so that he could pursue his preferred strategy.⁹⁶ "Mr. Giuliani didn't seem bound by those cases or by those precedents. He felt he could press forward on anything that he thought was wrong with the election and bring a strategy around that," Morgan explained.⁹⁷ "Rudy was just chasing ghosts," Clark said.⁹⁸ Morgan and Clark excused themselves from the meeting because it "was going nowhere."⁹⁹

The next day, November 7th, Giuliani held a press conference at Four Seasons Total Landscaping in Philadelphia, Pennsylvania. He immediately began making outlandish claims, arguing that the Democrats had conspired to steal the election. "As you know from the very beginning, mail-in ballots were a source of some degree of skepticism, if not a lot of skepticism, as being innately prone to fraud," Giuliani said. "Those mail-in ballots could have been written the day before by the Democratic Party hacks that were all over the Convention Center."¹⁰⁰ Giuliani offered no evidence to support his shocking and baseless allegation. Echoes of President Trump's relentless campaign against mail-in balloting, and his decision to exploit the Red Mirage, were easy to hear.



Photo by Chris McGrath/Getty Images

On November 10th, Giuliani and Kerik met with President Trump in the Oval Office to discuss their investigation into voter fraud. White House Counsel Pat Cipollone and White House Senior Advisor Eric Herschmann were also in attendance. After Giuliani's presentation, President Trump asked Cipollone whether he had spoken to Attorney General Barr about the allegations of fraud.¹⁰¹ One day before, Barr had issued a memorandum outlining a shift in DOJ policy that allowed Federal prosecutors to investigate claims of voting irregularities without waiting for the results to be certified.¹⁰² President Trump's question was an early indication that he was going to pressure the DOJ to endorse his phony fraud claims.

Days later, Giuliani and Justin Clark engaged in a screaming match during a meeting in the Oval Office.¹⁰³ Giuliani was urging President Trump to file a lawsuit in Georgia, but Clark pointed out that a hand recount was already being conducted and argued it was better to wait.¹⁰⁴ Giuliani told President Trump that Clark was lying to him.¹⁰⁵ A formal changing of the guard would follow.

On November 14th, President Trump announced on Twitter that Giuliani was now the head of his campaign's legal team.¹⁰⁶ "Team Normal" saw drastic changes to their roles on the newly-structured campaign

team—some self-imposed—and many outside law firms that had signed up to support the campaign’s legal efforts disengaged completely.¹⁰⁷

“I didn’t think what was happening was necessarily honest or professional at that point in time,” Stepien explained. “This wasn’t a fight that I was comfortable with,” he added.¹⁰⁸

On the day the leadership change was announced, Giuliani participated in a “surrogate” briefing to coordinate messaging by Trump loyalists during their media appearances.¹⁰⁹ Giuliani announced that the messaging strategy should be “to go hard on Dominion/Smartmatic, bringing up Chavez and Maduro.”¹¹⁰ Giuliani claimed that additional lawsuits would soon be filed “to invalidate upwards of 1M ballots.”¹¹¹

Consistent with the messaging advanced by the new campaign team, President Trump in mid-November remained dug-in, still refusing to concede defeat. President Trump continued to insist that he was cheated out of victory, endorsing one wild conspiracy theory after another to deny the simple fact that he lost.

1.7 PRESIDENT TRUMP HAD HIS DAY IN COURT

“We’ve proven” the election was stolen, but “no judge, including the Supreme Court of the United States, has had the courage to allow it to be heard.”¹¹² That was how President Trump described efforts to overturn the election in court one day before the electoral college met on December 14, 2020. That was false.

Judges across the nation *did* evaluate President Trump’s claims that the election was stolen. As longtime Republican election attorney Benjamin Ginsberg testified before the Select Committee, the President’s camp “did have their day in court,” it’s just that “in no instance did a court find that the charges of fraud were real.”¹¹³ In total, the Trump Campaign and allies of President Trump filed 62 separate lawsuits between November 4, 2020, and January 6, 2021, calling into question or seeking to overturn the election results.¹¹⁴ Out of 62 cases, only one case resulted in a victory for the President Trump or his allies, which affected relatively few votes, did not vindicate any underlying claims of fraud, and would not have changed the outcome in Pennsylvania.¹¹⁵ Thirty of the cases were dismissed by a judge *after* a hearing on the merits.¹¹⁶

In every State in which claims were brought, one or more judges specifically explained as part of their dismissal orders that they had evaluated the plaintiffs’ allegations or supposed proof of widespread election fraud or other irregularities, and found the claims to be entirely unconvincing. In

62 CASES

- 9** states and D.C. are the sites of case filings between November 4, 2020 and January 6, 2021
- 61** losses, 1 win
- 22** judges appointed by Republican presidents oversaw cases
- 10** Trump appointed judges
- 3** All three Trump appointed Supreme Court justices rejected the fraud claims

Arizona, for example, the plaintiffs in *Bowyer v. Ducey* alleged that the election was tainted by the introduction of “hundreds of thousands of illegal, ineligible, duplicate or purely fictitious ballots.”¹¹⁷ A Federal judge dismissed their suit, finding it “void of plausible allegations” and “sorely wanting of relevant or reliable evidence.”¹¹⁸ Likewise, in *Ward v. Jackson*, an Arizona State-court judge dismissed a lawsuit by the State GOP chair following a two-day trial, finding no evidence of misconduct, fraud, or illegal votes.¹¹⁹ This ruling was unanimously upheld by the State supreme court, where all seven justices were appointed by GOP governors.¹²⁰

In Georgia, a State court dismissed *Boland v. Raffensperger*, which alleged that tens of thousands of illegal ballots were cast by out-of-State voters or with invalid signature matches.¹²¹ The judge found that “the Complaint’s factual allegations... rest on speculation rather than duly pled facts” and “do not support... a conclusion that sufficient illegal votes were cast to change or place in doubt the result of the election.”¹²² The judge who issued this decision had been appointed by a Republican governor, as had seven of the eight justices of the State supreme court who upheld her ruling.¹²³ Likewise, a Federal judge denied relief to the plaintiff in *Wood v. Raffensperger*, which alleged that new procedures for checking absentee ballot signatures spoiled the result by making it harder to reject illegal ballots, finding “no basis in fact or law to grant him the relief he seeks.”¹²⁴

The judge wrote that “[t]his argument is belied by the record” because absentee ballots were actually rejected for signature issues at the same rate as in 2018.¹²⁵

In Michigan, a Federal judge found in *King v. Whitmer* that the plaintiffs’ claims of “massive election fraud” were based on “nothing but speculation and conjecture that votes for President Trump were destroyed, discarded or switched to votes for Vice President Biden...”¹²⁶ Similarly, a State-court judge rejected plaintiffs’ claims in two cases brought against Detroit and the surrounding county that accused them of systematic fraud in how absentee ballots were counted; the judge found that one group of plaintiffs “... offered no evidence to support their assertions,”¹²⁷ and that the other group’s “interpretation of events is incorrect” and “decidedly contradicted” by “highly-respected” election experts.¹²⁸

In Nevada, a State-court judge rejected a litany of claims of systematic election fraud in *Law v. Whitmer*, ruling that plaintiffs “did not prove under any standard of proof that illegal votes were cast and counted, or legal votes were not counted at all, due to voter fraud” or “for any other improper or illegal reason.”¹²⁹ The ruling was unanimously upheld by the Nevada Supreme Court.¹³⁰

In Pennsylvania, a Federal judge dismissed *Donald Trump for President v. Boockvar*, finding that the Trump Campaign had presented nothing but “strained legal arguments without merit and speculative accusations unpled in the operative complaint and unsupported by evidence.”¹³¹ The dismissal was upheld by the United States Court of Appeals for the Third Circuit, which held: “[C]alling an election unfair does not make it so. Charges require specific allegations and then proof. We have neither here.”¹³² That opinion was authored by another Trump appointee.¹³³

Lastly, in Wisconsin, another judge dismissed a lawsuit accusing the Wisconsin Elections Commission of “constitutional violations” that “likely tainted more than 50,000 ballots.”¹³⁴ The judge ruled: “This Court has allowed plaintiff the chance to make his case and he has lost on the merits,” failing to show that the outcome was affected by Commission rules about drop boxes, ballot addresses, or individuals who claimed “indefinitely confined” status to vote from home.¹³⁵ The ruling was upheld by a three-judge panel of the United States Court of Appeals for the Seventh Circuit, all of whom were Republican appointees, including one appointed by President Trump himself.¹³⁶

In all, the judges who heard these post-election cases included 22 Federal judges appointed by Republican presidents.¹³⁷

President Trump and his lawyers were well-aware that courts were consistently rejecting his claims. During a December 18th meeting in the

Oval Office with President Trump, Sidney Powell and others, White House Senior Advisor Eric Herschmann pointed out that President Trump's lawyers had their opportunity to prove their case in court, and failed. Powell fired back that "the judges are corrupt." Herschmann responded: "Every one? Every single case that you've done in the country you guys lost, every one of them is corrupt, even the ones we appointed?"¹³⁸

President Trump was faced with another choice after having his day in court. He could accept that there was no real evidence of voter fraud, or he could continue to amplify conspiracy theories and lies. He chose the latter.

1.8 PRESIDENT TRUMP REPEATEDLY PROMOTED CONSPIRACY THEORIES

Instead of accepting his defeat, President Trump attempted to justify his Big Lie with a series of increasingly preposterous claims. The President was not simply led astray by those around him. The opposite was true. He actively promoted conspiracy theories and false election fraud claims even after being informed they were baseless. Millions of President Trump's supporters believed the election was stolen from him. Many of them still do, but President Trump knew the truth and chose to lie about it.

The power of the President's bully pulpit should not be underestimated, especially in the digital age.¹³⁹ President Trump's relentless lying sowed seeds of distrust in America's election system. Researchers who studied this election-denial phenomenon have noted: "President Trump didn't just prime his audience to be receptive to false narratives of election fraud—he inspired them to produce those narratives and then echoed those false claims back to them."¹⁴⁰ Social media played a prominent role in amplifying erroneous claims of election fraud. Shortly after election day, the "Stop the Steal" campaign, discussed more fully in Chapter 6, went viral. "Stop the Steal" influencers echoed President Trump's premature declaration of victory, asserting that he won the election, the Democrats stole it from him, and it was the responsibility of American "patriots" to combat this supposed injustice.¹⁴¹

This resulted in what Attorney General Barr has described as an "avalanche" of false claims, as President Trump's supporters attempted to justify his "Big Lie."¹⁴² The post-election allegations of fraud or other malfeasance were "completely bogus," "silly" and "usually based on complete misinformation," Barr explained.¹⁴³ Nonetheless, many of President Trump's supporters wanted to believe them. The stolen election narrative has proven to be remarkably durable precisely because it is a matter of belief—not evidence, or reason. Each time a claim was debunked, more



Photo by Michael Ciaglo/Getty Images

claims emerged in its place. Barr later complained that this dynamic forced him and others to play “whack-a-mole.”¹⁴⁴

The United States Department of Justice, under Barr’s leadership and then Acting Attorney General Jeffrey Rosen, was forced to knock down one lie after another. As discussed in Chapter 4, Barr took unprecedented steps to investigate the “avalanche” of lies. Claims of election fraud were referred to United States Attorney’s offices and the FBI for investigation. Deputy Attorney General Richard Donoghue tracked dozens of investigations. None of them were found to have merit.¹⁴⁵ The top officials in President Trump’s Justice Department personally told the President that the claims he was promoting were false. But that did not matter to the President. As Barr told the Select Committee, President Trump never showed any “indication of interest in what the actual facts were.”¹⁴⁶

For example, on December 27th, Rosen and Donoghue spent approximately two hours on the phone with President Trump. They debunked a litany of claims regarding the election, explaining that each had been investigated and found to be baseless.¹⁴⁷ According to Donoghue, President Trump “had this arsenal of allegations that he wanted to rely on.” Donoghue thought it was necessary to explain to the President “based on actual investigations, actual witness interviews, actual reviews of documents, that

these allegations simply had no merit.” Donoghue wanted “to cut through the noise” and be “very blunt” with the President, making it clear “these allegations were simply not true.”¹⁴⁸

During their December 27th conversation with President Trump, Rosen and Donoghue rebutted false claims regarding: suitcases of ballots in Georgia, Dominion’s voting machines in Antrim County, a truckload of ballots in Pennsylvania, ballots being scanned multiple times, people voting more than once, dead people voting, Native Americans being paid to vote, and more votes than voters in particular jurisdictions.¹⁴⁹ As the officials debunked each claim, President Trump “would just roll on to another one.”¹⁵⁰ Donoghue told President Trump that Federal law enforcement officials had conducted dozens of investigations and hundreds of interviews, and they had concluded that the major allegations were not supported by the evidence developed.¹⁵¹ Donoghue and Rosen told President Trump “flat out” that “much of the information he [was] getting [was] false and/or just not supported by the evidence.”¹⁵² President Trump responded: “You guys may not be following the internet the way I do.”¹⁵³

The Department of Justice was not alone in trying to contain the President’s conspiracy-mongering. President Trump’s lies were often debunked in real-time by State authorities, judges, experts, journalists, Federal officials, and even members of his own legal team. As discussed above, the President’s campaign team found that there was no significant fraud in the election. So, the President pushed them aside. The courts rejected nearly every claim brought by the President’s legal team. Even though courts rejected the claims as speculative, unsupported and meritless, President Trump, Rudy Giuliani, and others continued to assert them as truth to Trump’s followers in speeches, tweets, and podcasts.¹⁵⁴

The burden of refuting the false claims made by President Trump and his surrogates often fell on State and local officials. For example, in Michigan, the Secretary of State’s office posted thorough and prompt responses to the claims of election fraud on a “Fact Check” page on its website.¹⁵⁵ In Georgia, the Secretary of State’s office issued news releases and held frequent press conferences in the weeks following the election to respond to claims of fraud.¹⁵⁶ County clerks in the contested States also spoke out publicly to refute allegations. Even as the President undermined the public’s confidence in how votes are cast and counted, these clerks assured voters that their elections were secure and they could have confidence in the results.¹⁵⁷ Outside experts also publicly denounced and dismantled the claims being raised and amplified by President Trump. This was done in the

context of litigation, congressional hearings, and press releases.¹⁵⁸ President Trump simply ignored these authoritative sources and continued to promote false claims that had been soundly discredited.

Below, the Select Committee presents two case studies demonstrating how President Trump and his surrogates lied in the face of overwhelming evidence. The first case study deals with Dominion Voting Systems. President Trump repeatedly claimed that Dominion's software "switched votes" and "rigged" the election well after the leaders of campaign and Justice Department officials told him that these claims were baseless. The President's smear of Dominion was central to his "Big Lie."

The second case study examines video footage recorded in Fulton County on election night. President Trump and his representatives concocted a fictional narrative based on a deceptively edited version of the footage. After these two case studies, the Select Committee examines a variety of other claims the President repeatedly made. Once again, these claims had no basis in truth.

DOMINION VOTING SYSTEMS

Between election day and January 6th, President Trump repeatedly spread conspiracy theories about Dominion voting machines. The President tweeted or retweeted false claims about Dominion more than 30 times.¹⁵⁹ He also repeatedly lied about the company's software during his post-election speeches and interviews.¹⁶⁰ President Trump's own campaign staff, administration officials, and State officials, all told him the claims had no merit. Hand recounts confirmed the fidelity of the machines. But none of this overwhelming evidence mattered. President Trump demonstrated a conscious disregard for the facts and continued to maliciously smear Dominion.

President Trump's allies began spreading false claims regarding Dominion within days of the election. On November 8th, the day after networks called the election for Joe Biden, Sidney Powell claimed on Fox News that Dominion machines "were flipping votes in the computer system or adding votes that did not exist."¹⁶¹ On November 12th, Rudy Giuliani appeared on Fox News to claim that Dominion was connected to Venezuelan dictator Hugo Chavez and its software was created "in order to fix elections."¹⁶² The same day, President Trump retweeted a "REPORT" claiming that Dominion had "DELETED 2.7 MILLION TRUMP VOTES NATIONWIDE" and switched hundreds of thousands of votes in key swing states.¹⁶³

By that time, the Trump Campaign team had looked into allegations regarding Dominion and its software and concluded that the claims were false. An internal campaign memo, dated November 12, said that Dominion's software "did not lead to improper vote counts" and cited reports

concluding that, among other things, Dominion machines “Did Not Affect The Final Vote Count.”¹⁶⁴ The memo also addressed various claims of foreign influence regarding Dominion.¹⁶⁵ Jason Miller told the Select Committee that by November 12th he had told President Trump the results of the analysis of the Dominion claims by the campaign’s internal research team, specifically telling him “that the international allegations for Dominion were not valid.”¹⁶⁶ Emails and text messages show that this same analysis was shared with Mark Meadows, President Trump’s chief of staff.¹⁶⁷ White House Press Secretary Kayleigh McEnany told the Select Committee that she found herself “waving [President Trump] off of the Dominion theory,” encouraging him to use more “fact-driven” arguments.¹⁶⁸ But it was to no avail.

Even though members of the Trump Campaign team reported that the result of the election was not compromised by any problems with Dominion machines, the President continued to assail Dominion on Twitter in the days that followed, for example retweeting a false claim that Dominion’s machines were “engineered by China, Venezuela, [and] Cuba” and claiming that Dominion had “[r]igged” the election.¹⁶⁹

Officials in the Trump administration also worked to debunk the false rumors about vote manipulation. The United States Department of Homeland Security’s Cybersecurity & Infrastructure Security Agency (CISA) released a joint statement of election security officials on November 12, reassuring voters that the election was “the most secure in American history.” CISA emphasized: “There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”¹⁷⁰

This was another decision point for the President. He could choose to endorse the findings of his administration’s own cyber security experts, or he could continue to promote baseless fictions about Dominion. President Trump chose the lies. The President and his supporters never did produce any evidence showing that Dominion’s machines affected the results of the election. But President Trump was undeterred by the facts. Indeed, the President and his supporters seized upon a simple human error in a small Michigan county as their initial pretense for these allegations as well as to keep the Dominion conspiracy theory alive.

During the early-morning hours of November 4th, Sheryl Guy, a clerk in Antrim County, Michigan, reported the *unofficial* results of the vote count.¹⁷¹ Guy’s online report was odd. It showed that former Vice President Biden had somehow won Antrim, a county that is majority-Republican and President Trump was expected to easily win. Trump’s supporters quickly pointed to Biden’s improbable win as evidence that Dominion had tampered with the votes.¹⁷² That wasn’t true. Guy had made a mistake in updating the

election counting software after a late addition of a local candidate to the ballot in some of the county's precincts, which caused her unofficial counts to be off when she tallied the votes reported by the various precincts.¹⁷³ Guy, a Republican, was informed of the odd result and began to investigate immediately. The result was corrected, and President Trump won Antrim just as was expected.¹⁷⁴

Within days, local and State officials in Michigan explained to the public what had happened. On November 7th, the Michigan Secretary of State's office issued a detailed description of Guy's error and assured the public that the *official* results were not impacted.¹⁷⁵ The Michigan Senate's Committee on Oversight, led by Republican Senator Ed McBroom, conducted its own comprehensive review of the claims related to Antrim County and confirmed that the initial reporting error was entirely attributable to an honest mistake by the county clerk.¹⁷⁶

The mix-up in Antrim County was quickly corrected. A human erred—not the voting machines. But President Trump used it as a pretext to continue lying about Dominion.

On November 12th, the same day CISA released its statement on election security, President Trump asked Tim Walberg, a Republican Congressman from Michigan, to “check with key leadership in Michigan’s Legislature as to how supportive they could be in regards to pushing back on election irregularities and potential fraud.”¹⁷⁷ That night, President Trump asked his Acting Secretary of Homeland Security, Chad Wolf, to look into allegations of election irregularities in Michigan.¹⁷⁸ The next day, President Trump’s assistant sent Wolf a letter from Michigan State legislators raising claims about the election, including an incorrect claim that flawed Dominion software had caused votes to be counted for the wrong candidate.¹⁷⁹

Administration officials quickly knocked down the Dominion claim. Wolf forwarded the allegations to the leadership of CISA, including CISA Director Christopher Krebs.¹⁸⁰ Krebs provided Wolf with a press release from the Michigan Secretary of State that debunked the false claim about Antrim County and Dominion’s software in detail.¹⁸¹ Wolf shared an update about the information he received from Krebs with White House Chief of Staff Mark Meadows.¹⁸²

On November 17th, Krebs tweeted out a statement issued by the nation’s leading election scientists that dismissed claims that election systems had been manipulated as either “unsubstantiated” or “technically incoherent.”¹⁸³ President Trump fired Krebs that same day.¹⁸⁴ President Trump claimed the statement released by Krebs was “highly inaccurate, in that there were massive improprieties and fraud.”¹⁸⁵ The President had no evidence for his claim.

On November 19th, Rudy Giuliani, Sidney Powell, and Jenna Ellis held a press conference at the Republican National Committee (RNC) headquarters in Washington, DC. Powell asserted that there was “massive influence of communist money through Venezuela, Cuba, and likely China in the interference with our elections here in the United States.”¹⁸⁶ She pointed a finger at Dominion, claiming its software was “created in Venezuela at the direction of Hugo Chavez to make sure he never lost an election,” and Giuliani echoed her claims.¹⁸⁷

Hope Hicks told the Select Committee how that press conference was received in the White House. The day after the press conference, President Trump spoke by phone with Sidney Powell from the Oval Office. During the call, Powell repeated the same claims of foreign interference in the election she had made at the press conference. While she was speaking, the President muted his speakerphone and laughed at Powell, telling the others in the room, “This does sound crazy, doesn’t it?”¹⁸⁸

A few days later, the Trump Campaign issued a statement claiming Powell was not part of the Trump Campaign’s legal team.¹⁸⁹ But Powell’s outlandish claims were no different from those President Trump was making himself. On November 19th, the same day as Powell’s appearance at the RNC, President Trump tweeted and retweeted a link to a segment on One America News Network (OAN) that was captioned, “Dominion-izing the Vote.”¹⁹⁰ The segment claimed that Dominion had switched votes from Trump to Biden. OAN featured a supposed cyber expert, Ron Watkins, a key figure in the QAnon conspiracy movement.¹⁹¹ On his own Twitter account, Watkins celebrated and thanked his supporters just minutes after President Trump tweeted the clip, and President Trump went on to share the clip again several times in the days that followed.¹⁹²

Officials inside the Trump administration continued to debunk the Dominion conspiracy theory, including during in-person meetings with President Trump. Attorney General Bill Barr met with President Trump face-to-face on three occasions after the election.¹⁹³ Barr told the Select Committee, “every time I was with the President, I raised the machines as sort of Exhibit A of how irresponsible this was.”¹⁹⁴ During the first of these meetings, on November 23rd, Barr explained to the President that the conspiracy theory about Dominion’s voting machines had “zero basis,” and was “one of the most disturbing allegations.” Barr stressed that this was “crazy stuff” and was poisoning Americans’ confidence in the voting system for no reason. This “complete nonsense” was “doing [a] great, great disservice to the country,” Barr said.¹⁹⁵

President Trump ignored Barr’s grave concerns. On November 29th, President Trump was interviewed by Fox News’ Maria Bartiromo. It was the

President's first interview since he lost his bid for reelection. He claimed the election was "rigged" and rife with "theft" and "a total fraud."¹⁹⁶ He repeated various conspiracy theories, leading with the claim that Dominion's voting machines had "glitches," which he alleged moved "thousands of votes from my account to Biden's account."¹⁹⁷ He claimed that there had been "big, massive dumps" of votes—a reference to the Red Mirage.¹⁹⁸ He rambled off various other, spurious allegations, including that dead people voted in significant numbers.¹⁹⁹ None of it was true.

On December 1st, Attorney General Barr met again with President Trump and told him that "the stuff his people were shoveling out to the public was bullshit."²⁰⁰ Attorney General Barr specifically told President Trump that the claims about Dominion voting machines were "idiotic claims."²⁰¹ President Trump was still not dissuaded from continuing the lie. The day after his meeting with the Attorney General, President Trump released a video in which he repeated several claims of election fraud, including a claim that "votes had been wrongly switched from Trump to Biden" using Dominion voting machines.²⁰²

By early-December, courts had assessed and rejected claims that Dominion machines were manipulated to affect the outcome of the 2020 election. In Michigan, a Federal judge found that claims, including those related to fraud due to the use of Dominion voting machines, were based on "nothing but speculation and conjecture that votes were destroyed, discarded or switched..."²⁰³ In Arizona, a Federal judge dismissed claims that Dominion machines had deleted, switched, or changed votes.²⁰⁴ But President Trump and his supporters refused to accept denunciations of the fabricated Dominion claims.

Through December, President Trump and his legal team tried to echo the Dominion conspiracy theory by claiming to have found evidence that votes were switched in Antrim County. The clerk's unintentional error was fixed weeks earlier and there was no evidence showing that Dominion had altered the vote tally in Antrim, or anywhere else.²⁰⁵ But President Trump's legal team used a case challenging a local marijuana ordinance that had passed by one vote to gain access to Dominion's voting machines. An Antrim County judge issued an order granting the plaintiff's experts access to the county's computer, Dominion voting machines, thumb drives and memory cards.²⁰⁶ Although the purpose of the order was to allow the plaintiff to seek evidence related to his ordinance challenge, it soon became clear that President Trump's legal team was behind the effort.²⁰⁷

An organization named Allied Security Operations Group ("ASOG"), led by Russell Ramsland, conducted an analysis of Antrim County's voting machines and related systems. On December 13th, ASOG released a report

on its findings. The inspection yielded no evidence of vote manipulation. Still, the report included an unsubstantiated assertion that the Dominion voting machines used in Antrim County and throughout Michigan were “purposefully designed with inherent error to create systemic fraud and influence election results” and that a malicious algorithm was used to manipulate the results of the 2020 election.²⁰⁸ Documents obtained by the Select Committee show that President Trump and Vice President Mike Pence were briefed on ASOG’s findings by Giuliani’s team.²⁰⁹ On December 14th, President Trump widely disseminated the ASOG report and accompanying talking points prepared by Giuliani’s team.²¹⁰ He also trumpeted the report on Twitter, writing on December 14th: “WOW. This report shows massive fraud. Election changing result!”²¹¹

During a meeting with Attorney General Bill Barr that day, President Trump claimed the ASOG report was “absolute proof that the Dominion machines were rigged” and meant he was “going to have a second term.”²¹² Barr told the Select Committee that he believed the ASOG report was “very amateurish,” its authors lacked “any real qualifications,” and it failed to provide any supporting information for its sweeping conclusions about Dominion.²¹³ Barr told President Trump he would look into the report, but that the DOJ already had a good idea of what happened in Antrim County and it was human error, not a problem with the machines.²¹⁴ In any event, Barr promised President Trump they would have a definitive answer within a couple of days because a hand recount was being conducted.²¹⁵

In the ensuing days, as Barr predicted, the ASOG report was swiftly and soundly criticized by experts within and outside the Trump Administration, including the Department of Justice and the Department of Homeland Security.²¹⁶ The initial analysis of election security experts at the Department of Homeland Security was that the ASOG report was “false and misleading” and “demonstrates a callous misunderstanding of the actual current voting certification process.”²¹⁷ Subsequent analyses of the ASOG report and the underlying data from Antrim County were even more critical.²¹⁸ These thorough assessments of the Antrim County data and the ASOG report demonstrate that virtually every one of the claims that President Trump and his surrogates made about the report was false.²¹⁹ ASOG’s inspection did not reveal any malicious software or algorithms or any other evidence that the voting machines had been compromised.²²⁰

Most importantly, as Attorney General Barr had promised President Trump, within days of the release of the ASOG report, a full hand recount of every ballot cast in Antrim County confirmed the results reported by the Dominion machines and refuted ASOG’s assertion that an algorithm has

manipulated the vote count.²²¹ Giuliani's chief investigator, Bernie Kerik, acknowledged that his team was not able to find any proof that a Dominion voting machine improperly switched, deleted, or injected votes during the 2020 election.²²²

President Trump was not swayed by these basic facts. The President continued to promote the ASOG report, hounding DOJ to investigate the matter further. He returned to ASOG's claims during a December 27th call with Acting Attorney General Rosen and Acting Deputy Attorney General Donoghue, citing the report's claimed error rate of 68 percent in Antrim County. Donoghue pointed out to the President that the difference between the computer and hand count was only one vote and that he "cannot and should not be relying on" ASOG's fraudulent claim, because it was simply "not true."²²³

President Trump's fixation on Dominion's voting machines and the baseless theory that the machines had manipulated votes led to a concerted effort to gain access to voting machines in States where President Trump was claiming election fraud. On the evening of December 18th, Powell, Lt. Gen. Michael Flynn (ret.) and Patrick Byrne met with the President at the White House. Over several hours, they argued that President Trump had the authority, under a 2018 executive order, to seize voting machines. Several administration officials joined the meeting and forcefully rejected this extreme proposal.²²⁴ Multiple lawyers in the White House, including Eric Herschmann, Derek Lyons, and White House Counsel Pat Cipollone "pushed back strongly" against the idea of seizing voting machines. Cipollone told the Select Committee it was a "horrible idea," which had "no legal basis,"²²⁵ and he emphasized that he had "seen no evidence of massive fraud in the election."²²⁶ White House advisor Eric Herschmann similarly told the Select Committee that he "never saw any evidence whatsoever" to sustain the allegations against Dominion.²²⁷ National Security Adviser Robert O'Brien phoned into the December 18th meeting and was asked if he had seen "any evidence of election fraud in the voting machines or foreign interference in our voting machines." O'Brien responded that his team had "looked into that, and there's no evidence of it."²²⁸

Around the same time, President Trump, Mark Meadows, and Rudy Giuliani were repeatedly asking the leadership of DHS whether the agency had authority to seize voting machines, and they were repeatedly told that DHS has no such unilateral authority.²²⁹ Giuliani and Powell were also engaged in efforts to access voting machines in multiple States with the assistance of sympathetic local election officials.²³⁰ Those efforts turned up no evidence of any vote manipulation by any Dominion machine, but President Trump continued to press this bogus claim.

On January 2, 2021, President Trump had a lengthy phone call with Georgia Secretary of State Brad Raffensperger. The President repeatedly brought up Dominion's voting machines, alleging that they were at the heart of a conspiracy against him.²³¹ Raffensperger was incredulous. "I don't believe that you're really questioning the Dominion machines," Raffensperger said. "Because we did a hand re-tally, a 100 percent re-tally of all the ballots, and compared them to what the machines said and came up with virtually the same result. Then we did the recount, and we got virtually the same result."²³² In other words, the story in Georgia was the same as the story in Antrim County, Michigan: Officials performed a hand recount to put to rest any allegations that Dominion's machines had manipulated the vote. But once again, President Trump consciously disregarded these basic facts and persisted with his lies.

During a January 4, 2021, speech in Dalton, Georgia, President Trump chose to ignore Secretary Raffensperger's straightforward observations. The President rhetorically attacked Dominion once again, claiming that a "crime" had been "committed in this state" and it was "immeasurable."²³³ The President called for an "immediate forensic audit of an appropriate sampling of Dominion's voting machines and related equipment."²³⁴ His allegations were both false and nonsensical. Georgia had already performed a statewide hand recount of all ballots.

President Trump and his allies have never provided any evidence showing that Dominion's voting software altered votes in the 2020 presidential election. In fact, some of the most vocal proponents of the Dominion claims harbored their own misgivings about the claims they were making in public. For example, Rudy Giuliani repeatedly claimed in public that Dominion voting machines stole the election, and that foreign countries had interfered in the election, but the evidence uncovered by the Select Committee reveals that he did not believe either of those things to be true. Giuliani testified that he did not believe that voting machines stole the election.²³⁵ He also acknowledged that he had seen no evidence that foreign countries had interfered in the election or manipulated votes.²³⁶

This testimony is consistent with his lead investigator Bernie Kerik's acknowledgment that he had not come across proof that voting machines were used to switch, delete, or inject votes improperly.²³⁷ Christina Bobb, an attorney who worked with Giuliani, similarly could not point to any evidence of wrongdoing by Dominion.²³⁸ Even Sidney Powell, perhaps the most committed proponent of the Dominion falsehoods, was unable to provide the Select Committee with any evidence or expert report that demonstrated that the 2020 election outcome in any State had been altered through manipulation of voting machines.²³⁹ And Powell defended herself

in a defamation suit brought by Dominion by claiming that “no reasonable person would conclude that her statements were truly statements of fact.”²⁴⁰

By January 6, 2021, President Trump’s claims regarding Dominion had been debunked time and again. The President knew, or should have known, that he had no basis for alleging that Dominion’s voting machines had cost him the election.

THE STATE FARM ARENA VIDEO

President Trump also recklessly promoted allegations that video footage from a ballot counting center in Fulton County, Georgia, was proof of major election fraud. He was repeatedly informed that these allegations were false, but he pressed them anyway.

On December 3rd, Rudy Giuliani presented State legislators with selectively edited footage of ballots being counted on Election Night at Fulton County’s State Farm Arena.²⁴¹ Giuliani misrepresented the video as “a smoking gun” proving election fraud.²⁴² The President repeatedly claimed that he would have won Georgia, if not for a supposed conspiracy that unfolded on election night. President Trump and some of his supporters alleged that political operatives faked a water main rupture to expel Republican poll watchers.²⁴³ These same operatives then supposedly took illegal ballots from suitcases hidden under tables and added those ballots to the official count multiple times over by scanning them more than once.²⁴⁴ Not one of these allegations was true.

In a speech on December 5th, President Trump made the false claim about the State Farm Arena and claimed that “if you just take the crime of what those Democrat workers were doing... [t]hat’s 10 times more than I need to win this state.”²⁴⁵ During a December 22nd speech, he played the same deceptive footage presented by Giuliani several weeks earlier.²⁴⁶ President Trump also repeatedly scapegoated one of these Fulton County election workers during his January 2nd phone call with Georgia’s Secretary of State, repeatedly referencing her by name and calling her “a professional vote scammer and hustler.”²⁴⁷ It was a malicious smear.

President Trump was directly notified *at least* four different times that the allegations he was making were false. On December 15th, then-Deputy Attorney General Jeffrey Rosen told him: “It wasn’t a suitcase. It was a bin. That’s what they use when they’re counting ballots. It’s benign.”²⁴⁸ Rosen’s deputy, Richard Donoghue, also debunked this claim, including on a phone call on December 27th and in a meeting in the Oval Office on December 31st: “I told the President myself... several times, in several conversations, that these allegations about ballots being smuggled in in a

suitcase and run through the machines several times, it was not true, that we had looked at it, we looked at the video, we interviewed the witnesses, and it was not true.”²⁴⁹

Likewise, Georgia Secretary of State Brad Raffensperger told President Trump that his allegations about the video were false. During his January 2nd call with the President, Raffensperger explained that Giuliani’s team “sliced and diced that video and took it out of context” and that “the events that transpired are nowhere near what was projected” once one looks at more complete footage.²⁵⁰ Raffensperger also explained to the President that his team “did an audit of that, and we proved conclusively that they were not scanned three times.”²⁵¹ Yet, when Raffensperger said he would send President Trump a link to the television segment, the President refused: “I don’t care about the link. I don’t need it.”²⁵²

The actual evidence contradicted all of President Trump’s claims about what the Fulton County video depicted. For example, the chief investigator for Raffensperger’s office explained in a December 6th court filing that “there were no mystery ballots that were brought in from an unknown location and hidden under tables...”²⁵³ As the investigator noted, the security footage showed there was nothing under the table when it was brought into the room. Hours later, with reporters and observers present, the “video shows ballots that had already been opened but not counted placed in the boxes, sealed up, [and] stored under the table.”²⁵⁴ This finding was affirmed by the FBI, DOJ, and the Georgia Bureau of Investigation, which interviewed witnesses and reviewed the full video footage and machine data from the site.²⁵⁵

The ballots in question were not double counted. This was confirmed by a full hand recount in November, as well as a subsequent review by investigators.²⁵⁶ They found that although one of the workers was shown in the video scanning certain batches multiple times, this was for a valid reason: her scanner kept jamming. The investigators confirmed from scanner logs, as well as the footage, that she only hit the “accept” button once per batch.²⁵⁷ Investigators also found that staff likely did not tell the observers to leave, let alone forcefully eject them from the facility.²⁵⁸

Despite this conclusive evidence and testimony, President Trump continued to point to the Fulton County video as evidence of a grand conspiracy. On January 5th, for instance, President Trump’s executive assistant emailed a document “from POTUS” to Senator Josh Hawley (R-MO), Senator Ted Cruz (R-TX), and Representative Jim Jordan (R-OH) that cited “Suitcase Gate” among the “worst fraud incidents” in Georgia.²⁵⁹

During his January 6th speech, President Trump told the crowd that “in Fulton County, Republican poll watchers were ejected, in some cases, physically from the room under the false pretense of a pipe burst.” The President continued:

... then election officials pull boxes, Democrats, and suitcases of ballots out from under a table. You all saw it on television, totally fraudulent. And illegally scanned them for nearly two hours, totally unsupervised. Tens of thousands of votes. This act coincided with a mysterious vote dump of up to 100,000 votes for Joe Biden, almost none for Donald Trump.²⁶⁰

No part of President Trump’s story was true. He had already been informed that it was false.

In June 2021, when Giuliani’s law license was revoked by a New York State appellate court, the court’s ruling cited his statements about supposed suitcases of ballots in Georgia as one of its reasons for doing so. “If, as respondent claims, he reviewed the entire video, he could not have reasonably reached a conclusion that illegal votes were being counted,” the court’s ruling reads.²⁶¹

President Trump’s conspiracy-mongering endangered innocent public servants around the country, including in Fulton County. For example, during a December 10, 2020, appearance in Georgia, Giuliani falsely accused Ruby Freeman and Shaye Moss, two Black public servants shown in the Fulton County video, of “surreptitiously passing around USB ports as if they’re vials of heroin or cocaine.”²⁶² In fact, Moss had been given a ginger mint by her mother, Freeman.²⁶³ As described in Chapter 2, baseless accusations like these forever changed the lives of election workers like Freeman and Moss. All in service of President Trump’s Big Lie.

THE FAKE BALLOT MYTH

The Trump Campaign’s distortion of the State Farm Arena video is just one example of the “fake ballots” lie. President Trump frequently claimed that “fake ballots” for Biden were injected into the vote-counting process. To hear the President tell it, there were truckloads of ballots delivered in the middle of the night to vote-counting centers and millions more votes were cast than there were registered voters. Judges, Trump administration officials, State authorities, and independent election experts found each iteration of the “fake ballot” claim to be just that: fake. The Trump Campaign and its surrogates brought nine cases that raised some version of a “fake ballots” claim. Every one of those cases was promptly dismissed.²⁶⁴ For example, in *Costantino v. City of Detroit*, a Michigan court ruled that the plaintiff’s claims regarding forged, backdated and double-counted votes in

Detroit were “incorrect and not credible” and “rife with speculation and guess-work about sinister motives.”²⁶⁵

Many of the fake ballot claims were publicly raised and repeated by President Trump, but never included in any lawsuit. For example, a truck driver for the U.S. Postal Service claimed that he delivered hundreds of thousands of completed ballots from Bethpage, New York to Lancaster, Pennsylvania.²⁶⁶ President Trump repeated this allegation numerous times.²⁶⁷ The DOJ and FBI interviewed the relevant witnesses, including the truck driver, and reviewed the loading manifests. They determined that the allegation was not true.²⁶⁸ Both Attorney General Barr and his successor, Jeffrey Rosen, told President Trump this claim was false. But that didn’t stop the President from repeating it.

Another alleged “truckload of ballots” was supposedly delivered to the Detroit counting center at 4:30 a.m. on election night. This truck allegedly carried 100,000 ballots in garbage cans, wastepaper bins, cardboard boxes, and shopping baskets.²⁶⁹ A widely circulated video purportedly showed an unmarked van dropping off ballots, which were then wheeled into the counting center on a wagon.²⁷⁰ In fact, the only ballot delivery in Detroit after midnight on election night was an official delivery of 16,000 ballots, stacked in 45 well-organized trays of approximately 350 ballots each.²⁷¹ The wagon depicted in the video contained camera equipment being pulled by a reporter.²⁷² The claim of 100,000 fake ballots being smuggled into the counting center in the middle of the night is even more ridiculous in light of the fact that only 174,384 absent voter ballots were recorded in the City of Detroit in the 2020 election.²⁷³ The addition of 100,000 fake ballots to approximately 74,000 legitimate ballots would certainly have been obvious to election officials.²⁷⁴

President Trump also repeatedly claimed that more votes were cast than there were registered voters in certain States, cities, or precincts. It was easy to fact-check these allegations and demonstrate they were false.

For example, in Pennsylvania, approximately nine million people were registered to vote and approximately 6.8 million votes were cast in the 2020 presidential election.²⁷⁵ Nevertheless, President Trump and his allies made numerous “more votes than voters” claims in Pennsylvania. Citing 2020 mail-in voting data tweeted by Pennsylvania State Senator Doug Mastriano, President Trump claimed that 1.1 million ballots had been “created” and counted improperly.²⁷⁶ In fact, there was no discrepancy in the actual numbers—Mastriano erroneously compared the 2.6 million mail-in ballots cast in the November general election to the 1.5 million ballots that were returned in the June primary election.²⁷⁷

President Trump also promoted a false claim by a different Pennsylvania legislator that Pennsylvania had 205,000 more votes than voters.²⁷⁸ This claim was based on a flawed comparison by State Representative Frank Ryan of the votes recorded by State election authorities as having been cast and those reflected in a separate State registry.²⁷⁹ In fact, the discrepancy was a result of some counties not yet uploading their official results to the registry.²⁸⁰ In late-December 2020, Acting Deputy Attorney General Donoghue told President Trump that this allegation was baseless.²⁸¹ President Trump kept repeating it anyway.²⁸²

The President and his surrogates made similar false claims concerning excess votes in Michigan. Many of those claims originated with a grossly inaccurate affidavit submitted by Russell Ramsland, the person behind the “very amateurish” and “false and misleading” ASOG report regarding Dominion voting machines in Antrim County.²⁸³ Ramsland claimed in a similar affidavit filed in Federal court in Georgia that 3,276 precincts in Michigan had turnout of between 84% and 350%, with 19 precincts reporting turnout in excess of 100%.²⁸⁴ Ramsland’s affidavit was widely ridiculed, in part, because he relied on data for dozens of precincts that are located in Minnesota, not Michigan.²⁸⁵ Even after he corrected his affidavit to remove the Minnesota townships, his Michigan data remained wildly off-base.²⁸⁶

THE “MULTIPLE COUNTING OF BALLOTS” FICTION

The President and his surrogates repeatedly claimed that ballots for former Vice President Biden were counted multiple times.²⁸⁷ These claims originated when some noticed election officials re-running stacks of ballots through counting machines. But the allegation is based on a fundamental misunderstanding of the vote-counting process—it is routine and appropriate for election officials to re-scan ballots if they are not properly scanned and tabulated in the initial effort. In *Costantino v. City of Detroit*, the court rejected the “incorrect and not credible” affidavits speculating that ballots were run through scanners and counted multiple times in favor of the “more accurate and persuasive explanation of activity” put forward by the “highly-respected” election official with 40 years of experience.²⁸⁸

As with other misguided claims of election fraud, the claim that ballots were counted multiple times disregards the safeguards in the voting process. In particular, as noted above, it would certainly have been apparent in the canvassing process if hundreds of ballots were counted multiple times in Detroit because the total number of ballots would greatly exceed the number of voters who voted. But that was not the case.

THE IMAGINARY “DEAD” AND “INELIGIBLE” VOTERS

In addition to their false claims regarding fake ballots, President Trump and his surrogates also relentlessly asserted that tens of thousands of ballots were cast by dead or otherwise ineligible voters. For example, President Trump and Giuliani frequently alleged that more than 66,000 unregistered juveniles voted in Georgia.²⁸⁹ In fact, no underage people voted in Georgia.²⁹⁰ Giuliani offered several different made-up figures of the number of non-citizens who supposedly voted in Arizona, but provided no evidence to substantiate his claims.²⁹¹ In fact, Arizona requires every new voter to provide proof of citizenship in order to register to vote—or to complete a Federal voter registration form that requires the individual to sign an attestation to citizenship status under penalty of perjury—and no person can vote without being registered.²⁹² By mid-November, Trump Campaign staff determined this allegation that thousands of non-citizens voted in Arizona was based on “highly unreliable” information, and it is one of the false claims that led to Giuliani losing his New York law license.²⁹³ These “ineligible” voters did not exist.

Nor were thousands of votes cast in the names of dead Americans.

During his January 2nd, call with Georgia Secretary of State Raffensperger, the President claimed that “close to about 5,000 [dead] voters” cast ballots in the election. Raffensperger quickly informed the President this wasn’t true.²⁹⁴ But the “dead voter” lie wasn’t limited to Georgia. President Trump wanted Americans to believe that “dead voters” contributed to his defeat in several battleground States.²⁹⁵

But even the Trump Campaign and its lawyers recognized early on that the claims regarding “dead voters” were grossly exaggerated, to say the least. By early November, Trump lawyers discovered that many people listed by the campaign as having died were actually alive and well.²⁹⁶ In early December, Eric Herschmann advised Chief of Staff Meadows by text message that the Trump legal team had determined that the claim of more than 10,000 dead people voting in Georgia was not accurate.²⁹⁷ The ensuing exchange makes clear that both men knew that Giuliani’s claims were absurd:

Herschmann: Just an FYI. Alex Cannon and his team verified that the 10k+ supposed dead people voting in GA is not accurate

Meadows: I didn’t hear that claim. It is not accurate. I think I found 22 if I remember correctly. Two of them died just days before the general

Herschmann: It was alleged in Rudy's hearing today. Your number is much closer to what we can prove. I think it's 12

Meadows: My son found 12 obituaries and 6 other possibles depending on the Voter roll acuracy [sic]

Herschmann: That sounds more like it. Maybe he can help Rudy find the other 10k ??

Meadows: lol²⁹⁸

Shortly thereafter, a Georgia court dismissed the claim that there were tens of thousands of votes cast by ineligible voters, noting the claims “rest on speculation rather than duly pled facts.”²⁹⁹

The Trump Campaign’s own expert on the supposed “dead voters” admitted that the Campaign lacked the necessary data to make any conclusions about whether any (or how many) votes were cast in the name of a deceased person.³⁰⁰ State officials *did* have such data, however, and were able to conduct the type of matching analysis required. These State authorities determined that there were only a handful of cases in which people voted on behalf of deceased individuals.³⁰¹

Even in those cases where the person who voted actually did die, President Trump’s lawyers knew that the vast majority of the voters included on their list of dead voters actually cast their votes before they passed.³⁰² In early-January 2021, just days before January 6th, Republican Senator Lindsey Graham asked several Trump lawyers to provide evidence to support the Campaign’s claims regarding dead voters.³⁰³ As Giuliani’s team investigated, they concluded that they could not find evidence of dead voters anywhere near the number that Giuliani and President Trump were claiming publicly. After noting the shortcomings in their evidence, Katherine Friess, a lawyer working with the Giuliani legal team, warned that Senator Graham would “push back” on their evidence.³⁰⁴ As predicted by Friess, Senator Graham was not impressed by the information provided by Giuliani’s team. In his speech on the Senate floor on January 6th, Graham explained why he would not object to the certification of electoral votes. Senator Graham referred to the failure of the Trump attorneys to provide the evidence he requested:

They said there’s 66,000 people in Georgia under 18 voted. How many people believe that? I asked, ‘Give me 10.’ Hadn’t had one. They said 8,000 felons in prison in Arizona voted. Give me 10. Hadn’t gotten one. Does that say there’s—There’s problems in every election. I don’t buy this. Enough’s enough. We’ve got to end it.³⁰⁵

Documents obtained by the Select Committee reveal that President Trump and his lawyers knew that the claims being made in court about

dead or ineligible voters in Georgia were inaccurate, and the lawyers were concerned that if the President vouched for those claims in another court pleading he might be criminally prosecuted. On December 31st, as the lawyers rushed to file a Federal lawsuit in Georgia, some of the lawyers raised concerns about the President signing a “verification” under oath that the allegations regarding voter fraud in Georgia, including claims regarding dead people voting, were true. As Eastman noted in an email to his colleagues on December 31st:

Although the President signed a verification [regarding the Georgia claims] back on Dec. 1, he has since been made aware that some of the allegations (and evidence proffered by the experts) has been inaccurate. For him to sign a new verification with that knowledge... would not be accurate. And I have no doubt that an aggressive DA or US Atty someplace will go after both the President and his lawyers once all the dust settles on this.³⁰⁶

Despite these concerns, President Trump and his attorneys filed a complaint that incorporated the same inaccurate numbers, and President Trump signed a verification swearing under oath that the inaccurate numbers were “true and correct” or “believed to be true and correct” to the best of his knowledge and belief.³⁰⁷ A Federal judge reviewing the relevant emails and pleadings recently concluded:

The emails show that President Trump knew that the specific numbers of voter fraud were wrong but continued to tout those numbers, both in court and to the public. The Court finds that these emails are sufficiently related to and in furtherance of a conspiracy to defraud the United States.³⁰⁸

1.9 PRESIDENT TRUMP'S JANUARY 6TH SPEECH

At noon on January 6, 2021, President Trump addressed thousands of his supporters at a rally just south of the White House. The election had been decided two months earlier. The courts found there was no evidence of significant fraud. The States certified their votes by mid-December. It was over—President Trump lost. But that’s not what the President told those in attendance. He delivered an incendiary speech from beginning to end, arguing that nothing less than the fate of America was at stake.

“Our country has had enough,” President Trump said. “We will not take it anymore and that’s what this is all about.”³⁰⁹ He claimed that his followers had descended on Washington to “save our democracy” and “stop the



Photo by Samuel Corum/Getty Images

steal.”³¹⁰ He refused, once again, to concede. And he proclaimed that “[t]oday I will lay out just some of the evidence proving that we won this election and we won it by a landslide.”³¹¹

For months, President Trump had relentlessly promoted his Big Lie.³¹² He and his associates manufactured one tale after another to justify it. For more than an hour on January 6th, the President wove these conspiracy theories and lies together.³¹³

By the Select Committee’s assessment, there were more than 100 times during his speech in which President Trump falsely claimed that either the election had been stolen from him, or falsely claimed that votes had been compromised by some specific act of fraud or major procedural violations. That day, President Trump repeated many of the same lies he had told for months—even after being informed that many of these claims were false. He lied about Dominion voting machines in Michigan, suitcases of ballots in Georgia, more votes than voters in Pennsylvania, votes cast by non-citizens in Arizona, and dozens of other false claims of election fraud.³¹⁴ None of those claims were true.

As explained in the chapters that follow, the Big Lie was central to President Trump’s plan to stay in power. He used the Big Lie to pressure

State and local officials to undo the will of the people. His campaign convened fake electors on the baseless pretense that former Vice President Biden won several States due to fraud or other malfeasance. The President tried to subvert the Department of Justice by browbeating its leadership to endorse his election lies. And when the DOJ's senior personnel did not acquiesce, President Trump sought to install a loyalist who would.

When all those efforts failed, President Trump betrayed his own Vice President. He pressured Vice President Pence to obstruct the joint session of Congress on January 6th, falsely claiming that he had the power to refuse to count certain electoral votes. President Trump knew this was illegal but attempted to justify it with lies about the election.

On December 19, 2020, President Trump summoned a mob to Washington, DC on the same day that Congress was set to certify former Vice President Biden's victory by claiming the election was stolen and promising a "wild" protest.³¹⁵

And the bogus stolen election claim was the focus of President Trump's speech on January 6th. The litany of lies he told riled up a mob that would march to the U.S. Capitol to intimidate Vice President Pence and Members of Congress.

"And we fight. We fight like hell. And if you don't fight like hell, you're not going to have a country anymore," President Trump told the crowd.³¹⁶ He incited them with these words just after praising his own election night lie—the Big Lie.

President Trump told his followers to "fight" to "save" their country from a bogus specter of supposed election fraud.³¹⁷ And many of them did.

ENDNOTES

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15. Dan Friedman, "Leaked Audio: Before Election Day, Bannon Said Trump Planned to Falsely Claim Victory," Mother Jones, (July 12, 2022), available at <https://www.motherjones.com/politics/2022/07/leaked-audio-steve-bannon-trump-2020-election-declare-victory/>. During our October 13 hearing, Robert Costa tweeted: "CBS News has confirmed that Oct. 31, 2020, was a key date in the pre-election maneuvers by Trump. Set off alarm with WH counsel and Herschmann, among others. I've seen texts from that night from some aides and they knew it was no joke; declaring victory was Trump's plan. Period." Maggie Haberman retweeted Costa, writing: "Trump told a conference call of a bunch of lawyers and informal advisers working for him earlier that month that he was going to go up and say he won, first reported by @jonathanvswan." Robert Costa (@costareports), Twitter, Oct. 13, 2022 1:29 p.m. ET, available at <https://twitter.com/costareports/status/1580611586674151424?lang=en>; see also Maggie Haberman (@maggieNYT), Twitter, Oct. 13, 2022 1:35 p.m. ET, available at <https://twitter.com/maggienyt/status/1580613143637635072> ("Trump told a conference call of a bunch of lawyers and informal advisers working for him earlier that month that he was going to go up and say he won, first reported by @jonathanvswan").
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 37. "Remarks by President Trump in Press Briefing," White House, Sept. 23, 2020, available at <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-press-briefing-092420/>.
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 39. Barbara Sprunt, "Trump Questions Election Again after White House Walked Back His Earlier Remarks," NPR, (Sept. 24, 2020), available at <https://www.npr.org/2020/09/24/916440816/republican-leaders-reject-trump-hedging-on-transfer-of-power-amid-war-over-confi>.
 40. Donald J. Trump (@realDonaldTrump), Twitter, Nov. 4, 2020 12:49 a.m. ET, available at <http://web.archive.org/web/20201105044240/https://twitter.com/realDonaldTrump/status/1323864823680126977> (archived); Donald J. Trump (@realDonaldTrump), Twitter, Nov. 4, 2020 10:04 a.m. ET, available at <http://web.archive.org/web/20201104153504/https://twitter.com/realDonaldTrump/status/1324004491612618752> (archived).
 41. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 44-45.
 42. "Donald Trump 2020 Election Night Speech Transcript," Rev, (Nov. 4, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-2020-election-night-speech-transcript>.

43. See “Donald Trump 2020 Election Night Speech Transcript,” Rev, (Nov. 4, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-2020-election-night-speech-transcript>; Donald J. Trump (@realDonaldTrump), Twitter, Nov. 4, 2020 12:49 a.m. ET, available at <http://web.archive.org/web/20201104060648/https://twitter.com/realDonaldTrump/status/1323864823680126977> (archived).
44. Dan Friedman, “Leaked Audio: Before Election Day, Bannon Said Trump Planned to Falsely Claim Victory,” Mother Jones, (July 12, 2022), available at <https://www.motherjones.com/politics/2022/07/leaked-audio-steve-bannon-trump-2020-election-declare-victory/>.
45. Factba.se, “Interview: Maria Bartiromo Interviews Donald Trump on Fox News - November 29, 2020,” Vimeo, Nov. 29, 2020, at esp. 1:42-3:35, available at <https://vimeo.com/485180163>; Donald J. Trump (@realDonaldTrump), Twitter, Nov. 4, 2020 10:17 a.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1324007806694023169.jpg> (archived); Donald J. Trump (@realDonaldTrump), Twitter, Nov. 4, 2020 10:04 a.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1324004491612618752.jpg> (archived); Donald J. Trump (@realDonaldTrump), Twitter, Nov. 18, 2020 8:22 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1329233502139715586.jpg> (archived); Donald J. Trump (@realDonaldTrump), Twitter, Nov. 19, 2020 8:49 p.m. ET, available at <https://media-cdn.factba.se/realdonaldtrump-twitter/1329602736053252107.jpg> (archived).
46. For example, one widely shared post claimed that, in the early-morning hours of November 4, hundreds of thousands of mail in ballots were “found” in Wisconsin, Michigan, and Pennsylvania, and all of the ballots were for Biden. Nick Adams (@NickAdamsinUSA), Twitter, Nov. 4, 2020 4:48 p.m., available at <https://web.archive.org/web/20201110150437/https://twitter.com/NickAdamsinUSA/status/1324151663641448448> (archived).
47. In many metropolitan areas, absentee ballots are counted in centralized locations and reported in batches. For example, the ballots that were supposedly “found” in Wisconsin were absentee ballots reported by Milwaukee County when that county completed its tally. Of the approximately 181,000 votes reported between 3:26 and 3:44 a.m., Biden received approximately 83% of the votes and Trump received approximately 17%. See Eric Litke and Madeline Heim, “Fact check: Wisconsin Did Not ‘Find’ 100K Ballots around 4 a.m. the Morning after the Election, or Take Break from Counting Votes,” *Milwaukee Journal Sentinel*, (Nov. 4, 2020), available at <https://www.jsonline.com/story/news/politics/elections/2020/11/04/wisconsin-didnt-find-ballots-stop-count-voter-fraud-claims-untrue-politifact/6165435002/>. In Michigan, no ballots were “found” between 3:30-5:00 a.m. Rather, approximately 200,000 votes were reported by Wayne County shortly after 6:00 a.m., the vast majority of which were for Biden. See Geoffrey Skelley, “Live Bog: 2020 Election Results Coverage: Michigan’s Morning Update,” *FiveThirtyEight*, (Nov. 4, 2020), available at <https://fivethirtyeight.com/live-blog/2020-election-results-coverage/#294294>. Overall, Biden won 68% of the vote in Wayne County, to 30% for Trump. However, among absentee voters, Biden won 75% to Trump’s 23%. See “November 3, 2020 - General Election Results,” Charter County of Wayne, Michigan, available at <https://www.waynecounty.com/elected/clerk/november-3-2020-general-election-results.aspx>.
48. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 45; See also John Curiel, Charles Stewart III, and Jack Williams, *One Shift, Two Shifts, Red Shift, Blue Shifts: Reported Election Returns in the 2020 Election*, MIT Election Data and Science Lab, (July 9, 2021), p. 40, available at https://electionlab.mit.edu/sites/default/files/2021-07/curiel_stewart_williams_blue_shift_esra_final.pdf, (detailed analysis of timed reporting data shows that “smaller and more rural counties, which favored Trump, could report their ballots before the counties with hundreds of precincts and hundreds of thousands of voters”).
49. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 8.
50. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (June 2, 2022), p. 8.

51. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 119, 124-26, 174.
52. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 174.
53. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudy Giuliani, (May 20, 2022), pp. 22-23.
54. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudy Giuliani, (May 20, 2022), pp. 23, 26.
55. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudy Giuliani, (May 20, 2022), p. 35 (describing Ellis as “a co-counsel” and “my number two person” so “generally, if you got an opinion from Jenna, it would be just like getting an opinion from me”).
56. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Bernard Kerik, (Jan. 13, 2022), pp. 10, 15-18.
57. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 92.
58. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 111-112.
59. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 134; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Mark Meadows Production), MM007288, (November 13, 2020, email from Bill Stepien to Mark Meadows, Justin Clark, and Jason Miller titled “Fwd: AZ Federal ID Voters”).
60. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alex Cannon, (Apr. 13, 2022), pp. 19-23.
61. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alex Cannon, (Apr. 13, 2022), pp. 38-39.
62. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Alex Cannon, (Apr. 13, 2022), pp. 33-34.
63. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller (Feb. 3, 2022), p. 119.
64. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 117-18.
65. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 112-13.
66. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller (Feb. 3, 2022), p. 88-91.
67. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM010951-52 (November 3, 2020, Jason Miller text message to Mark Meadows at 10:27 pm); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM010972 (November 3, 2020, Jason Miller group text message to Mark Meadows and David Bossie at 11:53 pm); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Mark Meadows Production), MM011343 (November 6, 2020, Jason Miller group text message to Mark Meadows, Ivanka Trump, Bill Stepien, Hope Hicks, Dan Scavino, and Jared Kushner at 11:10 am).
68. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller (Feb. 3, 2022), p. 91.
69. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Jason Miller (Feb. 3, 2022), p. 91.

70. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 115–17; Brian Slodysko, “Explainer: Why AP Called Pennsylvania for Biden,” Associated Press (Nov. 7, 2020), available at <https://apnews.com/article/ap-called-pennsylvania-joe-biden-why-f7dba7b31bd21ec2819a7ac9d2b028d3>.
71. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 115–20.
72. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 118.
73. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 119.
74. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
75. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>; Federal Election Commission, “Federal Elections 2020 – Election Results for the U.S. President, the U.S. Senate and the U.S. House of Representatives,” Oct. 2022, p. 12, available at <https://www.fec.gov/resources/cms-content/documents/federaelections2020.pdf>.
76. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
77. “Risk-Limiting Audit Report – Georgia Presidential Contest, November 2020,” Georgia Secretary of State, (Nov. 19, 2020), available at https://sos.ga.gov/sites/default/files/2022-02/11.19_20_risk_limiting_audit_report_memo_1.pdf.
78. See “Summary of Hand Count Audits – 2020 General Election,” Arizona Secretary of State, (Nov. 17, 2020), available at <https://azsos.gov/2020-general-election-hand-count-results>; “Agreed Upon Procedures Report – Evaluation of the Accuracy of Voting Machine Tabulators Used for the 2020 General Elections Held on November 3, 2020 (Voting System Check),” New Mexico Secretary of State, (Dec. 15, 2020), available at <https://api.realfile.rtsclients.com/PublicFiles/ee3072ab0d43456cb15a51f7d82c77a2/f740346c-7b6b-4479-acd6-068829382307/2020%20Post%20Election%20Voting%20System%20Check%20Audit%20Results.pdf>. Similar audits conducted by Michigan, Pennsylvania, and Wisconsin also affirmed the results in those states, but their results are excluded from this list because in those instances their audit results were not available until after January 6th. Shortly after the election, Nevada also conducted some post-election checks that supported the validity of the results there too, including testing a sample of the voting machines to make sure votes were accurately recorded. Deposition of Joseph Gloria at 33, *Law v. Whitmer*, No. A-22-858609-W (Nev. Ct., Clark Cty. Dec. 1, 2020), p. 33, available at <https://www.democracydocket.com/wp-content/uploads/2022/09/2022.10.31-NV-Poll-Worker-Response-to-Application-for-Mandamus-STAMPED.pdf>; Rex Briggs, “Trump Supporters Asked me to Look into Voter Fraud in Nevada; What I Found Debunked What They were Alleging,” *Nevada Independent*, (Dec. 22, 2020), available at <https://thenevadaindependent.com/article/trump-supporters-asked-me-to-look-into-voter-fraud-in-nevada-what-i-found-debunked-what-they-were-alleging>.
79. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
80. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK_00115, JK00117-132 (November 12, 2020, email from Matt Oczkowski, and attached analysis of battleground states).

81. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK_00115, JK_00117-132 (November 12, 2020, email from Matt Oczkowski, and attached analysis of battleground states).
82. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK_00115, JK_00117-132 (November 12, 2020, email from Matt Oczkowski, and attached analysis of battleground states).
83. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Jared Kushner Production), JK_00115, JK_00117-132 (November 12, 2020, email from Matt Oczkowski, and attached analysis of battleground states).
84. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani (May 20, 2022), pp. 22-23.
85. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani (May 20, 2022), pp. 22-23.
86. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani (May 20, 2022), pp. 22-23.
87. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 106-107. Sidney Powell and Jenna Ellis accompanied Giuliani. The campaign was represented by Jared Kushner, Bill Stepien, David Bossie (a former senior official on President Trump's 2016 campaign), Derek Lyons, and Justin Clark. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Jared Kushner, (Mar. 31, 2022), pp. 50-51; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Derek Lyons, (Mar. 17, 2022), pp. 64-65. Eric Herschmann also arrived at the campaign headquarters as the meeting was underway. See Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Mar. 17, 2022), pp. 160-61.
88. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 109.
89. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 109.
90. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), p. 107.
91. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 63; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 34-35.
92. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 14-16.
93. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 14-16.
94. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 41.
95. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 63.
96. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 34-35, 41-42.
97. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), p. 41.
98. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 63.

99. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 63.
100. "Rudy Giuliani Trump Campaign Philadelphia Press Conference at Four Seasons Total Landscaping," Rev, (Nov. 7, 2020), available at <https://www.rev.com/blog/transcripts/rudy-giuliani-trump-campaign-philadelphia-press-conference-november-7>.
101. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Bernard Kerik, (Jan. 13, 2022), pp. 30-32.
102. "Memorandum from Attorney General William Barr on Post-Voting Election Irregularity Inquiries to the United States Attorneys, to the Assistant Attorneys General for the Criminal Division, Civil Rights Division, and National Security Division, and to the Director of the Federal Bureau of Investigation," Department of Justice, (Nov. 9, 2020), available at <https://www.documentcloud.org/documents/20403358-william-barr-election-memo-november-9>. Longstanding DOJ policy had been not to conduct such investigations prior to certification to avoid impacting election results. See *Federal Prosecution of Election Offenses*, 8th ed. Department of Justice, December 2017, at 84, available at <https://www.justice.gov/criminal/file/1029066/download>.
103. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 66-67; Mike Pence, *So Help Me God*, (New York: Simon & Schuster, 2022), at pp. 431-432.
104. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), pp. 66-67.
105. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Justin Clark, (May 17, 2022), p. 67; Mike Pence, *So Help Me God*, (New York: Simon & Schuster, 2022), at pp. 431.
106. See Donald J. Trump (@realDonaldTrump), Twitter, Nov. 15, 2020 7:11 p.m. ET, available at <http://web.archive.org/web/20201117115935/https://twitter.com/realDonaldTrump/status/1327811527123103746> (archived).
107. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Matthew Morgan, (Apr. 25, 2022), pp. 37-38.
108. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Stepien, (Feb. 10, 2022), pp. 174-175.
109. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Mark Meadows Production), MM007112 (Nov. 14, 2020 email from Jason Miller to Bill Stepien, Justin Clark, David Bossie, Mark Meadows, and Jared Kushner describing Rudy Giuliani's surrogate briefing).
110. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Mark Meadows Production), MM007112 (Nov. 14, 2020 email from Jason Miller to Bill Stepien, Justin Clark, David Bossie, Mark Meadows, and Jared Kushner describing Rudy Giuliani's surrogate briefing).
111. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Mark Meadows Production), MM007112 (Nov. 14, 2020 email from Jason Miller to Bill Stepien, Justin Clark, David Bossie, Mark Meadows, and Jared Kushner describing Rudy Giuliani's surrogate briefing).
112. Factba.se, "Interview: Brian Kilmeade of Fox News Interviews Donald Trump - December 13, 2020," Vimeo, at 7:47, Dec. 13, 2020, available at <https://vimeo.com/490517184>.
113. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 13, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
114. Select Committee staff analyzed the lawsuits. See also, Brendan Williams, *Did President Trump's 2020 Election Litigation Kill Rule 11?*, 30 Pub. Interest L. J. 181, 189 (2021), available at <https://www.bu.edu/pilj/files/2021/06/Williams.pdf>.

115. The only case that involved a victory for the campaign was the Pennsylvania case of *Trump v. Boockvar*. In that case, the court found that the Pennsylvania Secretary of State could not extend the deadline for voters to cure their failure to provide proper identification for absentee ballots. This decision affected just a few thousand votes, which were not included in any tallies. *Trump v. Boockvar*, No. 602 MD 2020 (Pa. Commw. Ct. Nov. 12, 2020), available at <https://www.democracydocket.com/wp-content/uploads/2020/11/602-MD-20-1.pdf>.
116. See John Danforth, Benjamin Ginsberg, Thomas B. Griffith, et al., *Lost, Not Stolen: The Conservative Case that Trump Lost and Biden Won the 2020 Presidential Election*, (July 2022), p. 3, available at <https://lostnotstolen.org/download/378/>.
117. Complaint at 2, *Bowyer v. Ducey*, 506 F. Supp. 3d 699 (D. Ariz. Dec. 2, 2020) (No. 2:20-cv-02321), ECF No. 1.
118. *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 706, 723 (D. Ariz. 2020).
119. Minute Entry and Order at 6-9, *Ward v. Jackson*, No. CV2020-015285 (Az. Sup. Ct. Dec. 4, 2020).
120. See *Ward v. Jackson*, No. CV-20-0343-AP, 2020 Ariz. LEXIS 313, at *6 (Ariz. 2020), also available at <https://www.clerkofcourt.maricopa.gov/home/showpublisheddocument/1984/637437053596970000>; Howard Fischer, “State Supreme Court rejects GOP bid to void election,” *Arizona Capitol Times*, (Dec. 8, 2020), available at <https://azcapitoltimes.com/news/2020/12/08/federal-judge-hears-arguments-in-election-challenge/>; “Meet the Justices,” Arizona Judicial Branch, (Dec. 8, 2020), available at <http://web.archive.org/web/20201208032900/https://www.azcourts.gov/meetthejustices/> (archived); “Brutinel Elected as Next Arizona Supreme Court Chief Justice,” *Associated Press*, (Nov. 20, 2018), available at <https://apnews.com/article/27b725d44d384e2cb7a0e491ac82fe7f>; Bob Christie, “Ducey Names 2 to New Arizona Supreme Court Seats,” *Associated Press*, (Nov. 28, 2016), available at <https://apnews.com/article/26fc7f154b0e4b4fb358987941ded8d0>; “Arizona Governor Appoints New Supreme Court Justice,” *Associated Press*, (Apr. 26, 2019), available at <https://apnews.com/article/4ce4bf1d79724c03b1d4cf36f4b97cf1>; Jonathan J. Cooper, “Ducey Appoints Montgomery to Arizona Supreme Court,” *Associated Press*, (Sep. 4, 2019), available at <https://apnews.com/article/bac43d42185c4b8bb9e8c465a59792c8>.
121. Complaint at 1-2, *Boland v. Raffensperger*, No. 2020CV343018 (Ga. Super. Ct. Nov. 30, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Boland-v-Raffensperger-Complaint.pdf>.
122. Final Order at 5-6, *Boland v. Raffensperger*, No. No. 2020CV343018 (Ga. Super. Ct. Dec. 8, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Boland-v-Raffensperger-Order-Dismissing-Complaint.pdf>.
123. Order Denying Appeal, *Boland v. Raffensperger*, No. S21M0565 (Ga. Dec. 14, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Boland-v-Raffensperger-GA-SC-Order-Denying-Appeal.pdf>; Jonathan Ringel, “Deal Picks Krause, Richardson for Fulton Superior,” *Law.com*, (Dec. 28, 2018), available at <https://www.law.com/dailyreportonline/2018/12/28/deal-picks-krause-richardson-for-fulton-superior/>; “Chief Justice Harold D. Melton,” Supreme Court of Georgia, (Oct. 16, 2020), available at <http://web.archive.org/web/20201016174745/https://www.gasupreme.us/court-information/biographies/justice-harold-d-melton/> (archived); “Presiding Justice David E. Nahmias,” Supreme Court of Georgia, (Nov. 20, 2020), available at <http://web.archive.org/web/20201120204518/https://www.gasupreme.us/court-information/biographies/justice-david-e-nahmias/> (archived); “Chief Justice Michael P. Boggs,” Supreme Court of Georgia, (last accessed Dec. 3, 2022), available at <https://www.gasupreme.us/court-information/biographies/justice-michael-p-boggs/>; “Presiding Justice Nels S.D. Peterson,” Supreme Court of Georgia, (last accessed Dec. 3, 2022), available at <https://www.gasupreme.us/court-information/biographies/justice-nels-s-d-peterson/>; “Justice Sarah Hawkins Warren,” Supreme Court of Georgia, (last accessed Dec. 3, 2022), available at <http://www.gasupreme.us/court-information/biographies/justice-sarah-hawkins-warren/>; “Justice Charles J. Bethel,” Supreme Court of Georgia, (last accessed Dec. 3, 2022), available at

- <https://www.gasupreme.us/court-information/biographies/justice-charles-j-bethel/>; “Justice Carla Wong McMillian,” Supreme Court of Georgia, (last accessed Dec. 3, 2022), available at <https://www.gasupreme.us/court-information/biographies/justice-carla-wong-mcmillian/>.
124. *Wood v. Raffensperger*, 501 F. Supp. 3d 1310, 1317, 1327, 1331 (N.D. Ga. 2020).
 125. *Wood v. Raffensperger*, 501 F. Supp. 3d 1310, 1327 (N.D. Ga. 2020).
 126. Complaint for Declaratory, Emergency, and Permanent Injunctive Relief, *King v. Whitmer*, Case No. 2:20-cv-13134-LVP-RSW, (E.D. Mich. Nov. 25, 2020), ECF No. 1; *King v. Whitmer*, 505 F. Supp. 3d 720, 738 (E.D. Mich. 2020). In a subsequent decision, the judge called the case “a historic and profound abuse of the judicial process” and sanctioned the attorneys who filed the lawsuit *King v. Whitmer*, 556 F. Supp. 3d 680, 688-89 (E.D. Mich. 2021).
 127. Opinion and Order at 1, 4, *Stoddard v. City Election Commission*, No. 20-014604-CZ, (Mich. Cty. Cir. Ct. Nov. 6, 2020), available at https://www.michigan.gov/-/media/Project/Websites/AG/releases/2020/november/Stoddard_et_al_v_City_Election_Commission_et_al_-_11-06-2020.pdf?rev=2fa32f93caa94365a1ee8c1c492a4e75.
 128. Opinion and Order at 12-13, *Costantino v. Detroit*, No. 20-014780-AW, (Mich. Cty. Cir. Ct. Nov. 13, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Costantino-v-Detroit-Opinion-and-Order.pdf>.
 129. *Law v. Whitmer*, No. 10 OC 00163 1B, 2020 Nev. Unpub. LEXIS 1160, at *1, 29-31, 33, 48-49, 52, 54 (Nev. Dec. 8, 2020), available at <https://casetext.com/case/law-v-whitmer-1> (attaching and affirming lower court decision).
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211. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 14, 2020 2:59 p.m. ET, available at <http://web.archive.org/web/20201214214435/https://twitter.com/realdonaldtrump/status/1338574268154646528> (archived).
 212. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (Jun. 2, 2022), pp. 28-29.
 213. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (Jun. 2, 2022), p. 29.
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 216. See, e.g., Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of William Barr, (Jun. 2, 2022), pp. 29-30.
 217. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Homeland Security Production) CTRL0000915111, CTRL0000915117-CTRL0000915118 (draft analyses of ASOG report). Notably, the final version of this review, which had been requested by the Attorney General, was edited by senior DHS officials to remove the language most critical of ASOG before being sent to the Department of Justice by Acting Assistant Secretary Ken Cuccinelli. See Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Homeland Security Production) CTRL0000915120 (emails circulating draft analyses), CTRL0000926941 (noting report was “currently in the Secretary’s office”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol (Department of Justice Production) HCOR-Pre-CertificationEvents-07262021-000687-HCOR-Pre-CertificationEvents-07262021-000688 (email and report provided to Donoghue by Cuccinelli); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Richard Peter Donoghue, (Oct. 1, 2021), pp. 29-31.
 218. See Michigan Senate Oversight Committee, *Report on the November 2020 Election in Michigan*, (June 23, 2021), p. 16, available at https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport_2.pdf; J. Alex Halderman, *Analysis of the Antrim County, Michigan November 2020 Election Incident*, (Mar. 26, 2021), available at <https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/Antrim.pdf?rev=fbfe881cdc0043a9bb80b783d1bb5fe9>.
 219. For example, President Trump and others frequently cited ASOG’s finding that the Dominion machines had a “68% error rate,” but that conclusion was based on a complete misunderstanding of the scanner log files reviewed by ASOG. Their report also claimed that, due to these perceived “errors,” a “staggering number of votes” were determined through an adjudication process that allowed for manipulation of votes, but no adjudication software was installed on the Dominion machines. J. Alex Halderman, *Analysis of the Antrim County, Michigan November 2020 Election Incident*, (Mar. 26, 2021), pp. 40-41, available at <https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/Antrim.pdf?rev=fbfe881cdc0043a9bb80b783d1bb5fe9>.

220. Halderman concluded that “I am not aware of any credible evidence that any security problem was ever exploited against Antrim County’s election system. As my analysis shows, the anomalies that occurred in the November 2020 results are fully explained by human error.” J. Alex Halderman, *Analysis of the Antrim County, Michigan November 2020 Election Incident*, (Mar. 26, 2021), p. 46, available at <https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/Antrim.pdf?rev=fbfe881cdc0043a9bb80b783d1bb5fe9>.
221. “Audits of the November 3, 2020 General Election,” Michigan Secretary of State, (April 21, 2021), p. 32, available at https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/BOE_2020_Post_Election_Audit_Report_04_21_21.pdf?rev=a3c7ee8c06984864870c540a266177f2; “Hand Count Calculation Sheet (Office: President of the United States, County: Antrim),” Michigan Secretary of State, available at https://www.michigan.gov/-/media/Project/Websites/sos/30lawens/AntrimCounty_Presidential_Race_Full_Hand_Count_November2020.pdf?rev=0bf12f08c33444c59bd145fbcfb3e40.
222. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Bernard Kerik, (Jan. 13, 2022), p. 182.
223. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Hearing on the January 6th Investigation*, 117th Cong., 2d sess., (June 23, 2022), available at <https://www.govinfo.gov/committee/house-january6th>.
224. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Derek Lyons, (Mar. 17, 2022), pp. 21-22, 99; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (Jul. 8, 2022), pp. 44-50.
225. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (Jul. 8, 2022), pp. 42-43.
226. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Pasquale Anthony “Pat” Cipollone, (Jul. 8, 2022), p. 50.
227. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Eric Herschmann, (Apr. 6, 2022), p. 129.
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229. Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Chad Wolf, (Jan. 21, 2022), pp. 97-98, 102-103; Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Ken Cuccinelli, (Dec. 7, 2021), pp. 49-54.
230. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani (May 20, 2022), pp. 157-59; Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Sidney Powell, (May 7, 2022), pp. 102-03; Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Jenna Ellis Production), J.007465Ellis, J.007467Ellis (December 28-29, 2020, emails with Katherine Freiss, Doug Mastriano, Christina Bobb, Giuliani, and others about accessing voting machines); Emma Brown and Jon Swaine, “Inside the Secretive Effort by Trump Allies to Access Voting Machines,” *Washington Post*, (Oct. 28, 2022), available at <https://www.washingtonpost.com/investigations/2022/10/28/coffee-county-georgia-voting-trump/>.
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233. “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” *Rev*, (Jan. 4, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-rally-speech-transcript-dalton-georgia-senate-runoff-election>.
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 235. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 111.
 236. Select Committee to Investigate the January 6th Attack on the United States Capitol, Deposition of Rudolph Giuliani, (May 20, 2022), p. 166.
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280. “Dept. of State: Republicans’ Election Claims Are ‘Repeatedly Debunked Conspiracy Theories,’” WJAC-TV, (Dec. 29, 2020), available at <https://wjactv.com/news/local/dept-of-state-republicans-election-claims-are-repeatedly-debunked-conspiracy-theories>.
281. Senate Committee on the Judiciary, *Transcribed Interview of Richard Donoghue*, (Aug. 6, 2021), p. 156, available at <https://www.judiciary.senate.gov/imo/media/doc/Donoghue%20Transcript.pdf>.
282. See “Donald Trump Rally Speech Transcript Dalton, Georgia: Senate Runoff Election,” Rev, (Jan. 4, 2021), at 58:09, available at <https://www.rev.com/blog/transcripts/donald-trump-rally-speech-transcript-dalton-georgia-senate-runoff-election>; “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press* (January 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
283. Select Committee to Investigate the January 6th Attack on the United States Capitol, *Transcribed Interview of William Barr*, (Jun. 2, 2022), p. 29; Affidavit of Russell James Ramsland, Jr., 556 F. Supp. 3d. 680, 724 (E.D. Mich. 2021), ECF 6-24, available at <https://www.courtlistener.com/docket/18693929/6/24/king-v-whitmer/>. Ramsland submitted a similar affidavit in a case in Georgia. See Affidavit of Russell Ramsland, *Wood v. Raffensperger*, 501 F. Supp. 3d 1310 (N.D. Ga. 2020), ECF No. 7-1.
284. Affidavit of Russell Ramsland, *Wood v. Raffensperger*, 501 F. Supp. 3d 1310 (N.D. Ga. 2020), ECF No. 7-1.
285. Aaron Blake, “The Trump Campaign’s Much-Hyped Affidavit Features a Big, Glaring Error,” *Washington Post*, (Nov. 20, 2020), available at <https://www.washingtonpost.com/politics/2020/11/20/trump-campaigns-much-hyped-affidavit-features-big-glaring-error/>.
286. For example, Ramsland claimed 781.91% turnout in North Muskegon (actual turnout: 77.78%); 460.51% turnout in Zeeland Charter Township (actual turnout: 80.11%); and 139.29% turnout in Detroit (actual turnout: 50.88%). See *King v. Whitmer*, 556 F. Supp. 3d. 680, 724 (E.D. Mich. 2021); Michigan Senate Oversight Committee, *Report on the November 2020 Election in Michigan*, (June 23, 2021), available at https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport_2.pdf.
287. See, e.g., “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press*, (Jan. 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>; “Donald Trump Speech on Election Fraud Claims Transcript December 2” Rev (Dec. 2, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-on-election-fraud-claims-transcript-december-2>; Donald J. Trump (@realDonaldTrump), Twitter, Dec. 3, 2020, 4:11 p.m. ET, available at <http://web.archive.org/web/20201203211154/https://twitter.com/realdonaldtrump/status/1334606278388277253> (archived); “Trump Lawyers Rudy Giuliani & Jenna Ellis Testify Before Michigan House Oversight Committee: Full Transcript,” Rev, (Dec. 3, 2020), at 26:13, available at <https://www.rev.com/blog/transcripts/trump-lawyers-rudy-giuliani-jenna-ellis-testify-before-michigan-house-oversight-committee-transcript>; Affidavit of Mellissa A. Carone, *King v. Whitmer*, 505 F. Supp. 3d 720 (E.D. Mich. 2020), ECF No. 1-5, available at <https://www.courtlistener.com/docket/18693929/1/5/king-v-whitmer/>.
288. See, e.g., Opinion and Order at *3, 12-13, *Costantino v. Detroit*, No. 20-014780-AW (Mich. Cty. Cir. Ct. filed Nov. 13, 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Costantino-v-Detroit-Opinion-and-Order.pdf>; Affidavit of Christopher Thomas ¶¶ 2-18, *Texas v. Pennsylvania*, 592 U.S. ____ (2020) (describing his experience and

the process for tabulating votes), available at https://www.supremecourt.gov/DocketPDF/22/220155/163387/20201210145418055_220155%20MI%20APP.pdf.

289. See, e.g., “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press* (January 13, 2021), available at <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>; Rudy Giuliani’s *Common Sense*, “I CAN’T SAY THIS On National Television | Rudy Giuliani | Ep. 98,” Rumble, at 13:10 – 13:25, Dec. 30, 2020, available at <https://rumble.com/vex72l-i-cant-say-this-on-national-television-rudy-giuliani-ep.-98.html>.
290. Right Side Broadcasting Network, “LIVE: Georgia House Hearing on Election Fraud, Brad Raffensperger to Participate 12/23/20,” YouTube, at 27:28, 43:02-43:28, Dec. 23, 2020, available at <https://www.youtube.com/watch?v=R4cuakECmuA&t=2582s> (Testimony of Ryan Germany, counsel to Georgia Secretary of State, before Georgia legislature stating: “The total number of underage people who voted is zero. We were able to look at everyone who voted and look at their birthdate in the voter registration system, and I think there was four people who requested a ballot before they turned 18, and they all turned 18 prior to November 3rd, which means they’re allowed to vote.”).
291. See, e.g. *Bannon’s War Room*, “Episode 980 – The Border Tipping Point ... Peter Navarro on the Stolen Election and Desperation in Del Rio,” Rumble, May 27, 2021, available at <https://rumble.com/vhpam3-episode-980the-border-tipping-pointpeter-navarro-on-the-stolen-election-and.html>; *Bannon’s War Room*, “Episode 979 – The HQ of the Runaway Train ... Rachel Maddow’s Anna Karenina Moment,” Rumble, May 27, 2021, available at <https://rumble.com/vhp8yn-episode-979-the-hq-of-the-runaway-train-rachel-maddows-anna-karenina-moment.html>; Right Side Broadcasting Network, “LIVE: Arizona State Legislature Holds Public Hearing on 2020 Election,” YouTube, at 2:06:33-2:07:02, Nov. 30, 2020, available at <https://www.youtube.com/watch?v=rri6flxXww>.
292. “Proof of Citizenship Requirements,” Arizona Secretary of State, (accessed Dec. 4, 2022), available at <https://azsos.gov/elections/voting-election/proof-citizenship-requirements>. In 2013, the Supreme Court struck down Arizona’s “evidence-of-citizenship” requirement as applied to federal elections. See *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 4, 19 (2013). Arizona law allows voters to register as “federal only” voters without proof of citizenship, but those voters must provide a driver’s license or Social Security Number, which is then checked by election officials against immigration records before the person is added to voter registration rolls. Daniel González, “Are Undocumented Immigrants Voting Illegally in Arizona?,” *Arizona Republic*, (Oct. 27, 2016), available at <https://www.azcentral.com/story/news/politics/elections/2016/10/27/voter-fraud-undocumented-immigrants-voting-illegally-arizona-donald-trump/91703916/>.
293. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Mark Meadows Production), MM007288, (November 13, 2020, email from Bill Stepien to Mark Meadows, Justin Clark, and Jason Miller re: AZ Federal ID Voters); In the Matter of Rudolph W. Giuliani, No. 2021-00506, slip op at *23-25 (N.Y. App. Div. May 3, 2021), available at <https://int.nyt.com/data/documenttools/giuliani-law-license-suspension/1ae5ad6007c0ebfa/full.pdf>.
294. Brad Raffensperger, *Integrity Counts* (New York: Simon & Schuster, 2021), p. 191 (reproducing the call transcript); Amy Gardner and Paulina Firozi, “Here’s the Full Transcript and Audio of the Call Between Trump and Raffensperger,” *Washington Post*, (Jan. 5, 2021), available at https://www.washingtonpost.com/politics/trump-raffensperger-call-transcript-georgia-vote/2021/01/03/2768e0cc-4ddd-11eb-83e3-322644d82356_story.html.
295. For example, the President alleged in his January 6th speech that large numbers of ballots were cast on behalf of dead people not just in Georgia but also in Michigan, Nevada, and Pennsylvania. “Transcript of Trump’s Speech at Rally Before US Capitol Riot,” *Associated Press* (January 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>; See also Rudy Giuliani’s *Common Sense*, “I CAN’T SAY THIS On National Television | Rudy Giuliani | Ep. 98,” Rumble,

- at 15:10-15:46, (Dec. 30, 2020, reposted Mar. 22, 2021), available at <https://rumble.com/vex72l-i-cant-say-this-on-national-television-rudy-giuliani-ep.-98.html> (making similar claims).
296. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Alex Cannon Production) AC-0013946, (November 12, 2020, email from Alex Cannon to Matt Wolking, Zach Parkinson, Tim Murtaugh, Ali Pardo, Matthew Morgan, and Andrew Clark titled “Re: dead voters”); Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Tim Murtaugh Production) XXM-0009451 (November 8, 2020, email from Jason Miller to Zach Parkinson, Tim Murtaugh, and Matt Wolking re: PA Death Data stating that quality control checks will “significantly decrease[]” the number of “possible dead voters”), XXM-0009467 (November 8, 2020, email from Jason Miller to Zach Parkinson, Tim Murtaugh, and Matt Wolking re: GA Dead Voters), XXM-0009566 (November 9, 2020 email from Zach Parkinson to Jason Miller, Tim Murtaugh, and Matt Wolking re PA Death Data noting there “may be errors” with their data about people who were dead voters); Mark Niesse, “Alleged ‘Dead’ Georgia Voters Found Alive and Well after 2020 Election,” *Atlanta Journal-Constitution*, (Dec. 27, 2021), available at <https://www.ajc.com/politics/alleged-dead-georgia-voters-found-alive-and-well-after-2020-election/DAL3VY7NFNHL5OREMHD7QECOCA/>.
 297. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), TEXT0000198, (December 3, 2020, text message from Eric Herschmann to Mark Meadows).
 298. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), TEXT0000198-203, (December 3, 2020, text messages between Eric Herschmann and Mark Meadows).
 299. Final Order at 5-6, *Boland v. Raffensperger*, No.2020CV343018 (Ga. Super. Ct. filed Dec. 14 2020), available at <https://electioncases.osu.edu/wp-content/uploads/2020/11/Boland-v-Raffensperger-Order-Dismissing-Complaint.pdf>.
 300. The expert, Bryan Geels, based his claims on a comparison of public voter information to public death records. See Documents on file with the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Christina Bobb Production), BOBB_CONG_00000683-84, 692-93, 706-07 (Affidavit of Bryan Geels dated Dec. 1, 2020, in *Trump v. Barron*, a case filed by the Trump Campaign in a Georgia Superior Court in Fulton County). However, the records reviewed included only name and year of birth for each individual listed. *Id.* at ¶ 28. Based on this limited information, it was impossible for Geels (or anyone else) to conclude that the person with a particular name and birth year was the same person listed in public death records with that name and birth year. See *id.*, at ¶ 50 (only the Secretary of State has the information to conduct a full analysis of this issue); see also Declaration of Charles Stewart III at 22, *Trump v. Raffensperger*, No. 2020CV33255 (Ga. Super. Ct. filed Dec. 14, 2020).
 301. In Georgia, the Secretary of State found four cases where people voted in the names of deceased individuals. Mark Niesse, “Alleged ‘Dead’ Georgia Voters Found Alive and Well after 2020 Election,” *Atlanta Journal-Constitution*, (Dec. 27, 2021), available at <https://www.ajc.com/politics/alleged-dead-georgia-voters-found-alive-and-well-after-2020-election/DAL3VY7NFNHL5OREMHD7QECOCA/>; In Arizona, the Attorney General recently concluded its investigation into claims of supposed dead voters in the 2020 election and found only one instance in which a vote was cast on behalf of a person who died prior to the election. Mark Brnovich, Arizona Attorney General to The Honorable Karen Fann, Arizona Senate President, (Aug. 1, 2022), available at <https://www.azag.gov/sites/default/files/2022-08/Letter%20to%20Fann%20-%20EIU%20Update%20080122.pdf>. In Michigan, the Senate Oversight Committee found only two instances in which votes were cast in the names of dead people: one was a clerical error (poll worker attributed vote to deceased father of person with same name residing at same address) and the other was a woman who died four days before the election but had sent in her absentee ballot before her death. Michigan Senate Oversight Committee, *Report on the November 2020 Election in*

- Michigan*, (June 23, 2021), available at https://misenategopcdn.s3.us-east-1.amazonaws.com/99/documents/20210623/SMPO_2020ElectionReport_2.pdf.
302. In an email obtained by the Select Committee, Katherine Friess, a lawyer who worked closely with Giuliani, shared this information with Giuliani and noted, "I don't think this makes a particularly strong case." Documents on file with the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Christina Bobb Production), BOBB_CONG_00000621 (January 4, 2021, email from Katherine Friess re: Chairman Graham dead votes memo for your consideration).
 303. Documents on file with the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Cleta Mitchell Production), CM00026036 (January 5, 2021 email from Cleta Mitchell to Richard Perry re: GA Data request by Senator Graham); Documents on file with the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Christina Bobb Production), BOBB_CONG_00000621 (January 4, 2021, email from Katherine Friess re: Chairman Graham dead votes memo for your consideration); Select Committee to Investigate the January 6th Attack on the United States Capitol, Transcribed Interview of Christina Bobb, (Apr. 21, 2022), pp. 141-42.
 304. Documents on file with the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (Christina Bobb Production), BOBB_CONG_00000621 (January 4, 2021, email from Katherine Friess re: Chairman Graham dead votes memo for your consideration).
 305. ABC News, "Lindsey Graham Delivers Remarks on Capitol Breach," YouTube, at 3:05-3:30, Jan. 6, 2021, available at https://www.youtube.com/watch?v=JKHkYlRm_XM.
 306. Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (Chapman University Production), Chapman060742, (Dec. 31, 2020 email from John Eastman to Alex Kaufman and Kurth Hibert); see also Documents on file with the Select Committee to Investigate the January 6th Attack on the United States Capitol, (National Archives Production), 076P-R000008384_0001 (December 31, 2020, email from Eric Herschmann to Cleta Mitchell and cc'ed to Mark Meadows and Molly Michael in which Herschmann wrote: "I was concerned about the President signing a verification about facts that may not be sustainable upon detailed scrutiny.").
 307. Order Re Privilege of Remaining Documents at 17, *Eastman v. Thompson*, No. 8:22-cv-99-DOC_DFM, (Oct. 19, 2022), ECF no. 372, available at <https://www.courtlistener.com/docket/62613089/372/john-c-eastman-v-bennie-g-thompson/>.
 308. Order Re Privilege of Remaining Documents at 17, *Eastman v. Thompson*, Case 8:22-cv-00099-DOC_DFM, (Oct. 19, 2022), ECF no. 372, available at <https://www.courtlistener.com/docket/62613089/372/john-c-eastman-v-bennie-g-thompson/>.
 309. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
 310. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
 311. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
 312. See "Donald Trump 2020 Election Night Speech Transcript," Rev, (Nov. 4, 2020), available at <https://www.rev.com/blog/transcripts/donald-trump-2020-election-night-speech-transcript>.
 313. See "Donald Trump Speech 'Save America' Rally Transcript January 6," Rev, (Jan. 6, 2021), available at <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6>.
 314. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13,

- 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
315. Donald J. Trump (@realDonaldTrump), Twitter, Dec. 19, 2020, 1:42 a.m. ET, available at <https://www.thetrumparchive.com/?searchbox=%22wild+protest%22> (archived).
316. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.
317. "Transcript of Trump's Speech at Rally Before US Capitol Riot," *Associated Press*, (Jan. 13, 2021), <https://apnews.com/article/election-2020-joe-biden-donald-trump-capitol-siege-media-e79eb5164613d6718e9f4502eb471f27>.